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

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

TELEPHONE: 516.487.2252
718.343.0069
FACSIMILE: 516.487.2439
RRSLAWLLP.COM

July 11, 2017

RECEIVED
JUL 14 2017
BY COMMUNITY BOARD 8

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

Re: Cal. No. 173-95-BZ
30 East 85th Street
Manhattan, New York

Dear Chair Clynes:

Please be advised that the enclosed application has been filed at the Board of Standards and Appeals 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") within portions of the first and the entire second floor of an existing mixed-use building.

The site is an irregular corner lot located in C5-1(MP) and R8B zoning districts. . The premises have 120 ft. frontage on the south side of East 85th Street, 142.17 ft. frontage on the west side of Madison Avenue, and a total of 17,080 sq. ft. of area. The subject lot is developed with a 30 story mixed use building erected circa 1987

It is proposed to extend the term of the special permit for ten years, the maximum term allowed – in addition, it is requested that the grant be revised to reflect a new operator and minor changes to the interior layout of the facility. The previous operator, David Barton Gym, ended operation in December 2016, and it is proposed that Equinox, an experienced operator of PCE's within New York City, occupy the PCE space. Total floor area for the PCE will remain 14,321 sq. ft., and hours of operation are proposed to remain as previously approved, open Monday to Friday 6:00 AM – 11 PM, Weekends 8:00 AM – 10:00 PM.

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

Sincerely,

ROTHKRUG ROTHKRUG & SPECTOR LLP

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

RECEIVED
JUL 14 2017
BY COMMUNITY BOARD 8

NYC
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. 173-95-BZ

Section A — Applicant/ Owner

Applicant	Owner of Record
Rothkrug Rothkrug & Spector LLP	30 East 85th Street Company LLC
NAME OF APPLICANT	OWNER OF RECORD
55 Watermill Lane	103 West 55th Street
ADDRESS	ADDRESS
Great Neck / NY / 11021	New York / NY / 10019
CITY / STATE / ZIP	CITY / STATE / ZIP
516 / 487-2252	Equinox Madison Avenue, Inc.
AREA CODE / TELEPHONE	LESSEE / CONTRACT VENDEE
516 / 487-2439	895 Broadway
AREA CODE / FAX	ADDRESS
adam@rrslawllp.com	New York / NY / 10003
EMAIL	CITY / STATE / ZIP

Section B — Site Data

30 East 85th Street — 10028
STREET ADDRESS (INCLUDE ANY A/K/A) — ZIP CODE

southwest corner of East 85th Street and Madison Avenue
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1496	7501	Manhattan	8	n/a
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT

Daniel R. Garodnick	C5-1(MP)/R8B	8c
CITY COUNCILMEMBER	ZONING DISTRICT (include special zoning district if any)	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.

Section D — Actions

APPLICATION IS HEREBY MADE TO:

1. ☑ Waive of the Rules of Practice and Procedure (*Explain in your statement*)
2. ☐ Extension of Time to:
   ☐ Complete construction ☐ Obtain a Certificate of Occupancy Expiration Date: _____
3. ☐ Amendment to Previous Board Approval
4. ☑ Extension of Term of the:
   ☐ Variance ☑ Special Permit For a term of 10 years Expiration Date: 8/15/2015
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?	☐	☑
2. Have plans been approved?	☐	☑
(If Yes, Date Approved _____)		
3. Has a permit been obtained?	☐	☑
(If Yes, Permit No. _____ Date Issued _____)		
4. Is work in progress?	☐	☑
(If Yes, Percentage of work completed _____%)		
5. Has a temporary or permanent Certificate of Occupancy been obtained?	☑	☐
(If Yes, Expiration Date 7/17/2016 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 3/3/1998, when the Zoning District was C5-1(MP)/R8B, an application was granted by the Board under Section 73-36 to permit:

a physical culture establishment ("PCE") on a portion of the first and entire second floor of a mixed-use building. On 12/19/2000 an application was granted to extend the time to obtain a CO. On 8/8/2006 an application was granted to extend the term of the special permit (expiration 8/15/2015).

Section G

Inspection and Compliance

	YES	NO
1. Have you reviewed the Board's case file?	☑	☐
2. Have you recently inspected the premises and surrounding area?	☑	☐
(If Yes, date of most recent site inspection June 2017)		
3. Did you find:		
a. Compliance with the terms and conditions of the Board's resolution? 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?	☐	☑

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. _____)		
5. Are there any outstanding violation(s) on the premises?	☐	☑
(If Yes, submit a DOB BIS printout)		
6. Is there any other application before the Board which affects the premises?	☐	☑
(If Yes, Cal No. _____)		
7. Is there any other application at any government agency which affects the premises?	☐	☑

Section H

Signature

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

Signature of Applicant, Corporate Officer or Other Authorized Representative

Adam Rothkrug — Print Name

attorney — Title

SWORN TO ME THIS 6 DAY OF July 2017

NOTARY PUBLIC

TODD DALE
NOTARY PUBLIC STATE OF NEW YORK
NO. 02DA6182837
QUALIFIED IN KINGS COUNTY
COMMISSION EXP. MARCH 10, 2020

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

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

TELEPHONE: 516.487.2252
718.343.0069
FACSIMILE: 516.487.2439
RRSLAWLLP.COM

STATEMENT OF FACTS
Cal. No. 173-95-BZ
30 East 85th Street
Manhattan, New York
Block 1496 - Lot 7501
June 2017

Application 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") within portions of the first and the entire second floor of an existing mixed-use building. In addition, a waiver of the Board's Rules of Practice and Procedure is requested to permit late filing of the application.

The subject site is an irregular corner lot located in C5-1(MP) and R8B zoning districts within the area of Community Board 8 of Manhattan. The premises have 120 ft. frontage on the south side of East 85th Street, 142.17 ft. frontage on the west side of Madison Avenue, and a total of 17,080 sq. ft. of area. Review of the Department of City Planning website does not indicate any pending or proposed changes in the applicable zoning.

The subject tax lot containing the subject building is part of a larger zoning lot consisting of the subject tax lot 7501 (formerly tax lot 18) and tax lots 15, 16 and 17 (to the south of the premises). The zoning lot was created on May 16, 1985 (a copy of the recorded zoning lot description is included with application materials).

STATEMENT OF FACTS
(continued)

As noted, the subject site is located partially within C5-1(MP) and R8B zoning districts. The C5-1(MP) district extends 100 feet from the western side of Madison Avenue, resulting in the western portion of the lot (20 feet) situated in the R8B residential district. Pursuant to ZR § 77-11:

> *Whenever a zoning lot existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts in which different uses are permitted, the use regulations applicable to the district in which more than 50 percent of the lot area of the zoning lot is located may apply to the entire zoning lot, provided that the greatest distance from the mapped district boundary to any lot line of such zoning lot in the district in which less than 50 percent of its area is located does not exceed 25 feet.*

As the subject zoning lot existed on May 16, 1985, prior to the amendment of the zoning map creating the R8B zoning district on September 19, 1985, the provisions of ZR § 77-11 may apply to the subject site as more than 50 percent of the zoning lot is located within the C5-1(MP) commercial zoning district, and the greatest distance from the mapped district boundary does not exceed 25 feet (20 feet). Correspondingly, the use provisions of the C5-1(MP) commercial zoning district – including the special permit authorized under ZR § 73-36 - may apply to the subject site. The applicability of ZR § 77-11 is reflected on the previously approved plans associated with the subject application via notation on the approved site plan.

The premises are developed with a 30 story mixed use building erected circa 1987. The most recent Certificate of Occupancy (101038681T041) indicates the following uses:

STATEMENT OF FACTS
(continued)

CEL	ACCESSORY GARAGE FOR RESIDENTS FORTY-THREE (43) SPACES, BOILER ROOM, GAS METER ROOM, ELECTRICAL SERVICE ROOM, TELEPHONE ROOM, ELEVATOR MACHINE ROOM, VALET, COMPACTOR ROOM, LOCKER ROOM, BUILDING AND TENANTS STORAGE ROOM, OIL TANK ROOM, FIRE PUMP ROOM, ELECTRICAL METER ROOM
CEL	TENANTS LAUNDRY ROOM, GARAGE OFFICE
001	RESIDENTIAL LOBBY, CONCIERGE, PACKAGE ROOM
001	USE GROUP MP, RETAIL OR SERVICE ESTABLISHMENT, DANCE STUDIO
002	PHYSICAL CULTURE ESTABLISHMENT
002	ACCESSORY OFFICES
003	TEN (10) APARTMENTS
004	NINE (9) APARTMENTS
005	SEVEN (7) APARTMENTS
006 007	FIVE (5) APARTMENTS
008	FOUR (4) APARTMENTS
009	FIVE (5) APARTMENTS
010	FIVE (5) APARTMENTS
011	FOUR (4) APARTMENTS
012	TWO (2) APARTMENTS
013	THREE (3) APARTMENTS
014	FOUR (4) APARTMENTS
015	THREE (3) APARTMENTS
016 020	TWO (2) APARTMENTS PER FLOOR
021 022	TWO (2) APARTMENTS PER FLOOR
023	ONE (1) APARTMENT
024 025	TWO (2) APARTMENTS PER FLOOR
026	TWO (2) APARTMENTS ONE HALF (1/2) APARTMENT
027	TWO (2) APARTMENTS ONE HALF (1/2) APARTMENT
028	ONE (1/2) APARTMENT
029	ONE (1) APARTMENTS
029	ONE HALF (1/2) APARTMENTS

STATEMENT OF FACTS
(continued)

029	ONE (1) APARTMENT
029	ONE THIRD (1/3) APARTMENT
030	ONE THIRD (1/3) APARTMENT
ROOF	MECHANICAL
	ONE THIRD (1/3) APARTMENT

Records indicate that on March 3, 1998 the Board originally granted an application under Cal. No. 173-95 to legalize a physical culture establishment on portions of the first floor (entrance lobby) and the entire second floor of a 30 story mixed-use building. On December 19, 2000 an extension of time was granted to obtain a CO, and on August 8, 2006 an extension of term of the special permit was granted allowing the subject PCE. The most recent term expired on August 15, 2015.

It is proposed to extend the term of the special permit for ten years, the maximum term allowed pursuant to ZR § 73-36, with no changes proposed to the location or floor area of the subject PCE. It is requested that the grant be revised to reflect a new operator and minor changes to the interior layout of the facility. The previous operator, David Barton Gym, ended operation in December 2016, and it is proposed that Equinox – an experienced operator of PCE's within New York City – occupy the PCE space. Pursuant to the general special findings of ZR § 73-03 and the specific findings of ZR § 73-36, the PCE will:

1. Not be a foreseeable hazard or disadvantage to the community, not have an adverse effect on the privacy, quiet, light or air in the neighborhood, nor require a modification of parking or bulk regulations (ZR § 73-03 (a));
2. Not interfere with any public improvement project (ZR § 73-03(b));
3. Not impair the essential character or future use or development of the surrounding area (ZR § 73-36(1));

STATEMENT OF FACTS
(continued)

4. Contain facilities for classes and instruction for physical improvement (ZR § 73-36(2)(iii).

In addition to the extension of term, a waiver is sought pursuant to § 107.3(b)(2) of the Board's Rules of Practice and Procedure to permit late filing of the application. Use of the site for the authorized PCE has been continuous until the prior operator ceased operations in December 2016, and absent grant of the waiver, substantial prejudice would affect the property owner as there are limited tenant options for the existing PCE space.

The first floor of the PCE (*355 sq. ft.*) contains the entrance lobby to the PCE with stair and elevator access to the second floor. The second floor (*13,966 sq. ft.*) contains the bulk of the PCE area, including a reception area, locker rooms, and areas for physical improvement. Total floor area for the PCE is has 14,321 sq. ft. Hours of operation are proposed to remain as previously approved, open Monday to Friday 6:00 AM – 11 PM, Weekends 8:00 AM – 10:00 PM. Subsequent to the initial approval, both sprinklers and an interior fire alarm were installed within the PCE space, and as noted on plans the facility complies with Local Law 58/87.

Review of Department of Building ("DOB") records indicates no open Environmental Control Board ("ECB") or DOB violations.

Respectfully submitted,

Rothkrug Rothkrug & Spector LLP

NYC
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

Donald Zucker, being duly sworn, deposes and says that (s)he has an office at 103 West 55th Street, in the City of New York, in the County of New York, in the State of New York; that 30 EAST 85TH STREET COMPANY 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 1496, Lot(s) 7501, Street and House Number 30 E 85th 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
- [x] 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 _____ SIGN HERE

Print Name Donald Zucker

Print Title Managing Member

Sworn to before me this 21 day

Of June 2017

_____ WITNESS

JOSEPH J. GIAMBOI
Notary Public, State of New York
No. 02GI4977228
Qualified in Kings County
Commission Expires January 28, 20__

Revised March 8, 2012

EQUINOX

June 5, 2017

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

Re: **Lessee Affidavit**
Premises: **30 E 85th Street, New York, NY 10028**

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 Madison Avenue, Inc.

BY: _____
Harvey Spevak
President and CEO

Signed before me on this 5 day of JUNE 2017

_____
(Notary public)

JEFFREY M. WEINHAUS
Notary Public, State of New York
No. 02WE6070589
Qualified in New York County
Commission Expires March 4, 2019

Board of Standards and Appeals History

173-95-BZ

30 East 85th Street, Manhattan, New York

3/3/1998	Application granted pursuant to ZR § 73-36 to legalize a physical culture establishment ("PCE") on portions of the first and second floors of a 30 story mixed-use building. Term to expire 8/15/2005.
12/19/2000	Application granted to extend time to obtain a Certificate of Occupancy.
8/8/2006	Application granted for waiver of Rules and to extend term of special permit allowing PCE. Term to expire 8/15/2015.

NYC Buildings

Certificate of Occupancy

CO Number: 101038681T041

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:**	01496	**Certificate Type:**	Temporary
Address:	30 EAST 85 STREET	**Lot Number(s):**	7501	**Effective Date:**	04/18/2016
Building Identification Number (BIN):	1072932			**Expiration Date:**	07/17/2016
		Building Type:	Altered		

For zoning lot metes & bounds, please see BISWeb.

B.

Construction classification: OLD CODE: 3

Building Occupancy Group classification: J-2

Multiple Dwelling Law Classification: HAEA

No. of stories: 30 **Height in feet:** 305 **No. of dwelling units:** 94

C. **Fire Protection Equipment:**
None associated with this filing.

D. **Type and number of open spaces:**
None associated with this filing.

E. **This Certificate is issued with the following legal limitations:**
None

Outstanding requirements for obtaining Final Certificate of Occupancy:

There are 4 outstanding requirements. Please refer to BISWeb for further detail.

Borough Comments: None

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

NYC Buildings

Certificate of Occupancy

CO Number: 101038681T041

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			OG	B-2 D-2			ACCESSORY GARAGE FOR RESIDENTS FORTY-THREE (43) SPACES, BOILER ROOM, GAS METER ROOM, ELECTRICAL SERVICE ROOM, TELEPHONE ROOM, ELEVATOR MACHINE ROOM, VALET, COMPACTOR ROOM, LOCKER ROOM, BUILDING AND TENANTS STORAGE ROOM, OIL TANK ROOM, FIRE PUMP ROOM, ELECTRICAL METER ROOM
CEL				J-2		2	TENANTS LAUNDRY ROOM, GARAGE OFFICE
001			100	J-2		2	RESIDENTIAL LOBBY, CONCIERGE, PACKAGE ROOM
001		450		C		MP	USE GROUP MP, RETAIL OR SERVICE ESTABLISHMENT, DANCE STUDIO
002		251	100	F-3		MP	PHYSICAL CULTURE ESTABLISHMENT
002		4		E			ACCESSORY OFFICES
003			40	J-2	10	2	TEN (10) APARTMENTS
004			40	J-2	9	2	NINE (9) APARTMENTS
005			40	J-2	7	2	SEVEN (7) APARTMENTS
006	007		40	J-2	5	2	FIVE (5) APARTMENTS PER FLOOR
008			40	J-2	4	2	FOUR (4) APARTMENTS

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

NYC Buildings

Certificate of Occupancy

CO Number: 101038681T041

Permissible Use and Occupancy

All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.

Floor From	To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
009			40	J-2	5	2	FIVE (5) APARTMENTS
010			40	J-2	5	2	FIVE (5) APARTMENTS
011			40	J-2	4	2	FOUR (4) APARTMENTS
012			40	J-2	2	2	TWO (2) APARTMENTS
013			40	J-2	3	2	THREE (3) APARTMENTS
014			40	J-2	4	2	FOUR (4) APARTMENTS
015			40	J-2	3	2	THREE (3) APARTMENTS
016	020		40	J-2	2	2	TWO (2) APARTMENTS PER FLOOR
021	022		40	J-2	2	2	TWO (2) APARTMENTS PER FLOOR
023			40	J-2	1	2	ONE (1) APARTMENT
024	025		40	J-2	2	2	TWO (2) APARTMENTS PER FLOOR
026			40	J-2	2.50	2	TWO (2) APARTMENTS, ONE HALF (1/2) APARTMENT
027			40	J-2	2.50	2	TWO (2) APARTMENTS, ONE HALF (1/2) APARTMENT

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

NYC Buildings

Certificate of Occupancy

CO Number: 101038681T041

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
028		40	J-2	0.50	2	ONE (1/2) APARTMENT
029		40	J-2	1	2	ONE (1) APARTMENTS
029				0.50		ONE HALF (1/2) APARTMENT
029				1		ONE (1) APARTMENT
029				0.33		ONE THIRD (1/3) APARTMENT
030		40	J-2	0.33	2	ONE THIRD (1/3) APARTMENT
RO F		50	J-2	0.33	2	MECHANICAL ROOM, ONE THIRD (1/3) APARTMENT
						A SPECIAL PERMIT IS GRANTED UNDER Z.R. SECT. 73-36 IN A C5-1(MP) ZONING DISTRICT FOR PROPOSED LEGALIZATION OF AN EXISTING PHYSICAL CULTURE ESTABLISHMENT IN A PORTION OF THE FIRST FLOOR AND THE ENTIRE SECOND FLOOR OF AN EXISTING 30-STORY RESIDENTIAL BUILDING WITH RETAIL SPACE ON THE FIRST FLOOR ON CONDITION THAT ALL WORK SHALL SUBSTANTIALLY CONFORM TO DRAWINGS AS THEY

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

NYC Buildings

Certificate of Occupancy

CO Number: 101038681T041

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
						APPLY TO THE OBJECTION ABOVE-NOTED, FILED WITH THIS APPLICATION MARKED 'RECEIVED JANUARY 6, 1998'-(8) SHEETS; AND ON FURTHER CONDITION; THAT THERE SHALL BE NO CHANGE IN OWNERSHIP OR OPERATING CONTROL OF THE PHYSICAL CULTURE ESTABLISHMENT WITHOUT PRIOR APPLICATION TO AND APPROVAL FROM THE BOARD; THAT LOCKED, TAMPER-PROOF SOUND CONTROLLERS ON THE AEROBICS AND
						HOUSE SOUND SYSTEMS BE MAINTAINED IN ORDER MINIMIZE ADVERSE NOISE IMPACTS ON THE RESIDENTIAL UNITS IN THE BUILDING; THAT THE AEROBICS INSTRUCTIONS' VOICE SHALL BE NON-AMPLIFIED; THAT ALL SPEAKERS SHALL BE HUNG FROM ACOUSTICALLY NON-TRANSMITTING WIRES IN ACCORDANCE WITH BSA-APPROVED PLANS. THAT INDIVIDUAL VIDEO SYSTEMS WITH HEADPHONES AND NO EXTERNAL SPEAKERS
						SHALL BE PROVIDED AND MAINTAINED FOR EACH CLIENT IN THE CARDIO-VASCULAR AREA IN ACCORDANCE WITH BSA-APPROVED PLANS; THAT ALL FREE WEIGHTS SHALL BE RUBBERIZED AND MAINTAINED WITH RUBBERIZED OR OTHER SOUND ATTENUATING MATERIAL; THAT ALL WEIGHT MACHINES SHALL BE MAINTAINED WITH SOUND- ATTENUATING SPRINGS; THAT FIRE PREVENTION MEASURES SHALL BE INSTALLED AND
						MAINTAINED IN ACCORDANCE WITH BSA APPROVED PLANS; THAT THE HOURS OF OPERATION SHALL BE LIMITED TO 6:00 AM. TO 11:00 PM. MONDAY THROUGHT FRIDAY AND 8:00 AM. TO 10:00 PM SATURDAY AND SUNDAY; THAT THE AEROBICS ROOM SHALL NOT BE USED BEFORE 7:00 AM. MONDAY THROUGH FRIDAY AND NOT BEFORE 9:00 AM. ON SATURDAYS AND SUNDAYS; THAT THIS SPECIAL PERMIT SHALL BE

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

NYC Buildings

Certificate of Occupancy

CO Number: 101038681T041

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
						LIMITED TO A TERM OF TEN YEARS FROM AUGUST 15, 2005 TO EXPIRE ON AUGUST 15, 2015; THAT THE ABOVE CONDITIONS SHALL APPEAR ON THE CERTIFICATE OF OCCUPANCY; THAT THE DEVELOPMENT, AS APPROVED, IS SUBJECT TO VERIFICATION BY THE DEPARTMENT OF BUILDINGS FOR COMPLIANCE WITH ALL OTHER APPLICABLE PROVISIONS OF THE ZONING RESOLUTION, THE ADMINISTRATIVE CODE AND ANY OTHER
						RELEVANT LAWS UNDER THE JURISDICTION OF THE DEPARTMENT.
						OLD CODE,ART 7B MDL. DECLARATION OF ZONING LOT RESTRICTIONS RECORDED AS REEL 2840,PAGE1589;LOT L INE WINDOW DECLARATION RECORDED AS REEL 3560,P1705, EASEMENTS RECORDED AS R EEL 3285,P2328 AND 2336
						NOTE: PREMISES HAVE BEEN DECLARED TO BE SUBJECT TO PROVISION OF SECTION 12-10 ZONING RESOLUTION AS TO ZONING LOT OWNERSHIP. ACCESSORY PARKING SHALL BE USED EXCLUSIVELY BY OCCUPANTS OF RESIDENTIAL DEVELOPMENT.
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

NYC Buildings

NYC

CLICK HERE TO SIGN UP FOR BUILDINGS NEWS

NYC Department of Buildings

Property Profile Overview

ALSO SEE OTHER BIN(S) BELOW

26 EAST 85 STREET — **MANHATTAN 10028** — **BIN# 1072932**

EAST 85 STREET	26 - 36	Health Area	: 3600	Tax Block	: 1496
MADISON AVENUE	1136 - 1146	Census Tract	: 150.01	Tax Lot	: 7501
		Community Board	: 108	Condo	: YES
		Buildings on Lot	: 1	Vacant	: NO

View DCP Addresses... Browse Block

View Zoning Documents | View Challenge Results | Pre - BIS PA | View Certificates of Occupancy

Cross Street(s):	5 AVENUE, MADISON AVENUE		
DOB Special Place Name:			
DOB Building Remarks:			
Landmark Status:		**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:	1802658 1808693 1804342 1804341		

Special District: MP - MADISON AVENUE PRESERVATION

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: R0-CONDOMINIUMS

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

	Total	Open
Complaints	18	0
Violations-DOB	77	0
Violations-ECB (DOB)	14	0
Jobs/Filings	177	
ARA / LAA Jobs	20	
Total Jobs	197	
Actions	239	

OR Enter Action Type: [ ]

OR Select from List: [Select...]

AND [Show Actions]

Elevator Records
Electrical Applications
Permits In-Process / Issued
Illuminated Signs Annual Permits
Plumbing Inspections
Open Plumbing Jobs / Work Types
Facades
Marquee Annual Permits
Boiler Records
DEP Boiler Information
Crane Information
After Hours Variance Permits

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

NYC
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.: 173-95-BZ
Street Address: 340 East 9th Street
Block: 1496 **Lot(s):** 7501
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 June 2017. 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.
(Date of most recent inspection)

[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.
CO expired.	To be updated within 6-12 months of grant.

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

Conditions of Prior BSA Grants

Cal. No. 173-95-BZ
30 East 85th Street, Manhattan

Board Condition	Compliance?	Anticipated Compliance Date
3/3/1998		
no change in ownership or operation	y*	*proposed change in condition to allow new operator
locked tamper-proof sound controllers on sound systems	y	n/a
aerobic instructors' voices non-amplified	y	n/a
speakers hung from acoustically non-transmitting wires per BSA plans	y	n/a
individual video systems w/ headphones and no external speakers per BSA plans	y	n/a
free weights rubberized and maintained with rubberized or other attenuating material	y	n/a
weight machines maintained with sound attenuating springs	y	n/a
fire prevention measures installed per BSA plans	y	n/a
hours 6 AM – 11 PM M/F 8 AM – 10 PM Sa/Su	y	n/a
aerobics room not used before 7 AM M/F or 9 AM Sa/Su	y	n/a

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. 173-95-BZ BLOCK 1496 LOT 7501

SUBJECT SITE ADDRESS 30 East 85th Street

APPLICANT Rothkrug Rothkrug & Spector, LLP

ZONING DISTRICT C5-1

SPECIAL/HISTORIC DISTRICT MP

COMMUNITY BOARD 8

PRIOR BSA #

	* *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
LOT AREA					17,080	17,080	Y
LOT WIDTH					120	120	Y
USE GROUP (S)	32-10	1-9,14			PCE	PCE	Sp. Permit
FA RESIDENTIAL							
FA COMMUNITY FACILITY							
FA COMMERCIAL/INDUST.	33-122	68,320		14,321 *	14,321 *	14,321 *	Y
FLOOR AREA TOTAL	33-122	68,320		14,321 *	14,321 *	14,321 *	Y
FAR RESIDENTIAL							
FAR COMMUNITY FACILITY							
FAR COMMERCIAL/INDUST.	33-122	4.0		0.21 *	0.21 *	0.21 *	Y
FAR TOTAL	33-122	4.0		0.21 **	0.21*	0.21 *	Y
OPEN SPACE							
OPEN SPACE RATIO							
LOT COVERAGE (%)							
NO. DWELLING UNITS							
WALL HEIGHT							
TOTAL HEIGHT							
NUMBER OF STORIES				2**	2 **	2 **	Y
FRONT YARD							
SIDE YARD							
SIDE YARD							
REAR YARD							
SETBACK (S)							
SKY EXP. PLANE (SLOPE)							
NO. PARKING SPACES	36-21		0	0	0	0	Y
LOADING BERTH (S)							
OTHER:							

REGISTERED ARCHITECT JAMES DAVID SEGER 024174 STATE OF NEW YORK

* In *Applicable ZR Section column* For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to **current R district requirements**, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to **nearest district where permitted**. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included.

NOTES:

* PCE only - NO CHANGES from previous approval

** PCE occupies portions of first and second floors

30 East 85th Street, Manhattan
Block 1496
Lot 7501

173-95-BZ

East 85th Street
SITE
Madison Avenue
30 East 85th Street, Manhattan
Block 1496
Lot 7501
View #1
June 16, 2017

MILA Photography
511 8th Street
Brooklyn, NY

Madison Avenue
SITE
East 85th Street
30 East 85th Street, Manhattan
Block 1496
Lot 7501
View #2
June 15, 2017

MILA Photography
511 8th Street
Brooklyn, NY

DavidBa rtonGym
ONE WAY
East 85th Street
SITE
Madison Avenue
30 East 85th Street, Manhattan
Lot 7501
View #3
June 16, 2017

MILA Photography
511 8th Street
Brooklyn, NY

SITE
30 East 85th Street, Manhattan
Block 1496
Lot 7501
Madison Avenue
View #4
June 16, 2017

MILA Photography
511 8th Street
Brooklyn, NY

SITE
East 85th Street
View #5
June 16, 2017

MILA Photography
511 8th Street
Brooklyn, NY

173-95-BZ

APPLICANT - John M. Callahan, Agouti Construction Consultants Incorporated, for 30 East 85th Street Company, owner. The David Barton Dym, lessee.

SUBJECT - Application December 4, 1995 - under Z.R. §73-36 to permit, in a C5-1 (MP) zoning district, the proposed legalization of an existing physical culture establishment in a portion of the first floor and the entire second floor of an existing 30-story residential building with retail space on the first floor.

PREMISES AFFECTED - 30 East 85th Street, southwest corner of Madison Avenue, Block 1496, Lot 7501 (18), Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jay Segal.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Flahive and Commissioner Joseph 4

Negative: 0

Not Voting: Commissioner Korbey.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 30, 1995, acting on Alt. Applic. No. 101038681 reads:

"1. Layout and arrangement indicate physical culture establishment and requires a special permit from BS&A (ZR99-031).";

and

WHEREAS, a public hearing was held on this application on December 17, 1996 after due notice by publication in the *Bulletin*, laid over to January 28, 1997, March 18, 1997, May 6, 1997, June 10, 1997, June 24, 1997, July 29, 1997, October 14, 1997, November 25, 1997, January 13, 1998 and then to February 10, 1998, for decision. The case was closed and reopened, then laid over to March 3, 1998 for decision; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Robert E. Flahive, P.E., Commissioner Rosemary F. Palladino, J.D. and Commissioner Cecil P. Joseph; and

WHEREAS, a special permit is sought under Z.R. §73-36 to permit, in a C5-1 (MP) zoning district, the proposed legalization of an existing physical culture establishment in a portion of the first floor and the entire second floor of an existing 30-story mixed use building with retail space on the first floor and residential use on the upper floors; and

WHEREAS, the use contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the proposed physical culture establishment is completely enclosed within an existing building with a separate entrance to its facility and thus will not alter the essential character of the surrounding neighborhood nor impair its future development; and

WHEREAS, at the Board's request, and in response to complaints and in accordance with the recommendations the owner's sound consultant, the owner has taken measures to mitigate noise impacts on the residential apartments in the building, including the installation of: rubber isolators on the roof-mounted air-conditioning equipment and piping, and surrounding the unit with a soundproof wall; an acoustical hung ceiling with all penetrations sealed, piping and duct-work isolated and 9" total depth of blown-in fiberglass insulation in the aerobics studio; locked, tamper-proof sound controllers on the aerobics and house sound systems which limit the volume of sound amplification and the elimination of the amplification system for the aerobics instructors in order to minimize adverse noise impacts in the residential units in the building; all speakers shall be hung from acoustically non-transmitting wires; video systems with no external speakers and individual headphones for each client in the cardio-vascular area; all free weights have been and will continue to be rubberized and all weight machines have been retrofitted with sound-attenuating springs to eliminate the transmission of vibration to the building's structure; and

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

WHEREAS, the applicant has represented that supervisory staff will be provided in order to ensure that the weight machines are used correctly and do not result in excessive noise; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-36 and *grants* a special permit under Z.R. §73-36 to permit, in a C5-1 (MP) zoning district, the proposed legalization of an existing physical culture establishment in a portion of the first floor and the entire second floor of an existing 30-story residential building with retail space on the first floor, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 6, 1998"-(8) sheets; and *on further condition*;

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

THAT locked, tamper-proof sound controllers on the aerobics and house sound systems be maintained in order to minimize adverse noise impacts on the residential units in the building;

THAT the aerobics instructors' voice shall be non-amplified;

THAT all speakers shall be hung from acoustically non-transmitting wires in accordance with BSA-approved plans;

THAT individual video systems with headphones and no external speakers shall be provided and maintained for each client in the cardio-vascular area in accordance with BSA-approved plans;

THAT all free weights shall be rubberized and maintained with rubberized or other sound attenuating material;

THAT all weight machines shall be maintained with sound-attenuating springs;

THAT fire prevention measures shall be installed and maintained in accordance with BSA-approved plans;

THAT the hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. Monday through Friday and 8:00 a.m. to 10:00 p.m. Saturday and Sunday;

THAT the aerobics room shall not be used before 7:00 a.m. Monday through Friday and not before 9:00 a.m. on Saturdays and Sundays;

THAT this special permit shall be limited to a term of ten years to from August 15, 1995 to expire on August 15, 2005;

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

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

THAT a certificate of occupancy shall be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals, March 3, 1998.

173-95-BZ

APPLICANT - Jay A. Segal, Esq., Greenberg Traurig, LLP, for East 85th Street Company LP, Owner; DB 85 Gym Corp. d/b/a David Barton Gym, Lessee

SUBJECT - Application August 4, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain certificate of occupancy which expired March 3, 1999.

PREMISES AFFECTED - 30 East 85th Street, southwest corner of East 85th Street and Madison Avenue, Block 1496, Lot 750, Borough of Manhattan.

COMMUNITY BOARD # 8M

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived and time to obtain a certificate of occupancy extended.

THE VOTE TO GRANT -

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

Negative: 0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and a reopening for an extension of the time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on October 24, 2000 after due notice by publication in the City Record, laid over to December 5, 2000 and then to December 19, 2000 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution adopted on March 3, 1998, only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

"That a new certificate of shall be obtained within one year from the date of this amended resolution.

(DOB 101038681)

Adopted by the Board of Standards and Appeals, December 19, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, December 19, 2000. Printed in Bulletin Nos. 51-52, Vol. 85.

Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.

CERTIFIED RESOLUTION

Chairman of the Board

173-95-BZ
APPLICANT – Stephen J. Rizzo, Esq., for 80 East 85th Street Company, owner; David Barton Gym Corp., lessee.
SUBJECT – Application March 10, 2006 – Pursuant to ZR §73-11 and §73-36 for the Extension of Term/Waiver of a Physical Culture Establishment (David Barton Gym) in a portion of the first floor and the entire second floor of a 30 story residential building.
PREMISES AFFECTED – 30 East 85th Street, Madison Avenue and East 85th Street, Block 1496, Lot 7501, Borough of Manhattan.
COMMUNITY BOARD #8M
APPEARANCES –
For Applicant: Karen Samardo.
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, this is an application for a waiver of the Rules of Practice and Procedure and an extension of the term for a previously granted special permit for a Physical Culture Establishment (PCE), which expired on August 15, 2005; and

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

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

WHEREAS, the subject premises is located at the southwest corner of Madison Avenue and East 85th Street; and

WHEREAS, the site is occupied by a 30-story mixed use building, located within a C5-1 (Special Madison Avenue Preservation) zoning district, with commercial uses on the first and second floor and residential use above; and

WHEREAS, the PCE is operated as a David Barton Gym; and

WHEREAS, on August 15, 1995, the Board granted a special permit pursuant to ZR § 73-36, to permit the operation of a PCE in a portion of the first floor and on the entire second floor of the subject building; and

WHEREAS, the instant application seeks to extend the term of the variance for an additional ten years; and

WHEREAS, at hearing the Board asked the applicant if the PCE provided sufficient sound attenuation between it and residential uses within the building; and

WHEREAS, in response, the applicant represents that the implemented sound attenuation measures have been effective and that there have not been any noise complaints; and

WHEREAS, accordingly, the Board finds that a ten-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated August 15, 1995, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, *on condition* that all work and site conditions shall comply with drawings marked "Received August 3, 2006"–(5) sheets; and *on further condition*:

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

THAT this grant shall be limited to a term of ten years from August 15, 2005, expiring August 15, 2015;

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

THAT all conditions from prior resolutions 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."

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.

REEL 922 PG 473

IV

G-306 PFK #9
5/16/85

ZONING LOT DESCRIPTION AND OWNERSHIP STATEMENT BY
BUILDING DEPARTMENT PERMIT APPLICANT
AND TO BE RECORDED IN THE
COUNTY CLERK'S OR REGISTER'S OFFICES

30 East 85th Street Company, a New York Partnership having its principal office at 101 West 55th Street, New York, New York, an applicant for present or future permits pursuant to the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended states that the zoning lot to which the aforementioned permit or permits pertain are shown on the Tax Map of the City of New York, County of New York, as Lots 15, 16, 17 & 18 in Block 1496 as shown on the Tax Map of the City of New York, New York County, and is more particularly described as:

BEGINNING at the corner formed by the intersection of the westerly side of Madison Avenue with the southerly side of 85th Street;

RUNNING THENCE westerly along the southerly side of 85th Street 120 feet;

THENCE southerly parallel with the westerly side of Madison Avenue 102 feet 2 inches to the center line of the block;

THENCE easterly along the center line of the block and parallel with the southerly side of 85th Street 50 feet to a point on a line drawn parallel with 84th Street and distant 102 feet 2 inches northerly from said 84th Street;

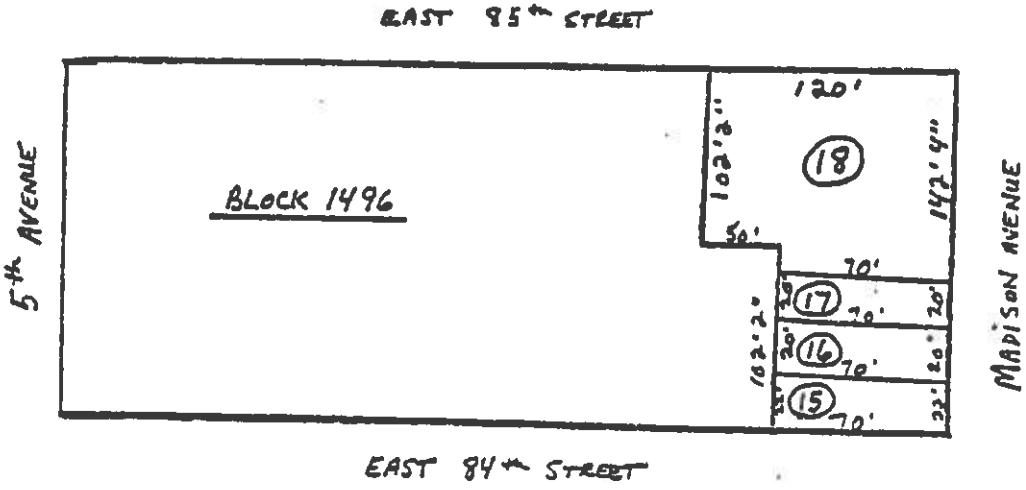
THENCE southerly parallel with Madison Avenue 102 feet 2 inches to the northerly side of East 84th Street;

THENCE easterly along the northerly side of East 84th Street 70 feet to the corner formed by the intersection of the northerly side of East 84th Street with the westerly side of Madison Avenue; and

G-306 PFK #9
5/16/85

THENCE northerly along the westerly side of Madison Avenue 204 feet 4 inches to the point or place of BEGINNING.

That the said premises are known as and by street address(es) 26-30 East 85th Street, 1130-1148 Madison Avenue and 21 East 84th Street, as shown on the following DIAGRAM:



The above described zoning lot is n esently owned by:

BLOCK	TAX LOT	NAME & ADDRESS
1496	15	Shepherd Gallery Associates,Inc. 21 East 84th Street New York, New York
1496	16	Gaetano Scarselli 101 Audley Street Kew Gardens, New York 11415

REEL 922 PG 475

G-306 PFK #9
5/16/85

BLOCK	TAX LOT	NAME & ADDRESS
1496	17	Sol Goldman d/b/a/ Empire Associates Realty Co. 405 Lexington Avenue New York, New York
1496	18	30 East 85th Street Company 101 West 55th Street New York, New York

IN WITNESS WHEREOF the applicant for permit has executed this instrument this 28 day of May, 1985.

30 EAST 85TH STREET COMPANY

By: Donald Zucker

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

On this 28th day of May, 1985, before me personally came Donald Zucker, to me known, and known to me to be a general partner in the firm of 30 East 85th Street Company, and the person described in and who executed the foregoing instrument in the firm name of said firm, and he duly acknowledged to me that he executed the same for and as the act and deed of said firm.

Notary Public, State of New York
No. 41 [illegible]
Qualified in Queens County
Commission Expires March 30, 19[illegible]

Rachel S. Collazo
Notary Public

Note: Section C26-110.2 Subdivision (a) Paragraph (1) of the Administrative Code requires submission of an accurate lot diagram in accordance with an attached boundary survey made by a licensed surveyor, which need not be recorded but which must be submitted with the application for the permit.

Title 418500711/710/712 REEL 922 PG 476

Sec. 5 Blk 1496 Lots: 15, 16, 17, 18

Address: 1132-1148 Madison Ave

Record and Return To:

Dreyer and Traub, Esqs.
Attn: Jonathan A. Bernstein, Esq.
101 Park Ave
New York, N.Y. 10178

CC VER

4

1314

1:0161

35 JUN 12 PM 1:42

G-CONV 057254
$14.00

OFFICE OF CITY REGISTER
New York County
RECORDED
Witness my hand
and official seal

Jay E. Shurfield
CITY REGISTER

NYC Buildings

NYC Department of Buildings
280 Broadway, New York, NY 10007

Rick D. Chandler, P.E., Commissioner

Letter of Completion

JOSEPH ENG
216-27 31 ST
NY, NY 11360

Re: 26 EAST 85 STREET, MANHATTAN
Job #: 104312076
Block: 1496 Lot: 7501

Dear JOSEPH ENG:

Please be advised that the work related to the above application is completed and was signed off in the Building Information System (BIS) on 03/12/2008.

Because this job was filed as Directive 14 of 1975, the owner retained a registered professional engineer or registered architect, who certified that he/she inspected the work approved on this application and that it complies with the applicable laws, rules and regulations of the Department of Buildings.

Based on the nature of the work filed on this application a new certificate of occupancy is not required.

Very truly yours,

Borough Commissioner
MANHATTAN

Letter Generated on: 06/21/2017

Buildings

CLICK HERE TO SIGN UP FOR BUILDINGS NEWS

NYC Department of Buildings

Application Details

Filings submitted through DOB NOW for Plumbing, Sprinklers, and Standpipe will not be found in BIS. These are available on the DOB NOW Public Portal.

Premises: 26 EAST 85 STREET MANHATTAN
BIN: 1072932 Block: 1496 Lot: 7501

Job No: 104312076
Document: 01 OF 1
Job Type: A2 - ALTERATION TYPE 2

Document Overview | Items Required | Virtual Job Folder | All Permits | Schedule B
Fees Paid | Forms Received | All Comments | Plumbing Inspections
Crane Information | Plan Examination | Print Letter of Completion
After Hours Variance Permits

This job is not subject to the Department's Development Challenge Process. For any issues, please contact the relevant borough office.

Last Action: SIGNED OFF 03/12/2008 (X)
Application approved on: 03/20/2006

Pre-Filed: 12/15/2005 **Building Type:** Other **Estimated Total Cost:** $6,000.00
Date Filed: 12/15/2005 **Electronically Filed:** No
Fee Structure: STANDARD
Review is requested under Building Code: 1968

Job Description Comments

1 Location Information (Filed At)

House No(s): 26 **Street Name:** EAST 85 STREET
Borough: Manhattan **Block:** 1496 **Lot:** 7501 **BIN:** 1072932 **CB No:** 108
Work on Floor(s): 1, 2 **Apt/Condo No(s):** **Zip Code:** 10028

2 Applicant of Record Information

Name: JOSEPH ENG
Business Name: J.W. ENG INC **Business Phone:** 718-428-8969
Business Address: 216-27 31 ST NY NY 11360 **Business Fax:**
E-Mail: **Mobile Telephone:**
License Number: 043852
Applicant Type: ☒ P.E. ☐ R.A ☐ Sign Hanger ☐ R.L.A. ☐ Other

Directive 14 Applicant
Not Provided
Previous Applicant of Record
Not Applicable

3 Filing Representative
None

4 Filing Status

Click Here to View

5 Job Types

☐ Alteration Type 1 or Alteration Type 1 required to meet New Building requirements (28-101.4.5)

☐ Alteration Type 1, OT "No Work"	☐ New Building
☒ Alteration Type 2	☐ Full Demolition
☐ Alteration Type 3	☐ Subdivision: Improved
☐ Sign	☐ Subdivision: Condo

Directive 14 acceptance requested? ☒ Yes ☐ No

6 Work Types

☐ BL - Boiler	☒ FA - Fire Alarm	☐ FB - Fuel Burning	☐ FS - Fuel Storage
☐ FP - Fire Suppression	☐ MH - Mechanical	☐ PL - Plumbing	☐ SD - Standpipe
☐ SP - Sprinkler	☐ EQ - Construction Equipment	☐ CC - Curb Cut	
☐ OT - Other			

7 Plans/Construction Documents Submitted

Plans Page Count: Not Provided

8 Additional Information

Enlargement proposed?

☒ No ☐ Yes ☐ Horizontal ☐ Vertical

9 Additional Considerations, Limitations or Restrictions

Yes	No		Yes	No	
☐	☐	Alt. required to meet New Building req's (28-101.4.5)	☐	☐	Alteration is a major change to exits
			☐	☐	Change in number of dwelling units
			☐	☐	Change in Occupancy / Use
			☐	☐	Change is inconsistent with current certificate of occupancy
			☐	☐	Change in number of stories

☐	☐	Facade Alteration	☐	☒	Infill Zoning
☐	☒	Adult Establishment	☐	☒	Loft Board
☐	☐	Compensated Development (Inclusionary Housing)	☐	☒	Quality Housing
☐	☐	Low Income Housing (Inclusionary Housing)	☐	☒	Site Safety Job / Project
☐	☒	Single Room Occupancy (SRO) Multiple Dwelling	☐	☐	Included in LMCCC
☐	☐	Filing includes Lot Merger / Reapportionment	Work Includes:		
			☐	☐	Prefab wood I-joists
			☐	☐	Structural cold-formed steel
			☐	☐	Open-web steel joists

☐	☒	Landmark
☐	☐	Environmental Restrictions (Little E or RD)
☐	☐	Unmapped/CCO Street
☐	☐	Legalization
☐	☒	Other, Specify:
☐	☒	Filed to Comply with Local Law
☐	☐	Restrictive Declaration / Easement
☐	☐	Zoning Exhibit Record (I,II,III,etc)
☐	☐	Filed to Address Violation(s)

☐	☐	Work includes lighting fixture and/or controls, installation or replacement. [ECC §404 and §505]
☐	☐	Work includes modular construction under New York State jurisdiction
☐	☐	Work includes modular construction under New York City jurisdiction
☐	☐	Structural peer review required per BC §1627 Peer Reviewer License No.(P.E.):

☐ ☐ **Work includes permanent removal of standpipe, sprinkler or fire suppression related systems**
☐ ☐ **Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building**
☐ ☒ **Structural Stability affected by proposed work**

BSA Calendar No.(s):
CPC Calendar No.(s):

10 NYCECC Compliance ***New York City Energy Conservation Code*** **(Applicant Statement)**
Not Provided

11 Job Description
INSTALLATION OF INDIVIDUALLY CODED IFAWITH CENTRAL STATION CONNECTION
NO CHANGE IN USE, EGRESS OR OCCUPANCY
Related BIS Job Numbers:
Primary application Job Number:

12 Zoning Characteristics
District(s): NONE
Overlay(s):
Special District(s):
Map No.: **Street legal width (ft.):** **Street status:** ☐ Public ☐ Private
Zoning lot includes the following tax lots: Not Provided

13 Building Characteristics

		2014/2008 Code Designations?
Occupancy Classification: Existing:		☐ Yes ☐ No
Proposed:		☐ Yes ☐ No
Construction Classification: Existing:		☐ Yes ☐ No
Proposed:		☐ Yes ☐ No
Multiple Dwelling Classification: Existing:		
Proposed:		
Building Height (ft.): Existing:		
Proposed:		
Building Stories: Existing:		
Proposed:		
Dwelling Units: Existing:		
Proposed:		

Mixed use building? ☐ Yes ☐ No

14 Fill
☐ Not Applicable ☐ Off-Site ☐ On-Site ☐ Under 300 cubic yards

15 Construction Equipment
Not Applicable

16 Curb Cut Description
Not Applicable

17 Tax Lot Characteristics
Not Provided

18 Fire Protection Equipment
Not Applicable

19 Open Spaces

20 Site Characteristics
Not Provided

21 Demolition Details
Not Applicable

22 Asbestos Abatement Compliance

23 Signs

Not Applicable

24 Comments

25 Applicant's Statements and Signatures **(See paper form or check Forms Received)**

Yes	No	
☐	☐	**For New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?**
☐	☐	**Directive 14 applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.**

26 Owner's Information

Name: DONALD ZUCKER

Relationship to Owner:

Business Name: 30 E 85 ST COMPANCY

Business Phone: 212-408-0600

Business Address: 101 W 55 ST NY NY 10019

Business Fax:

E-Mail:

Owner Type: PARTNERSHIP

Non Profit: ☐ Yes ☒ No

Yes	No	
☐	☐	**Owner's Certification Regarding Occupied Housing (Remain Occupied)**
☐	☒	**Owner's Certification Regarding Occupied Housing (Rent Control / Stabilization)**
☐	☒	**Owner DHCR Notification**
☐	☐	**Owner's Certification for Adult Establishment**
☐	☐	**Owner's Certification for Directive 14 (if applicable)**

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.

HNY CONSULTING ENGINEERS LLC

INITIAL SITE OBSERVATION AND FEASIBILITY REPORT

PROJECT:	Equinox - 85th Street NYC	
HNY PROJECT NO:	1750001889	
VISIT DATE:	April 25, 2017	
REPORT DATE:	May 14, 2017	
PRESENT:	Joe Stigliano	Equinox
	Andrew Bennett	HNY Consulting Engineers
	Taylor Rasco	HNY Consulting Engineers
	Michael O'Hagan	HNY Consulting Engineers
	Dylan Wanser	HNY Consulting Engineers
	Jim Seger	PBDW
	Nam Joo Kim	PBDW

GENERAL

Project location: 30 East 85th Street – New York, NY

The proposed space occupies approximately 13,400 SF of space for the reception on the street level (480 SF) and gym, locker rooms, laundry, etc. on the second level (12,920 SF) of a multi-story structure. The first floor of the building is divided into multiple retail tenant spaces and a lobby for the high-rise section of the building. The proposed space was previously a David Barton Gym.

FIRE PROTECTION

Existing Conditions

The existing space is currently configured with full sprinkler coverage. The space has upright and concealed type sprinkler heads installed throughout the space. The sprinkler heads appeared to be in good working condition. Most of the branches visible in the fitness open ceiling areas were at approximately 10'-0" AFF. There was no obvious degradation of the visible sprinkler piping at the time of the site visit.

A 4" Sprinkler riser enters the space from the floor below at the column just west of the core elevator bank in the middle of the space, currently a "Staff Room". There is a butterfly valve with a tamper switch and waterflow alarm located on the riser feeding the 3" sprinkler main for the floor. This riser does not continue up to the next floor; it ends at the ceiling of this tenant space for their sprinkler main feed, located at 9'-2" AFF.

The space presently has a zoned fire alarm system manufactured by EST. System notification is currently monitored by DGA Security Systems Inc. There is currently a Fire Alarm Panel, Smoke Bell, Waterflow Bell and Trouble Bell located within the space as well as fire alarm devices laid out around the space.

The Fire Alarm Control Panel had a note indicating a level of communication with the base building fire alarm system, "WATER FLOW SWITCH TRIPS MAIN BUILDING FIRE ALARM".

Recommendations and Requirements

- Performance tests were not performed but per a visual inspection both the fire alarm and fire sprinkler system appeared to be in good working condition. Contractor shall fully test systems at the start of construction and notify engineer of any deficiencies.
- The fire alarm and sprinkler system will need to be modified per the new space configuration.

Photo I.D.:	01
Description:	Typical upright head

Photo I.D.:	02
Description:	Typical concealed head

Photo I.D.:	03
Description:	Fire Alarm Control Panel

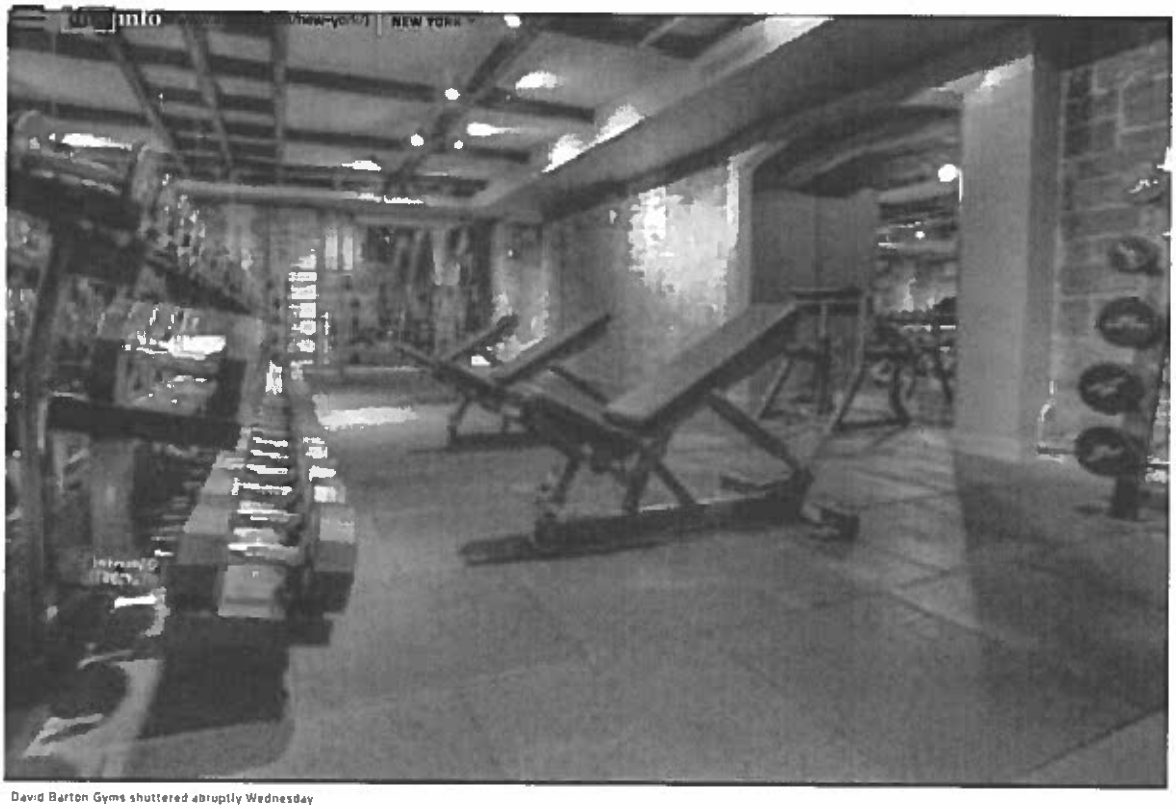
Photo I.D.:	04
Description:	Fire Sprinkler Tamper Switch

END OF REPORT

EAST VILLAGE & LOWER EAST SIDE (//WWW.DNAINFO.COM/NEW-YORK/MANHATTAN/EAST-VILLAGE-LOWER-EAST-SIDE)
Health & Wellness (/www.dnainfo.com/new-york/topics/health-wellness)

David Barton Gyms Abruptly Close as Other Gyms Scoop Up Members

By Irene Plagianos (//www.dnainfo.com/new-york/about-us/our-team/editorial-team/irene-plagianos) and Allegra Hobbs (//www.dnainfo.com/new-york/about-us/our-team/editorial-team/allegra-hobbs) | December 21, 2016 2:39pm



David Barton Gyms shuttered abruptly Wednesday

Facebook/The Official David Barton Gym

EAST VILLAGE — An upscale New York gym chain has thrown in the towel.

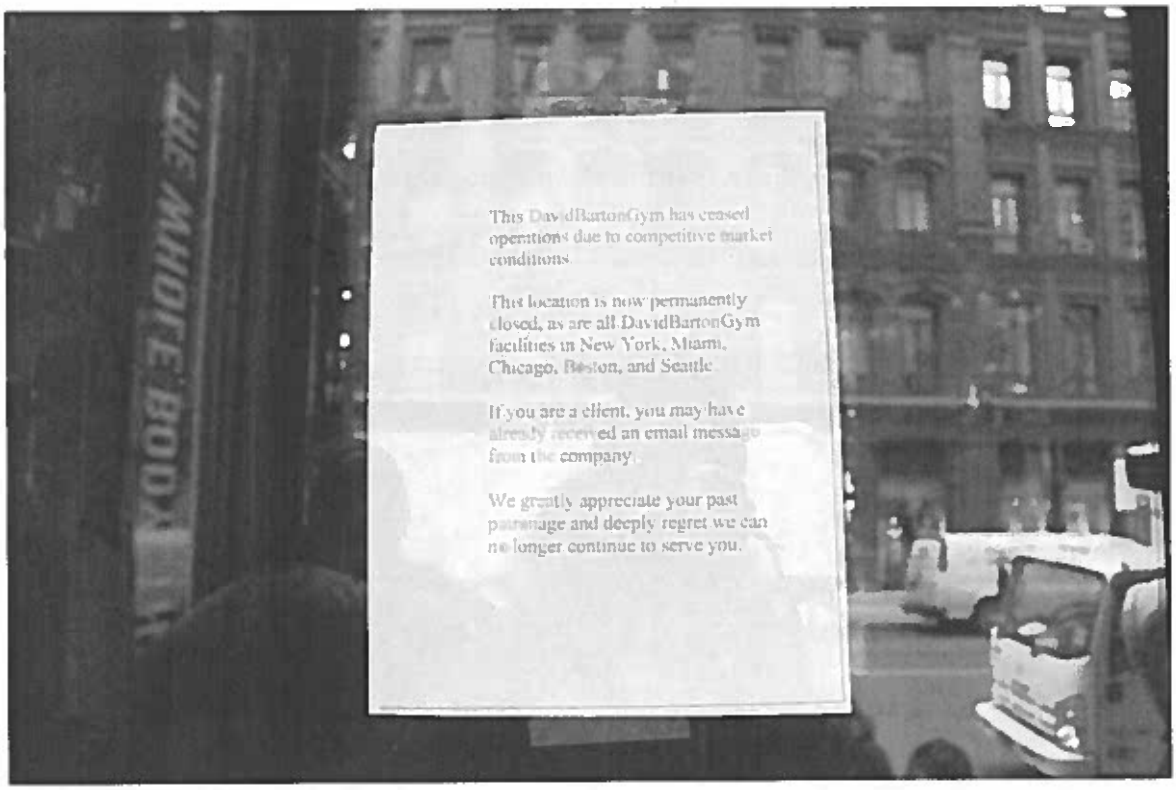
David Barton Gym — known for its nightclub-like atmosphere — abruptly shuttered New York locations Wednesday, citing "severe competitive pressures," according to a statement on the company's website. (http://www.davidbartongym.com/club-ventures-media-statement/)

The boutique fitness spot, which first opened in 1992 with the tag line "Look better naked" operated multiple Manhattan gyms, including those in Hell's Kitchen and Astor Place.

"The company deeply regrets this final action, but due to severe competitive pressures, particularly in New York, it has become impossible for these locations to continue," the company said in its statement. "DavidBartonGym greatly appreciates the past patronage of its clients and support of its staff and training professionals."

Many gym-goers who headed in for the regular workouts Wednesday at Astor Place were shocked to find the doors closed, with the company's closure statement tapped to its doors.

Though the signs posted said members may have received emails explaining the shut down, stunned members who showed up said they received no notice and were floored at the news.



A sign posted on the David Barton Gym location at Astor Place stated it had closed down. (DNAinfo/Allegra Hobbs)

"I love this gym — I left the country and didn't cancel my membership because I love this gym and when I came back it was here for me," said Rajasri Narasinhan, 25, explaining she had gone to India for several months and kept her membership during that time.

Narasinhan said she had joined the gym when she lived near Astor Place and had stayed a member even after moving to Crown Heights because she loved the facilities and helpful staff.

"I'm actually really torn and I don't know why," she said. "I feel like a lot of things change in this neighborhood and in my life, and this is one of those things that was very constant."

Along with stunned gym members, representatives from gym competitors also showed up at the David Barton Gym at 4 Astor Place Wednesday, trying to quickly offer deals to beleaguered members showing up to work out only to discover the doors were permanently closed.

"All of us at New York Sports Club feel bad these people lost out on their money, and a lot of people can't even go inside to access their clothes and get their stuff out of the locker," said NYSC membership consultant Justin Joseph. "If they come to the gym today, we'll give them a special promotion that's exclusive to the people who lost out on their membership."

Joseph was unable to say what the promotion would be, explaining the snubbed members had to either come to a NYSC location or call to get the details on the deal.

A Crunch Fitness rep posted in front of the gym said former David Barton members would get a free three-day membership at their facilities, and would then be treated to an exclusive deal.

"They're gym-less, so we're going to give them the best deal possible," said Crunch rep Nildy Tenorio.

David Barton also shuttered all of its Miami, Boston, Chicago and Bellevue, Washington locations.

The gym's Los Angeles, Las Vegas and Honolulu locations, which are owned by a separate company and "are in markets that are more favorable to the company's business model," will continue to operate, the company said.