



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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BURT LAZARIN
Chair

JESSE R. BODINE
District Manager

August 1st, 2018

Hon. Margery Perlmutter, Chair
Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

Re: BSA Cal. # 231-14-BZ
Application for Special Permit Extension for PCE
at 124 West 23rd Street, Orangetheory Fitness

Dear Ms. Perlmutter:

Manhattan Community Board 4's (CB4) Chelsea Land Use Committee (CLU) held a duly noticed public hearing on June 18, 2018. Subsequently, on July 25, 2018 at the regular CB4 meeting, by a vote of 28 in favor, 0 opposed, 1 abstaining and 0 present but not eligible to vote, supported the consensus of CLU Committee and recommended the **denial** of a proposed Board of Standards and Appeals (BSA) ten-year extension of a special permit for a Physical Culture Establishment (PCE) at 124 W 23rd Street **unless** the residents of the condominiums residing above the facility state in writing that treadmill and music noise from the gym no longer disturbs them.

Background

Pursuant to 73-36 of the Zoning Resolution, a ten-year Special Permit extension is proposed for a gym known as Orangetheory Fitness ("Orangetheory"). Orangetheory is a franchise operation offering group-based personal training led by an instructor. The PCE is located in approximately 3,600 square feet of the ground floor of a 16 story residential building with 29 dwelling units located in a C6-3X zone. The facility operates from 5:00 AM to 10:00 PM, seven days a week. Equipment includes treadmills, rowing machines and dumbbells. The heaviest weight is 50 pounds and is not intended to be dropped. All activities are conducted within Orangetheory's space.

In order to operate without disturbing neighbors, the applicant and his team conducted a comprehensive program of outreach, pre-construction analysis and completed acoustical engineering. The applicant met with the building's condominium board and kept it informed of plans and progress. He arranged for access to second floor units - those directly above the Orangetheory facility - where noise transmission to those units from the space below was tested.

Based on the results of this testing, acoustical engineers for both the applicant and for the building's condominium board installed a site-specific "box-within-a-box" for the studio, isolating it physically and acoustically from the rest of the building.

The applicant is committed to extensive continual acoustical testing, including testing in the second floor units with music in the studio at full volume; he has shared those results with the condominium board. The applicant believes that the acoustical engineering prevents noise from the studio from disturbing residents in the building, and will continue to address any additional concerns. Despite having taken many preventive steps to sound issues, neighbors still say they are disturbed by music levels and vibrations from treadmills.

CB4 Analysis and Recommendation

The Board appreciates the thoroughness of the applicant's efforts to prevent and mitigate acoustical disturbances, and especially his efforts to include the building residents in the process. The Board believes that if the efforts at acoustical isolation of the facility continue, the facility may meet the required findings under ZR 73-36.

In responding to complaints from residents above the gym, the operators of Orangetheory have quickly taken steps necessary to correct the problems leading to the complaints. Residents report fewer disturbances than before the applicant's latest efforts; we hope this pattern will continue. CB4 recommends the **denial** of a proposed ten-year extension of a special permit for Orangetheory **unless** the residents living in the apartments above the facility state in writing that treadmill and music noise from the gym no longer disturbs them.

Sincerely,



Burt Lazarin
Chair
Manhattan Community Board 4



John Lee Compton, Co-Chair
Chelsea Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee

cc: Hon. Corey Johnson, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Jordan Most, Counsel for the Applicant