

November 8, 2002

Hon. James Chin  
Chair  
Board of Standards and Appeals  
40 Rector Street  
New York, NY 10007

**Re: BSA Cal. Nos.:244-02-BZ and 245-02-BZ. Applications for special permits to allow physical culture establishment at 365-367 W. 34<sup>th</sup> St. and 373 W. 34<sup>th</sup> St. (at Ninth Av.)**

Dear Chair Chin:

At the recommendation of its Clinton Land Use and Zoning Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on BSA Calendar Nos. 244-02-BZ and 245-02-BZ voted at its meeting on November 6, 2002 to recommend approval of these applications (36 in favor, 0 opposed, 0 abstentions and 0 present but not eligible to vote).

These applications request special permits pursuant to Section 73-36 of the Zoning Resolution to allow operation of a “physical culture establishment” at 365-367 West 34<sup>th</sup> Street and 373 West 34<sup>th</sup> Street. The proposed facility will be located on the second floors of two adjacent buildings, with a convenience opening between the buildings. Separate but identical applications have been filed for each building.

In its presentation to the Clinton Land Use and Zoning Committee, the applicant was represented by its counsel, Mr. Frederick Becker, and by one of the principals of the proposed facility, Ms. Lisa Benham. From their descriptions, which are supported by the applications and the accompanying floorplans, the proposed facility is without question a legitimate physical culture establishment: it is intended to be a membership-only personal training facility primarily for one-on-one training of members by experienced personal trainers. Other tenants in the two buildings are exclusively commercial uses and the buildings are surrounded by parking lots.

This Board has reviewed the Statements of Facts and Findings in the applications and agrees that the proposed facility meets the requirements for the requested special permits.

Hon. Chin  
November 8, 2002  
Page 2 of 2

We therefore recommend approval of the applications, provided the Department of Investigation background check report required by Section 73-36(c) of the Zoning Resolution is received and satisfactory.

Sincerely,



Simone Sindin  
Chair  
Manhattan Community Board No. 4

Anna Hayes Levin  
Chair  
Clinton Land Use & Zoning Committee

cc: Mayor Michael Bloomberg  
Manhattan Borough President C. Virginia Fields  
Local Electeds  
Frederick A. Becker, Esq.