



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD No. 4

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J. LEE COMPTON
Chair

ANTHONY M. BORELLI
District Manager

January 5, 2006

Hon. Meenakshi Srinivasan
Chair
Board of Standards and Appeals
40 Rector Street—Ninth Floor
New York, NY 10006

Re: BSA Variance at 128 Eighth Avenue for New York Sports Club

Dear Chair Srinivasan:

Manhattan Community Board No. 4, on a unanimous recommendation by the Board's Chelsea Preservation and Planning Committee following a presentation of this application by a representative of the applicant, held a public hearing on the application immediately preceding the stated Board meeting on January 4, 2006, at which there was 1 speaker, and voted to support the application: 35 in favor, 0 opposed, 0 abstaining, 0 present but ineligible to vote.

The physical culture establishment at 128 Eighth Avenue, now operated by the New York Sports Club, has long been a popular gymnasium in the neighborhood. There are no complaints on record at the Board office. The Board supported the initial application in 1994, later supported the application for a change of operator, and recently supported the application for a renewal with a small expansion of the first-floor space.

It has recently become clear that the permit cannot be properly renewed as an unintended consequence of the Chelsea Rezoning that was supported by this Board and implemented in the Chelsea 197-a Plan. This section of the Eighth Avenue corridor was downzoned to C1-6A to require buildings at the scale and envelope called for in the Plan and to encourage mixed uses on this street, which had ground floors largely occupied by restaurants and local service establishments. There was no intention to restrict the number of uses legal in the area. It turns out, however, that physical culture establishments are not legal in C1 districts.

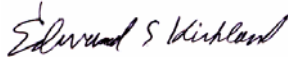
For the New York Sports Club, which in normal circumstances would be a grandfathered use, a variance appears the only recourse to continue in operation. The case for hardship is plausible: some 75% of the club space is located in the cellar, and the remainder is in an awkwardly shaped interior space on the ground floor with only two narrow entrance fronts. This is an exceptional situation, and experience indicates that such spaces are hard for a property owner to rent profitably. Few active businesses could make effective use of most of this space. It is clear that outside circumstances rather than the Sports Club or the building owner have created this hardship. The Board therefore supports this application.

M. Srinivasan
January 5, 2006
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Sincerely,



J. Lee Compton
Chair
Manhattan Community Board No. 4



Edward S. Kirkland
Co-Chair
Chelsea Preservation & Planning Committee



Walter Mankoff
Co-Chair
Chelsea Preservation & Planning Committee

cc: Applicant
Local Elected Officials