



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEAN-DANIEL NOLAND

Chair

ROBERT J. BENFATTO, JR., ESQ.

District Manager

December 3, 2008

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

Re: BSA App. No. 258-08 BZ, Special Permit Application to Allow Physical Culture Establishment at 345 West 42nd Street, Block 1033, Lot 9

Dear Chair Srinivasan:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on BSA Application No. 258-08 BZ, voted at its meeting on December 3, 2008 to recommend approval of this application.

The applicant operates Mid City Gym and Tanning in the cellar at 345 West 42nd Street, a 41-story building that was constructed in 2003. A visit by CB4's District Manager and the Chair of its Clinton/Hell's Kitchen land Use Committee on November 12, 2008 confirmed that the space is equipped as described in the application, and is without question a legitimate physical culture establishment. The gym is fully-equipped and approximately 5 people were observed exercising.

The BSA should note that this gym, which is across the street from the Board office, has in fact been open for several months, despite the implication in the application that the gym has yet to open. The owner said that memberships had been being "pre-marketed since last winter." Attached is a handbill of the sort that our District Manager has observed being handed out on the sidewalk in front of the gym over the last few months.

This Board has reviewed the statement of findings in the application and agrees that the facility meets the requirements for the requested special permit.

The Board wishes to restate its previously-expressed opinion that this elaborate permit process for a Physical Culture Establishment is unnecessarily burdensome in a world where gymnasiums and beauty parlors with extended services are now common in commercial districts. It creates major costs and delays, particularly for small businesses that must invest money they often cannot afford, and wastes the time of applicants,

community board and the BSA alike. A simple process of authorization after a routine investigation would avoid the relatively rare case of abuse and encourage legitimate businesses.

Sincerely,



Jean-Daniel Noland
Chair



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: Kenneth A. Barbina, Esq. for applicant