



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

CHRISTINE BERTHET
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

January 6, 2014

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

Re: BSA No. 302-13 BZ
Special Permit at 140 West 23rd Street

Dear Ms. Srinivasan,

On the recommendation of its Chelsea Land Use Committee, following a site visit by committee members, and after a duly noticed public hearing at the regular Board meeting on January 6, 2014, Manhattan Community Board No. 4 (CB4), by a vote of __ in favor, __ opposed, __ abstaining and __ present but not eligible, voted to recommend the granting of a special permit pursuant to ZR 73-36 to Peloton Fitness, Inc. for a Physical Culture Establishment (PCE) at 140 West 23rd Street, subject to the three conditions listed at the end of this letter.

Peloton Fitness, Inc. (Peloton) is a hybrid business with three components: a spinning studio, including retail space for cycles, a lounge and dressing room facilities; retail sales of stationary spinning cycles they have designed and have made for them in Taiwan; and spinning classes streamed both live and on-demand by internet to subscribers who have purchased Peloton cycles or who use an iOS app with their own bikes. The application to the Board of Standards and Appeals (BSA) for the special permit follows the necessary denial by the Department of Buildings and applies to the spinning studio located on the ground floor of 140 West 23rd Street and to offices in the cellar. The building is residential above the ground floor.

The siting of a PCE in a residential building raises compatibility issues. Following a recent unfortunate experience with another PCE that operated in a manner that disturbed and enraged the residential tenants in the building, CB4 seeks to prevent a recurrence by addressing noise and other issues carefully. The spinning cycles that will be used during classes employ magnetic resistance and will be nearly silent. However, the classes will be accompanied by music. In researching spinning studios, the applicant found that students expect loud, energetic music even though some of them wear ear protection because of the volume. The applicant expects the music volume in the Peloton studio to reach 95 dB.

In order eventually to be able to operate without disturbing neighbors, the applicant and his team have conducted a comprehensive program of outreach, pre-construction analysis and acoustical engineering. The applicant has met with the building's residential tenants and has kept them informed of plans and progress. He arranged for access to each second floor unit - those directly above the Peloton facility - where noise transmission to those units from the raw space below was tested. Then, based on the results of this testing, acoustical engineers designed a site-specific "box-within-a-box" for the studio, isolating it physically and acoustically from the rest of the building. Construction is now underway.

The applicant has committed to extensive acoustical testing once construction is complete and before Peloton begins operations, including testing in the second floor units with music in the studio at full volume; he will share the results with the Board. The applicant believes that the acoustical engineering will prevent noise from the studio from disturbing residents in the building, but he has committed to any necessary preventive steps, including the installation of a governor on the sound system, if there are any sound issues.

The Board notes two errors in the application, which the applicant's attorney has committed to correcting before the BSA hearing:

- The indicated location on Zoning Map 8d sites Peloton on West 24th Street in an M1-6 district rather than on West 23rd Street in a C6-3A district.
- The application indicates that there will be a single non-illuminated sign on Peloton's frontage. The applicant states that there will be a single, non-flashing illuminated sign similar to that on the Equinox club on the east side of Tenth Avenue between West 16th and 17th Streets. The proposed signage as described verbally would be acceptable, but the Board requests a detailed, written description of the proposed design, size and brightness before the BSA hearing.

The Board appreciates the thoroughness of the applicant's efforts to prevent 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 are successful, the facility will meet the required findings in ZR 73-03 and ZR 73-36 and will be an appropriate and attractive addition to the community. We thus recommend the granting of the requested special permit subject to confirmation of acceptable performance of the acoustical isolation of the studio, the correction of the siting on Zoning Map 8d in the application and the receipt of a written description of acceptable signage.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee