



LAW OFFICE OF  
**FREDRICK A. BECKER**

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SUITE 2100  
NEW YORK, NEW YORK 10168-0098

FREDRICK A. BECKER

LYRA J. ALTMAN

(212) 867-3820

FAX (212) 983-5276

January 25, 2012

CERTIFIED MAIL - RETURN  
RECEIPT REQUESTED

Hon. Nicholas D. Viest  
Chairperson  
Community Board No. 8  
505 Park Avenue, Suite 620  
New York, New York 10022

**RECEIVED**

**JAN 31 2012**

**BY COMMUNITY BOARD 8**

Re: Board of Standards and Appeals  
Special Order Calendar Application  
BSA Cal No. 162-99-BZ  
Premises: 353 East 76<sup>th</sup> Street  
New York, New York

Dear Chairperson Viest and Members of the Community Board:

We represent the owner of the above premises and New York Sports Club in a special order calendar application before the Board of Standards and Appeals to allow the continued operation of a physical culture establishment (PCE)/health club at the subject premises. The premises has the address of 353 East 76<sup>th</sup> Street, New York, New York. It is located on the northern side of East 76<sup>th</sup> Street between 2<sup>nd</sup> Avenue and 1<sup>st</sup> Avenue. The site is occupied by a four story mixed use residential and commercial building. The facility occupies the first floor of the building.

The subject facility has existed at this site since 2000 pursuant to a BSA special permit. It was a companion case for an expansion of the facility in the adjoining building at 349 East 76<sup>th</sup> Street. The facility is without question a legitimate physical culture establishment as can be seen by both its layout and by the nature of the services which it offers. The facility continues to be operated by New York Sports Club, a well established entity that already has several other facilities within the area and throughout New York City. It is submitted that the operation of the facility will continue to have no adverse or detrimental impact on the area, and is in keeping with the mixed use residential and commercial character of the neighborhood. As with most health clubs, the

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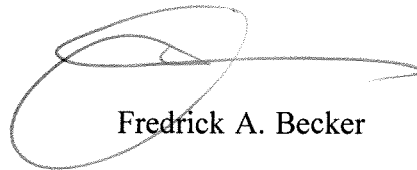
Hon. Nicholas D. Viest  
Chairperson  
Community Board No. 8  
January 25, 2012  
Page 2

majority of the club's clientele are drawn from the immediate vicinity, and under these circumstances, most of these people walk to the premises. The site is also well served by public transportation.

We are enclosing a copy of the application form, the statement of facts and findings, plans for the premises, a copy of the zoning map for the subject area, a tax map of the site, a radius diagram, and photographs of the site.

We are available to discuss the matter further with your Board, and therefore will await notification concerning an upcoming hearing.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that tapers to the right.

Fredrick A. Becker

FAB:dal  
encl.

cc: Board of Standards and Appeals  
Hon. Scott Stringer, MBP  
Hon. Jessica Lappin, Council  
Mr. Ray Gastil, Manhattan Office, DCP  
Mr. Christopher Holme, DCP



**City of New York**  
**Board of Standards and Appeals**  
**40 Rector Street, 9<sup>th</sup> Floor**  
**New York, NY 10006-1705**  
 Phone: (212) 788-8500  
 Fax: (212) 788-8769  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

**SPECIAL ORDER CALENDAR (SOC)**  
*Application Form*

**BSA APPLICATION NO. 162-99-BZ**

**Section A**  
**Applicant/**  
**Owner**

The Law Office of Fredrick A. Becker			353 East 76th Street LLC		
NAME OF APPLICANT			OWNER OF RECORD		
122 East 42nd Street Suite 2100			2295 Gulf of Mexico Drive		
ADDRESS			ADDRESS		
New York	New York	10168	Long Boat Key	Florida	34228
CITY	STATE	ZIP	CITY	STATE	ZIP
(212)	867-3820		TSI East 76 LLC dba New York Sports Club		
AREA CODE	TELEPHONE		LESSEE / CONTRACT VENDEE		
(212)	983-5276		5 Penn Plaza		
AREA CODE	FAX		ADDRESS		
	fbecker@fbeckerlaw.com		New York	New York	10001
EMAIL			CITY	STATE	ZIP

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**Section B**  
**Site Data**

353 East 76th Street 10021  
 STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

Northerly side of East 76th Street between 2nd Avenue and 1st Avenue  
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1451	16	Manhattan	8	None
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
Hon. Jessica Lappin		C2-5 (R8B)		9a
CITY COUNCILMEMBER		ZONING DISTRICT <i>(include special zoning district, if any)</i>		ZONING MAP NUMBER

**Section C**  
**Description**

(LEGALIZATION  YES  NO  IN PART)

Extension of the term of a previously granted special permit allowing the operation of a physical culture establishment (PCE)/health club that occupies the entire subject premises. The original application was filed under Z.R. Section 73-36 to allow a variation of Z.R. Section 32-00.

**Section D**  
**Actions**

**APPLICATION IS HEREBY MADE TO:**

- Waive of the Rules of Practice and Procedure (*Explain in your statement*)
- Extension of Time to:
  - Complete construction  Obtain a Certificate of Occupancy Expiration Date: \_\_\_\_\_
- Amendment to Previous Board Approval
- Extension of Term of the:
  - Variance  Special Permit For a term of 10 years Expiration Date: 6/28/10
- Other (*Explain in your statement*)

Authorizing Section(s) of the Zoning Resolution:

§ 11-411  § 11-412  § 11-413  §§ 72-01 and 72-22  § 73-11  Other \_\_\_\_\_

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LYRA J. ALTMAN

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January 2012

STATEMENT OF FACTS

Calendar No. 162-99-BZ

Premises: 353 East 76<sup>th</sup> Street  
                    New York, New York

This application is filed to request an extension of the term of a previously granted special permit that allowed the operation of a physical culture establishment at the subject premises. The subject premises has the address of 349 East 76<sup>th</sup> Street, New York, New York, and is known as block 1451, lot 16 on the New York City tax map. Located on the site is an existing four (4) story mixed use residential/commercial building. The physical culture establishment occupies the first floor of the building.

The first BSA action affecting the site occurred in June 2000, when a special permit was granted to allow the operation of a physical culture establishment (PCE) at the subject premises. This case was brought in connection with a companion case in the adjacent building located at 349 East 76<sup>th</sup> Street, which was brought under Cal. No. 161-99-BZ. The case was granted with a ten year term which expired in June 2010.

The original and current operator of the facility is the New York Sports Club, and will remain the New York Sports Club (NYSC). NYSC is a well established company that is currently operating

several other physical culture establishments throughout New York City. Since the original grant of the special permit, the subject facility has operated without incident and has been a benefit to the surrounding community. In accordance with the original grant, and pursuant to the terms and provisions of Section 73-36, the subject establishment continues to provide facilities for classes, and instruction and programs for physical improvement, body building, weight reduction and aerobics.

There are no active DOB or ECB violations affecting the subject premises

In sum, New York Sports Club simply wants to maintain its operation at this location in order to continue to serve its members and the surrounding community. Based on the established manner of the operation, the said use will continue to co-exist in a positive manner with the neighborhood.

#### Waiver of the Rules of Procedure

This waiver is requested due to a delay in the timely filing of the application. The delay was primarily due to the change of the project architect and a facade issue with the adjacent building which is the companion case. It is submitted that this delay did not cause any detriment to the area, or affect the nature of this application, and the delay should therefore not be an impediment to the acceptance of this late filing.

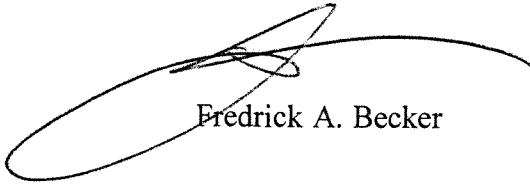
#### Conclusion

For the reasons set forth above, it is respectfully requested that the BSA grant the subject application to permit the extension of the term of the previously granted special permit allowing the

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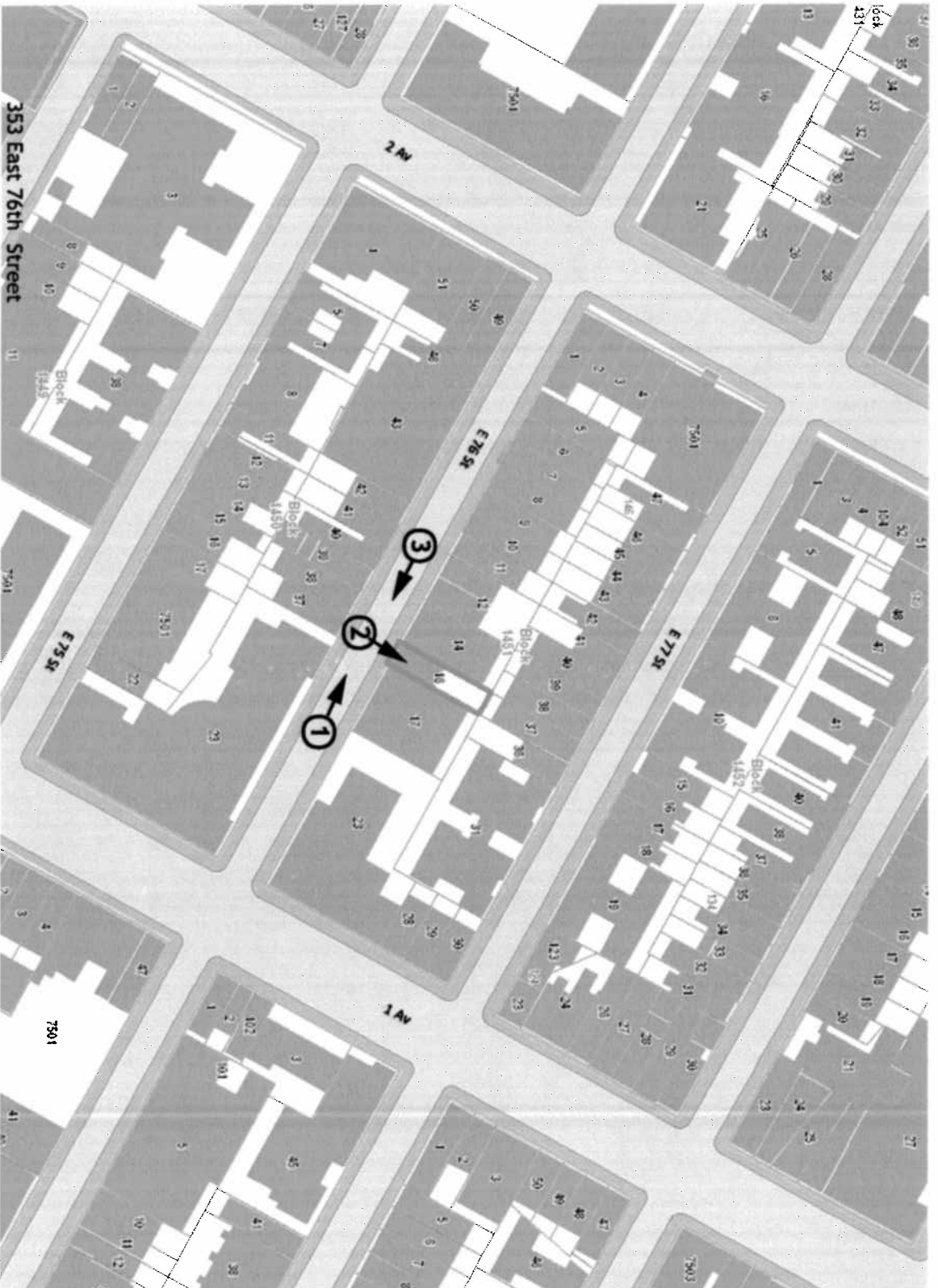
operation of the physical culture establishment at the subject premises and to allow a waiver of the rule of procedure for a late filing. Given the established reputation of the owner/operator and the benefit which this facility has brought to the area, continued operation of the facility will only continue to be a positive asset for the neighborhood.

Respectfully submitted,



Fredrick A. Becker

FAB:dag



BLOCK: 1451

LOT: 16

BOROUGH OF MANHATTAN



CAMERA POSITION

N

PHOTOGRAPH LOCATION POINTS

NOT TO SCALE

Photographed by:

GEORGE CONSTANTINO

24-36 28TH STREET, #3A

LONG ISLAND CITY, NY 11102

Phone: (718) 932-8784

Fax: (718) 932-3685

Date: October 11, 2010



Location: 353 East 76th Street, Manhattan

Block: 1451

Lot: 16

EAST 76TH STREET

SITE

PHOTOGRAPHED BY: GEORGE CONSTANTINOU, 24-35 29th STREET #6A ASTORIA NY 11102 (718) 932-8764

VIEW # 1



N

DATE: October 11, 2010



Location: 353 East 76th Street, Manhattan

Block: 1451

Lot: 16

PHOTOGRAPHED BY: GEORGE CONSTANTINOU 24-35 28th STREET #3A ASTORIA NY 11102 (718) 932-8784

EAST 76TH STREET

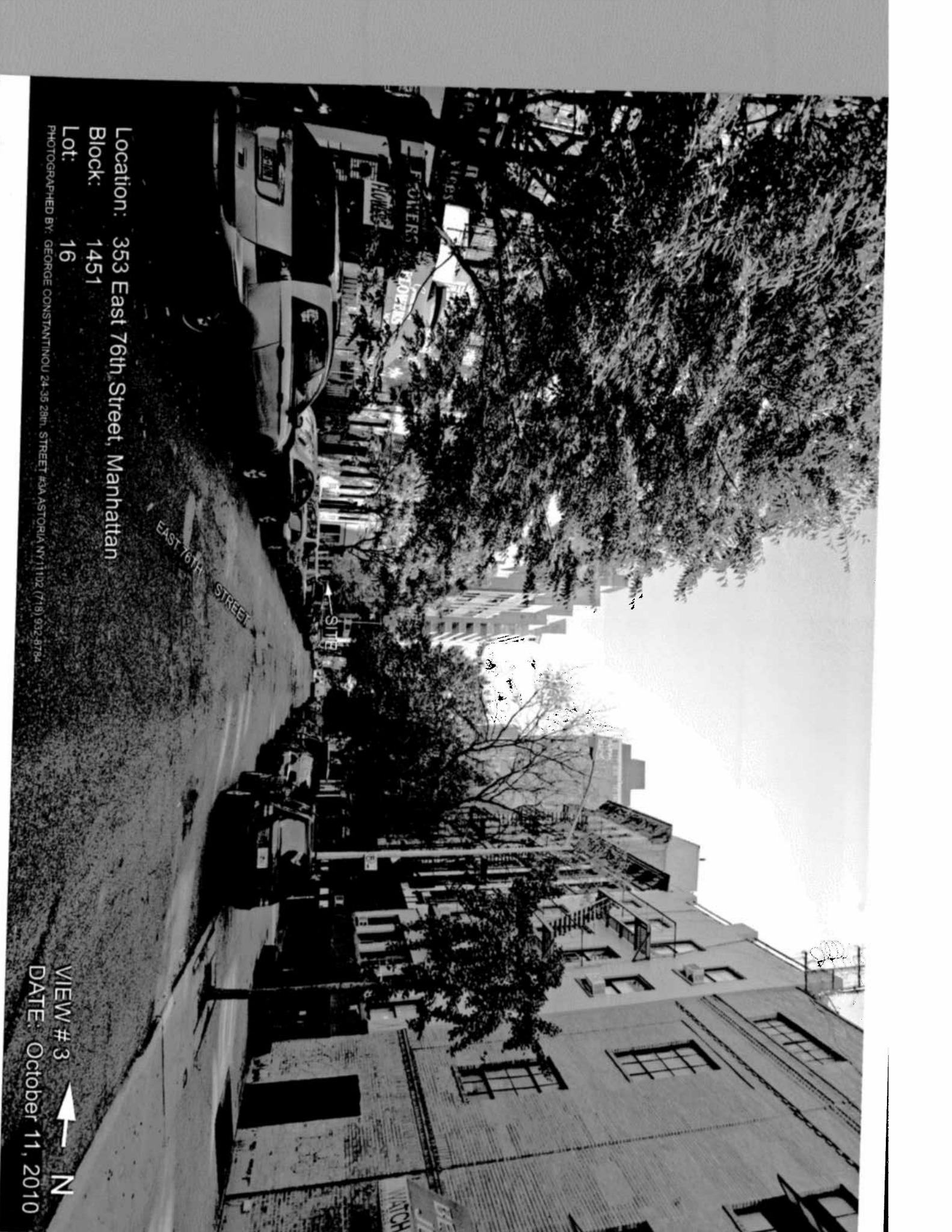
VIEW # 2

DATE: October 11, 2010

N

SITE





Location: 353 East 76th Street, Manhattan

Block: 1451

Lot: 16

PHOTOGRAPHED BY: GEORGE CONSTANTINOU 24-35 28th STREET #3A ASTORIA NY 11102 (718) 932-8784

EAST 16TH STREET

SITE

FOWERS & HORN

MATCH

BEE

VIEW # 3

DATE: October 11, 2010



N