



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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CHRISTINE BERTHET
Chair

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

June 25, 2014

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

Re: BSA No. 264-13 BZ; Special Permit at 257 West 17th Street, Manhattan

Dear Ms. Srinivasan:

On the recommendation of its Chelsea Land Use Committee (CLU), Manhattan Community Board 4 (CB4) voted at its regular Board meeting on June 4, 2014 to defer its recommendation regarding the granting of a special permit pursuant to ZR §73-03 to Brick Crossfit for a Physical Culture Establishment (PCE) at 257 West 17th Street pending the resolution of a lawsuit.

In its letter of December 10, 2013 to the Board of Standards and Appeals, CB4 concluded that because of disturbances to building residences caused by current operations the applicant failed to meet the required finding in ZR §73-03 (a) and recommended denial of the application for a special permit, subject to a number of conditions. During a visit to the facility by board members in May, the applicant reviewed a series of sound mitigation efforts that had been put into place and others that were pending. The applicant said he believed that the great majority of the problems cited by residents had been addressed successfully and that the pending efforts would address the remainder.

At the May 19 CLU meeting, however, after the applicant described their sound mitigation efforts, sound engineers for the applicant and for the residents presented findings and conclusions that differed dramatically from each other, and a number of residents said that they still were subjected to noise and vibration that adversely affected their lives. Lawyers for the two sides told the committee that final filings in the lawsuit brought by the 257 West 17th Street Condominiums in the New York Supreme Court would be made on May 20 and that a decision was expected in 30-90 days.

In light of this conflicting evidence, CB4 has decided to defer its recommendation on the application for a special permit under ZR §73-03 for a Physical Culture Establishment (PCE) at 257 West 17th Street until the court has ruled and the parties have had a chance to implement whatever remedies the court mandates.

Sincerely,



Christine Berthet
Chair



J. Lee Compton
Co-Chair
Chelsea Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee

cc: Christopher Collins, Vice Chair, BSA
Jeff Mulligan, Executive Director, BSA
Council Member Corey Johnson
Applicant
Residents