



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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

**CHRISTINE BERTHET**  
Chair

**Jesse R. Bodine**  
District Manager

December 9, 2015

Hon. Margery Perlmutter, Chair  
Board of Standards and Appeals  
40 Rector Street, 9th Floor  
New York, NY 10006

**Re: BSA Cal. No. 245-15-BZ**  
**350 West 50<sup>th</sup> Street**  
**Physical Culture Establishment (GYM) – Special Permit**

Dear Chair Perlmutter:

Manhattan Community Board 4, having held a duly noticed public hearing on BSA Calendar No. 245-15-BZ , voted at its meeting on December 2, 2015 by a vote of 40 for, 0 against, 7 absent, and 2 present but not eligible, to recommend approval of the application for a special permit for a physical culture establishment (PCE) at 350 West 50<sup>th</sup> Street.

This application was filed on behalf of an affiliate for David Barton Gym, taking over Bally's at Worldwide Plaza, under section 73-36 of the Zoning Resolution of the City of New York. The prior occupant of the space was also a PCE.

In its presentation to the Clinton/Hell's Kitchen Land Use Committee on November 12, 2015 the applicant was represented by its land use counsel. From his descriptions, which are supported by the application and the accompanying floor plans, the proposed facility is without question a legitimate PCE.

This Board has reviewed the Statements of Facts and Findings in the application and agrees that the proposed facility meets the requirements under section 73-03 of the ZR for the requested special permit.

The Board therefore recommends approval of the application since our conditions have been met (See enclosure) and provided the Department of Investigation background check report required by section 73-36(c) of the ZR is received and satisfactory.

Sincerely,

Christine Berthet  
Chair

Jean-Daniel Noland  
Chair, Clinton / Hell's Kitchen Land Use Committee

Enclosure

cc: Hon. Corey Johnson, City Council  
Hon. Gale A. Brewer, Manhattan Borough President  
Eric Palatnik, P.C., applicant's representative

# TMPL

917-521-6666  
355 W. 49<sup>th</sup> St  
www.TMPLGYM.com

November 23, 2015

Jean-Daniel Noland, Chair  
Clinton / Hell Kitchen's Land Use Committee  
Manhattan Community Board 4  
330 West 42nd Street, 26th Floor  
New York, New York 10036

Dear Chair Noland,

Thank you for supporting our application to the Board of Standards and Appeals. We are writing to address concerns that were raised by your Committee at the November 12, 2015 public hearing. The responses are itemized below. Please contact us if you have any additional questions.

• **"Crossfit" style olympic weight training that involves dropping weights**

There are no plans for "crossfit" style or intense training. Additionally, rubber matting is being added in the strength areas to buffer the sound in case of any accidental drops.

• **The CB's Quality of Life Committee;**

The operator will be happy to work with your Board's Quality of Life Committee to address any situation that may arise.

• **"TMPL Gym" concept**

The new TMPL Gym concept focuses on giving each individual member a tailored program to help effectively achieve their individual fitness goals. The focus will not be geared towards night life-like atmosphere.

• **Loud Music**

The music level in the group fitness classes will be moderate. Please note that these uses have been placed on the lowest level of the underground levels to add an additional sound buffer to the individually insulated rooms.

• **Pricing**

Due to the added amenities and the cost to maintain the space with a high level of standards, the pricing will not be comparable to the previous Bally's Gym.

Sincerely,



**ERIC PALATNIK, P.C.**

ATTORNEY AT LAW  
32 BROADWAY, SUITE 114  
NEW YORK, NEW YORK 10004

(212) 425-4343  
FAX (212) 968-7129  
E-MAIL ERIC@ERICPALATNIKPC.COM

November 30, 2015

Jean-Daniel Noland, Chair  
Clinton / Hell Kitchen's Land Use Committee  
Manhattan Community Board 4  
330 West 42nd Street, 26th Floor  
New York, New York 10036

**Re: BSA Cal. No.: 245-15-BZ  
350 West 50th Street  
Block 1040, Lot 7501  
New York, New York**

---

Dear Chair Noland,

The above referenced matter was heard by Community Board Four's Clinton / Hell Kitchen's Land Use Committee on November 12, 2015. This letter seeks to address issues raised at the November 12, 2015 public hearing.

- ***Adjoining Uses of the Proposed Gym***

The proposed gym is adjoined to the west by the entrance to the parking garage. The building's lobby is on the north side of the proposal. There are residential units above the proposed gym. At the cellar level the gym is adjoined by a utility room and the existing parking garage.

- ***Sound Attenuation Measures***

The gym will have a suspended gypsum ceiling which will insulate noise. Additionally, the building's concrete slab floors will prevent sound from traveling. Rubber matting will be provided in strength areas to buffer the sound in case of any accidental drops.

- ***Letter from TMPL Gym***

Please find enclosed a letter from TMPL Gym. The letter addresses the concerns raised by your Committee at the November 12, 2015 public hearing. In particular, TMPL Gym assures that there will be no "Crossfit" style Olympic weight training; that the operator would be happy to work with your Board's Quality of Life Committee and that music will be played at a moderate volume.

**ERIC PALATNIK**

We thank you for your review of the foregoing and for your support of the application. Should you have any additional questions, suggestions or concerns please do not hesitate to contact our office.

Respectfully Submitted,

Eric Palatnik, P.C.