

1016-86-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Opera Owner Incorporated, owner; TSI West 76 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application August 13, 2009 – Extension of Term for a special permit (§73-36) which expired on May 5, 2007 for the operation of a Physical Culture Establishment (*New York Sports Club*); Extension of Time to obtain a Certificate of Occupancy which expired on October 26, 2000; and Waiver of the Rules. C4-6A zoning district.

PREMISES AFFECTED – 2162-2166 Broadway, easterly side of Broadway 26 feet north of West 76th Street, Block 1168, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term of a previously granted special permit for a physical culture establishment (PCE), which expired on May 5, 2007, and an extension of time to obtain a certificate of occupancy, which expired on October 26, 2000; and

WHEREAS, a public hearing was held on this application on October 20, 2009, after due notice by publication in *The City Record*, with a continued hearing on November 17, 2009, and then to decision on December 8, 2009; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the PCE is located on the east side of Broadway, between West 76th Street and West 77th Street, within a C4-6A zoning district; and

WHEREAS, the site is occupied by a 23-story mixed-use commercial/residential building; and

WHEREAS, the PCE use is located in a portion of the cellar with an entrance on the first floor, and occupies a total floor area of 88 sq. ft. with an additional 5,593 sq. ft. of floor space in the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 5, 1987 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on May 5, 1997; and

WHEREAS, on October 26, 1999, the Board

granted an extension of the term for ten years from the expiration of the previous grant, to expire on May 5, 2007, and permitted a 731 sq. ft. enlargement of the PCE; a condition of the grant was that a certificate of occupancy be obtained by October 26, 2000; and

WHEREAS, the applicant now seeks to extend the term of the special permit for ten years; and

WHEREAS, additionally, the applicant requests an extension of time to obtain a new certificate of occupancy; and

WHEREAS, the applicant states that a new certificate of occupancy was not obtained after the most recent extension of term, due in part to the fact that there are open DOB applications within the building, unrelated to the PCE, which preclude the building as a whole from being able to obtain a certificate of occupancy; and

WHEREAS, accordingly, given the outstanding applications in the building, the applicant seeks two years for the resolution of these matters and to obtain a certificate of occupancy; and

WHEREAS, the Board has determined that this request is appropriate but directs the applicant to secure a temporary certificate of occupancy as soon as possible; and

WHEREAS, at hearing, the Board requested that the applicant clarify the hours of operation for the PCE; and

WHEREAS, in response, the applicant states that the PCE’s hours of operation are Monday through Thursday, from 6:00 a.m. to 9:00 p.m., Friday, from 6:00 a.m. to 7:00 p.m., and Saturday and Sunday, from 8:00 a.m. to 3:00 p.m.; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on May 5, 1987, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from May 5, 2007, to expire on May 5, 2017, and to permit an extension of time to obtain a certificate of occupancy to December 8, 2011; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received August 13, 2009”-(2) sheets; and *on further condition*:

THAT the term of this grant shall expire on May 5, 2017;

THAT the above condition shall appear on the certificate of occupancy;

THAT a new certificate of occupancy shall be obtained by December 8, 2011;

THAT all conditions from prior resolutions not

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specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 120122287)

Adopted by the Board of Standards and Appeals, December 8, 2009.

**A true copy of resolution adopted by the Board of Standards and Appeals, December 8, 2009.
Printed in Bulletin Nos. 48-49, Vol. 94.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.