

105-11-BZ

CEQR #12-BSA-005K

APPLICANT – Slater & Beckerman, LLP, for 147 Remsen Street Associates, LLC, owner; Team Wellness Corp., lessee.

SUBJECT – Application July 27, 2011 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Massage Spa Envy*). C5-2A (Special Downtown Brooklyn District) zoning district.

PREMISES AFFECTED – 147 Remsen Street, north side of Remsen Street, between Clinton Street and Court Street, block 250, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Stefanie Marazzi.

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, the decision of the Brooklyn Borough Commissioner, dated July 21, 2011, acting on Department of Buildings Application No. 320320620, reads in pertinent part:

Provide Board of Standards and Appeals (BSA) approval for the proposed physical culture establishment as per ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C5-2A zoning district within the Special Downtown Brooklyn District, the operation of a physical culture establishment (“PCE”) on the first floor of a five-story mixed-use commercial/residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 6, 2011, after due notice by publication in *The City Record* and then to decision on January 10, 2012; and

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

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of Remsen Street, between Clinton Street and Court Street, in a C5-2A zoning district within the Special Downtown Brooklyn District; and

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

WHEREAS, the proposed PCE will occupy 4,355 sq. ft. of floor area, comprising the entire first floor of the building; and

WHEREAS, the PCE will be operated as Massage Envy Spa; and

WHEREAS, the proposed hours of operation for the PCE are: Monday through Friday, from 9:00 a.m. to 10:00 p.m.; Saturdays, from 9:00 a.m. to 7:00 p.m.; and Sundays, from 10:00 a.m. to 6:00 p.m.; and

WHEREAS, the applicant represents that the services at the PCE include facilities for the practice of massage by New York State licensed masseurs and masseuses; and

WHEREAS, the applicant states that the Special Downtown Brooklyn District regulations do not restrict the use of the first floor of the subject building for the proposed PCE use; and

WHEREAS, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 12BSA005K, dated July 12, 2011; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

105-11-BZ

CEQR #12-BSA-005K

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site located in a C5-2A zoning district within the Special Downtown Brooklyn District, the operation of a physical culture establishment on the first floor of a five-story mixed-use commercial/residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 26, 2011 - (1) sheet and "Received November 14, 2011 - (1) sheet and *on further condition*:

THAT the term of this grant shall expire on January 10, 2022;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT all massages shall be performed by New York State licensed massage therapists;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT fire safety measures shall be installed and/or maintained as shown on the Board-approved plans;

THAT substantial construction shall be completed in accordance with ZR §73-70;

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all of the 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.

Adopted by the Board of Standards and Appeals, January 10, 2012.

**A true copy of resolution adopted by the Board of Standards and Appeals, January 10, 2012.
Printed in Bulletin Nos. 1-3, Vol. 97.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.