

149-95-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Brodcom West Development Company, LLC, owner; TSI West End, LLC dba New York Sports Club, lessee. SUBJECT – Application July 28, 2016 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a physical culture establishment (*New York Sports Club*) which expires on July 30, 2016. C4-7 zoning district.

PREMISES AFFECTED – 75 West End Avenue, Block 1171, Lot 63, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....4

Negative:0

THE RESOLUTION –

WHEREAS, this is an application for an extension of the term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on July 30, 2016; and

WHEREAS, a public hearing was held on this application on March 7, 2017 after due notice by publication in *The City Record*, and then to decision on March 7, 2017; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

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

WHEREAS, the subject site is located on the southwest corner of West End Avenue and West 63rd Street, within a C4-7 zoning district, in Manhattan; and

WHEREAS, the site has approximately 413 feet of frontage on West End Avenue, 240 feet of frontage along West 63rd Street, 75,484 square feet of lot area and is occupied by a 38-story mixed residential-and-commercial buildings; and

WHEREAS, the zoning lot is part of a general large-scale development that expressly contemplated the inclusion of a PCE, and the PCE is located within the northern building with frontage on West 63rd Street (the “subject building”); and

WHEREAS, the Board has exercised jurisdiction over the site since July 30, 1996, when, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit the existing PCE in the basement and a portion of the first floor of the subject building for a term of ten (10) years, expiring July 30, 2006; and

WHEREAS, on July 10, 2007, under the subject calendar number, the Board granted a waiver of its Rules of Practice and Procedure, reopened and extended the term of the special permit for ten (10) years, expiring July 30, 2016; and

WHEREAS, on February 10, 2014, the Board issued a letter of no objection the change in ownership of the facility from Crunch to New York Sports Club; and

WHEREAS, the previous term of the special permit having expired, the applicant now seeks an extension of term for an additional ten (10) years; and

WHEREAS, the facility remains in operation as New York Sports Club with the following hours of operation: Monday through Thursday, 5:30 a.m. to 11:00 p.m., Friday, 5:30 a.m. to 9:00 p.m., and Saturday and Sunday, 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant notes that the PCE continues to occupy 15,765 square feet of total floor area in the building, 1,749 square feet of floor area in the basement and 14,016 square feet of floor area on the first floor, as previously approved by the Board; and

WHEREAS, the Board notes that its determination is subject to and guided by ZR § 73-03; and

WHEREAS, consistent with ZR § 73-03(a), the Board finds that, under the conditions and safeguards imposed, the hazards of disadvantage to the community at large of the special permit are outweighed by the advantages to be derived by the community; and

WHEREAS, as to ZR § 73-03 subsections (b) and (c), the Board finds, respectively, that the subject special permit will not interfere with any public improvement project and that the use will not interfere with the existing street system; and

WHEREAS, the Board notes that ZR § 73-03 subsections (d) and (g) are inapplicable to the subject application; and

WHEREAS, § 73-36 mandates a term not to exceed ten (10) years and, thus, pursuant to ZR § 73-03(e), the Board shall establish a term not to extend ten (10) years; and

WHEREAS, consistent with ZR § 73-03(f), the Board finds that the circumstances warranting the original grant still obtain and that the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term; and

WHEREAS, based upon its review of the record, the Board finds that a ten (10) year extension is appropriate with certain conditions as set forth below.

Therefore, it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated July 30, 1996, as amended through July 10, 2007, so that as amended this portion of the resolution shall read: “to permit an extension of the term of the special permit for a term of ten (10) years, expiring July 30, 2026, *on condition* that the site shall substantially conform to drawings as filed with this application, marked “Received July 28, 2016”- Five (5) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from July 30, 2016, expiring July 30, 2026;

THAT there shall be no change in ownership or

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operating control of the physical culture establishment without prior application to and approval from the Board;

THAT the rooftop air conditioning unit shall comply with the New York City Noise Control Code and shall be in compliance with Board-approved plans;

THAT Local Law 58/87 compliance shall be as reviewed and approved by the Department of Buildings;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

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

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

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 other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals,
March 7, 2017.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 7, 2017
Printed in Bulletin No. 11, Vol. 102.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

