

163-00-BZ

CEQR #00-BSA-158M

APPLICANT - Friedman & Gotbaum LLP, by Shelly S. Friedman, Esq., for Silk & Halpern Realty, owner; Georgette Klinger, Inc., lessee.

SUBJECT - Application June 16, 2000 - under Z.R. §§73-03 and 73-36, to permit the legalization of an existing physical culture establishment, located on the portions of the first second and third floors of a thirty story commercial building, in a C5-3 zoning district, and also within the Special Midtown District

PREMISES AFFECTED - 501 Madison Avenue, northeast corner of East 52nd Street, Block 1288, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lori Cuisiner.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated May 26, 2000, acting on Alt. application number 102655976 reads;

"Proposed physical cultural establishment requires special permit of the Board of Standards and Appeals as per Z.R. 32-31 and Z.R. 73-36."; and

WHEREAS, a public hearing was held on this application on October 31, 2000 after due notice by publication in The City Record, laid over to December 5, 2000, and then to December 19, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, Community Board 5, Manhattan, has recommended approval of this application; and

WHEREAS, this is an application for a special permit under Z.R. §§ 73-01 and 73-36, to permit the legalization of an existing physical culture establishment, located on portions of the first second and third floors of a thirty story commercial building, in a C5-3 zoning district, and also within the Special Midtown District; and

WHEREAS, the subject physical culture establishment contains 12,387 square feet, occupying approximately 729 square feet on the first floor, 5,591 square feet on the second floor and 6,067 square feet on the third floor; and

WHEREAS, the subject physical culture establishment is a traditional spa facility; and

WHEREAS, the subject 30-story building is completely within a C5-3 zoning district and also within the Special Midtown District; and

WHEREAS, the building is occupied by a ground floor retail use with office uses above; and

WHEREAS, the subject physical culture establishment offers massage therapy by New York State licensed masseuses with space for sauna and a steam room; and

WHEREAS, the first floor contains the reception area and the sales area for skin, hair and make-up products; and

WHEREAS, the second floor houses 26 treatment rooms, 4 make-up rooms, 4 sales consulting rooms, three staff offices, bathroom facilities, a coat room and a staff kitchen with separate locker rooms for men and women; and

WHEREAS, the third floor will house 22 treatment rooms, seven massage rooms, a waxing room, a hair salon, bathroom facilities, two offices, and a reception area; and

WHEREAS, the subject site is located in a mixed-use area of Manhattan, characterized by hi-rise buildings containing commercial and office uses; and

WHEREAS, the physical culture establishment is completely enclosed within an existing building; and

WHEREAS, the hours of operation for the physical culture establishment shall be limited to Monday through Thursday 9:00 a.m. to 8:00 p.m.; Friday 8:30 a.m. to 6:00 p.m. Saturday 8:30 to 5:30 p.m. and Sunday 10:00 a.m. to 6:00 p.m. ; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

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

WHEREAS, the Board finds that the proposal complies with the Special Midtown District, Z.R. § 81-00; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 and grants a special permit, to permit the legalization of an existing physical culture establishment, located on the portions of the first second and third floors of a thirty story commercial building, in a C5-3 zoning district, and also within the Special Midtown District, condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received September 14, 2000"-(5) sheets, "October 19, 2000"-(2) sheets and "November 27, 2000"-(1) sheet; and on further condition;

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 the hours of operation for the physical culture establishment shall be limited to Monday through Thursday 9:00 a.m. to 8:00 p.m.; Friday 8:30 a.m. to 6:00 p.m. Saturday 8:30 to 5:30 p.m. and Sunday 10:00 a.m. to 6:00 p.m.;

THAT all individuals practicing massage at the premises shall possess valid New York State licenses for such practice which licenses shall be prominently displayed at the premises;

THAT, the existing automatic sprinkler system throughout the first, second and third floor spaces is connected to a Fire Department approved Central Station;

THAT there will be a fire alarm system throughout the space on the first, second and the third floors that will be connected to a Fire Department approved Central Station;

THAT there will be a smoke detection system throughout the space on the second and third floors that will be connected to a Fire Department approved Central Station;

THAT this special permit shall be limited to a term of ten years, from the date of this grant expiring December 19, 2010;

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

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy shall be obtained within one (1) year of this grant.

Adopted by the Board of Standards and Appeals, December 19, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, December 19, 2000.
Printed in Bulletin Nos. 51-52, Vol. 85.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

