

172-99-BZ

00-BSA-021M

APPLICANT - Fredrick A. Becker, Esq., for Samson Associates LLC, owner.

SUBJECT - Application August 4, 1999 - under Z.R. §73-36, to permit within both a C6-2M and a C6-2 zoning district, the proposed physical culture establishment, located in the second floor of a five story commercial building.

PREMISES AFFECTED - 34-42 West 14th Street, south side of West 14th Street between Fifth Avenue & Sixth Avenue, Block 577, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether.

For Administration: 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 August 3, 1999, acting on Alt. application number 102101011 reads;

"Proposed layout on the 1st and 2nd floor is for Physical Culture Establishment. Approval from BSA is required as per Z.R. 32-31. "; and

WHEREAS, a public hearing was held on this application on November 16, 1999 after due notice by publication in the Bulletin, and laid over to December 14, 1999, January 11, 2000, January 18, 2000 and then to February 1, 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, a special permit is sought under Z.R. §73-36 to permit, within both a C6-2M and a C6-2 zoning district, the proposed physical culture establishment, located in the second floor of a five story commercial building; and

WHEREAS, the subject premises will be accessible from both 13th and 14th Streets with the remainder of the building occupied by as-of-right uses which are not part of this application; and

WHEREAS, the proposed physical culture establishment will contain facilities for weight training; cardiovascular training, aerobics and martial arts; and

WHEREAS, the subject site is located in a mixed-use area of Manhattan; and

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

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

WHEREAS, the Board notes that the C6 district is a high bulk centralized district which permits a multitude of more intense uses than the proposed establishment; and

WHEREAS, in response to Board and community concerns, the applicant represents that an illuminated sign along 13th Street will be turned off; and

WHEREAS, the operator will provide noise attenuation and separation to prevent noise and vibration; and

WHEREAS, therefore the Board find that the applicant's proposal as modified, will not alter the essential character of the surrounding neighborhood nor impair its future development; 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 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, within both a C6-2M and a C6-2 zoning district, the proposed physical culture establishment, located in the second floor of a five story commercial building on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received August 4, 1999"- (5) sheets and "January 18, 2000"- (2) sheets; 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 second floor exterior signage on the 13th Street frontage remain non-illuminated, as per the Board approved plans; and

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, fire protection measures, including an automatic wet sprinkler system connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years, to expire on August 3, 2009;

172-99-BZ  
00-BSA-021M

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 certificate of occupancy shall be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals,  
February 1, 2000.

A true copy of resolution adopted by the Board of Standards and Appeals, February 1, 2000.  
Printed in Bulletin Nos. 5-6, Vol. 85.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

