

**172-99-BZ**

**APPLICANT** – The Law Office of Fredrick A. Becker, for Samson Associates LLC, owner; TSI West 14 LLC d/b/a New York Sports Club, lessee.

**SUBJECT** – Application November 10, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Sports Club*) which expired on August 13, 2009; Waiver of the Rules. C6-2M/C6-2 zoning district.

**PREMISES AFFECTED** – 34-42 West 14<sup>th</sup> Street, south side of West 14<sup>th</sup> Street, between Fifth Avenue and Sixth Avenue, Block 577, Lot 19, Borough of Manhattan.

**COMMUNITY BOARD #2M**

**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 Montanez.....5

Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on August 3, 2009; and

WHEREAS, a public hearing was held on this application on February 15, 2011, after due notice by publication in *The City Record*, and then to decision on March 15, 2011; and

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

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

WHEREAS, the PCE is located on the south side of West 14<sup>th</sup> Street, between Fifth Avenue and Sixth Avenue, partially within a C6-2 zoning district and partially within a C6-2M zoning district; and

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

WHEREAS, the PCE occupies a total of 26,240 sq. ft. of floor area on the first and second floor of the subject building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 1, 2000 when, under the subject calendar number, the Board granted a special permit to legalize the use of a PCE in the subject building

**A true copy of resolution adopted by the Board of Standards and Appeals, March 15, 2011.**

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**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

for a term of ten years, to expire on August 3, 2009; and

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

WHEREAS, based upon its review of the record, the Board finds the requested extension of term 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 February 1, 2000, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from August 3, 2009, to expire on August 3, 2019, *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT the term of this grant shall expire on August 3, 2019;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions not 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. 102101011)

Adopted by the Board of Standards and Appeals, March 15, 2011.