

173-92-BZ

APPLICANT – Simons & Wright LLC, for Bremen House, Inc., owner.

SUBJECT – Application January 17, 2014 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of martial arts studio which expires on January 24, 2014; Amendment to permit the relocation of the facility from the 2nd floor to the cellar.

C2-8A zoning district.

PREMISES AFFECTED – 220 East 86th Street, 86th Street between 2nd and 3rd Avenues, Block 01531, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application to amend a previously granted special permit for a physical culture establishment (PCE) and an extension of the term of the special permit, which expired on January 25, 2014; and

WHEREAS, a public hearing was held on this application on June 2, 2015, after due notice by publication in *The City Record*, with continued hearings on July 14, 2015, September 22, 2015, November 24, 2015, January 22, 2016, March 8, 2016, May 24, 2016, and August 2, 2016, and then to decision on September 20, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is a partial through-block lot with frontage on the south side of East 86th Street and the north side of East 85th Street, between Third Avenue and Second Avenue, partially within a C2-8A zoning district and partially within an R6B zoning district, in Manhattan; and

WHEREAS, the site has approximately 41 feet of frontage along East 86th Street, 51 feet of frontage along East 85th Street, 9,450 sq. ft. of lot area and is occupied by two connected mixed-use building, one fully located within a C2-8A zoning district and the other located wholly within an R6B zoning district; and

WHEREAS, the subject PCE currently occupies 3,029 sq. ft. of floor area on the second floor of the building fully located within a C2-8A zoning district (the “Subject Building”); and

WHEREAS, the PCE is operated as Modern Martial Arts; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 12, 1977 when, under

BSA Cal. No. 88-77-BZ, the Board granted a variance pursuant to ZR § 72-21 permitting a first floor enlargement to the building located on the portion of the lot within a commercial zoning district fronting East 86th Street that encroached on the required rear yard and allowing commercial occupancy above the first floor of the building; and

WHEREAS, also on July 12, 1977, under BSA Cal. Nos. 89-77-BZ and 90-77-BZ, the Board granted a variance, also pursuant to ZR § 72-21, permitting the expansion of a commercial occupancy from the building fronting East 86th Street into portions of the building located on the portion of the site in a residential zoning district with frontage on East 85th Street; and

WHEREAS, on December 8, 1992, under BSA Cal. No. 88-77-BZ, the Board amended the variance granted under the same calendar number, and superseding the resolutions granted under BSA Cal. Nos. 89-77-BZ and 90-77-BZ, to create a single zoning lot and legalize interior modifications to the previously approved plans; and

WHEREAS, on January 25, 1994, under the subject calendar number, the Board granted the subject special permit, pursuant to ZR § 73-36, legalizing a PCE for martial arts on the second floor of the building located in the Subject Building for a term of ten (10) years, expiring January 25, 2004; and

WHEREAS, on August 10, 2004, under the subject calendar number, the Board granted a ten (10) year extension of term for the special permit, expiring January 25, 2014, on condition that, *inter alia*, the hours of operation of the facility be limited to Monday through Friday 10:00 a.m. to 9:00 p.m. and Saturday and Sunday 9:00 a.m. to 5:00 p.m.; and

WHEREAS, the term of the special permit having expired, the applicant seeks a further extension of the term as well as an amendment to permit the relocation of the martial arts studio from the second floor of the Subject Building to a portion of that building’s cellar and extend the PCE’s hours of operation on weekdays to 9:30 p.m. in order to better accommodate the class schedules; and

WHEREAS, the applicant represents that the cellar location is preferable because it provides the PCE with a separate street entrance, separates the PCE use from residential uses on the second floor of the Subject Building and enables a restaurant on the first floor to act as a buffer between the two uses; and

WHEREAS, the applicant does not propose an increase in the amount of floor area or floor space occupied by the relocated PCE; and

WHEREAS, the applicant has submitted plans to the Board indicating that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exit, local audible and visual alarms, and connection to an FDNY-approved central

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station—shall be installed in the entire PCE space; and
WHEREAS, the applicant subsequently represented that the proposed fire alarm system had been installed and tested and was scheduled for inspection by the Fire Department; and

WHEREAS, at hearing, the Fire Department confirmed that a fire alarm inspection was, indeed, scheduled for the subject premises and that, accordingly, it had no objection to the Board's approval of the subject application; and

WHEREAS, the Board finds that a ten (10) year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated January 25, 1994, as amended through August 10, 2004, 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 January 25, 2024, *on condition* that the site shall substantially conform to drawings as filed with this application, marked 'Received November 4, 2015'-Five (5) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years from January 25, 2014, expiring January 25, 2024;

THAT the hours of operation shall be limited to Monday through Friday 10:00 a.m. to 9:30 p.m. and Saturday and Sunday 9:00 a.m. to 5:00 p.m.;

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 DOB/other jurisdiction objection(s) only; 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, September 20, 2016.

**A true copy of resolution adopted by the Board of Standards and Appeals, September 20, 2016
Printed in Bulletin No. 38, Vol. 101.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

