

183-95-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for Haymes Broadway, LLC, owner; Equinox 92nd Street, Inc., lessee.

SUBJECT – Application February 21, 2006 – Pursuant to Z.R. §73-11 to reopen and amend the resolution for the Extension of Term of a Physical Culture Establishment (Equinox) in the cellar of a commercial building. This is a companion case to 182-95-BZ. The special permit expired on October 1, 2005.

PREMISES AFFECTED – 2473/5 Broadway, southwest corner of Broadway, and West 92nd Street, Block 1239, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of a previously granted special permit for a physical culture establishment (PCE), which expired on November 1, 2005; and

WHEREAS, a public hearing was held on this application on July 18, 2006, after due notice by publication in *The City Record*, with continued hearings on August 15, 2006 and September 12, 2006, and then to decision on September 26, 2006; and

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

WHEREAS, the subject premises is located at the southwest corner of Broadway and 92nd Street; and

WHEREAS, the site is occupied by a two-story with cellar commercial building, located within a split C4-6A/R8 zoning district; and

WHEREAS, the portion of the building occupied by the PCE is within the C4-6A zoning district; and

WHEREAS, on March 18, 1997, under the subject calendar number, the Board granted a special permit pursuant to Z.R. § 73-36, to permit the legalization of a PCE within the cellar of a two-story building; and

WHEREAS, the grant expired on November 1, 2005; and

WHEREAS, as approved, the PCE occupies 3,469 sq. ft. in the cellar of the subject building and 14,259 sq. ft. of zoning floor area on the first floor, first floor mezzanine, and second floor and 9,921 sq. ft. in the cellar of the adjoining building at 2465 Broadway; and

WHEREAS, the PCE at 2465 Broadway was approved under BSA Cal. No. 182-95-BZ; an application for an extension of term of this grant was brought concurrently with this application; and

WHEREAS, the PCE is operated as an Equinox Fitness; and

WHEREAS, the applicant states that since the time of the original grant the ownership of Equinox Fitness has changed; and

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

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

WHEREAS, at hearing, the Board expressed concern about fire safety and egress; and

WHEREAS, specifically, the Board was concerned about the elevator's location within the staircase enclosure of the adjoining building; and

WHEREAS, the applicant responded that no changes to the plans have been made since the PCE obtained its certificate of occupancy; and

WHEREAS, the Board noted that the stairs and elevator shall be as approved by DOB; and

WHEREAS, accordingly, the Board finds that the proposed ten-year extension of term is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated March 18, 1997, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, *on condition* that all work and site conditions shall comply with drawings marked "Received September 6, 2006"–(5) sheets; and *on further condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall be limited to a term of ten years from November 1, 2005, expiring November 1, 2015;

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

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

THAT DOB shall review and verify the BSA-approved plans, including the location of stairs and elevators, prior to issuing a new certificate of occupancy;

THAT DOB shall review the BSA-approved plans for Local Law 58/87 and applicable egress requirement compliance;

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

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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.”

(DOB Application No. 100795917)

Adopted by the Board of Standards and Appeals,
September 26, 2006.

**A true copy of resolution adopted by the Board of Standards and Appeals, September 26, 2006.
Printed in Bulletin Nos. 38, Vol. 91.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.