

198-02-BZ

CEQR #02-BSA-230M

APPLICANT - Joseph P. Morsellino, Esq., for SK 55 Wall LLC, owner; The Regent Wall Street, lessee.

SUBJECT - Application June 20, 2002 - under Z.R. §73-36, to permit in a C5-5 zoning district, within the Lower Manhattan Special District, to permit use of an existing physical culture facility that was formerly accessory to a hotel, located on the fourth floor of the subject premises.

PREMISES AFFECTED - 55 Wall Street, south side, between Hanover and William Streets, Block 27, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 4, 2002 acting on Application No. 103161739 reads:

" Proposed physical culture establishment requires special permit of the Board of Standards and Appeals as per ZR 32-31 and ZR 73-36."

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record and laid over to October 8, 2002, for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit in a C5-5 zoning district, within the Lower Manhattan Special District, to permit use of an existing physical culture facility that was formerly accessory to a hotel, located on the fourth floor of the subject premises; and

WHEREAS, the record indicates that approximately ten to twenty hotel guest per day use the fitness subject center with one to two using the spa:

and

WHEREAS, the subject hotel will continue to operate the physical culture establishment for its guests but also wishes to attract additional clients from the surrounding commercial uses; and

WHEREAS, the applicant represents that the proposed application will not intensify the current use as the square footage will remain at 2,961 square feet, the hours of operation for the fitness center will remain at 5:30 a.m. to 10: p.m., with the hours for the spa limited to 9:00 a.m. to 6:00 p.m., Monday to Friday and 10:00 a.m. to 7:00 p.m. Saturday and Sunday; and

WHEREAS, the applicant notes that while the subject site is located within the Special Lower Manhattan district, its regulations are not applicable to the instant application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will continue to be performed by independent licensed massage therapists; and

WHEREAS, the subject building contains sprinklers throughout and is a Class "E" fire Alarm system, fire extinguishers, and "EXIT" signs pursuant to code; 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 has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36, and 73-03; 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 73-03 to permit in a C5-5 zoning district, within the Lower Manhattan Special District, to permit use of an existing physical culture facility that was formerly accessory to a hotel,

located on the fourth floor of the subject premises, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 8, 2002"-(3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten years from the date of this grant to expire on October 8, 2012;

THAT all massages will all be performed by New York State licensed massage therapists;

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, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation for the fitness center will remain at 5:30 a.m. to 10: p.m., with the hours for the spa limited to 9:00 a.m. to 6:00 p.m., Monday to Friday and 10:00 a.m. to 7:00 p.m. Saturday and Sunday;

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;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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, October 8, 2002.