

**198-08-BZ**

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 270 Park Avenue South LLC, owner; NYHRC, lessee. SUBJECT – Application March 17, 2016 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of physical culture establishment (*New York Health and Racquet Club*) which expired on February 10, 2019; Amendment to permit the expansion of the use at the cellar and first floor; Waiver of the Rules. C6-4A zoning district. PREMISES AFFECTED – 270 Park Avenue South, Block 850, Lot 39, Borough of Manhattan.

**COMMUNITY BOARD #5M**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Perlmutter, Vice-Chair Chanda, Commissioner Ottley-Brown and Commissioner Sheta.....4  
Negative: .....0

**THE RESOLUTION** –

WHEREAS, this is an application for a waiver of the Board’s Rules of Practice and Procedure and an extension of term of a previously granted special permit for a physical culture establishment (“PCE”), which will expire on February 10, 2019, and an amendment to the special permit to permit the expansion of the PCE to the cellar and first floor; and

WHEREAS, a public hearing was held on this application on November 14, 2017, after due notice by publication in *The City Record*, and then to decision on the same date; and

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

WHEREAS, Community Board 5, Manhattan, waived their recommendation on the subject application; and

WHEREAS, the Board was in receipt of three letters from residential tenants of the third floor of the subject building stating that such tenants had never experienced any disturbing noise or vibrations created by the applicant; and

WHEREAS, the subject site is located on the northwest corner of Park Avenue and East 21st Street, within a C6-4A zoning district, in Manhattan; and

WHEREAS, the site has approximately 99 feet of frontage along Park Avenue, 75 feet of frontage along East 21st Street, 7,406 square feet of lot area and is occupied by a 12-story plus penthouse mixed-use commercial and residential building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 10, 2009, when, under the subject calendar number, the Board permitted the establishment of a PCE on the sub-cellar, cellar, first floor, second floor and second floor mezzanine levels of the subject building for a term of ten (10) years, expiring February 10, 2019, on condition that

there be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board; all massages be performed by New York State licensed massage therapists; all signage comply with C6-4A zoning regulation; the Department of Buildings (“DOB”) review the second floor mezzanine for compliance with ZR § 54-41; all second floor and second floor mezzanine windows be non-operable, one-inch thick and double-glazed in accordance with the BSA-approved plans; one-inch thick rubber flooring be installed throughout the exercise rooms of the second floor and second floor mezzanine of the PCE; a distributed speaker system be used with moderated volume unit; and fire safety measures be installed and/or maintained as shown on the Board-approved plans; and

WHEREAS, the PCE was approved to operate as and by the New York Health and Racquet Club and to occupy a total of 14,991 gross square feet in the subject building, with 7,685 square feet of floor space in the sub-cellar and cellar, 380 square feet of floor area on the first floor, 6,126 square feet of floor area on the second floor and 800 square feet of floor area on the second floor mezzanine; and

WHEREAS, the applicant proposes to amend the special permit to permit the enlargement of the PCE at the cellar and first floor levels by an additional 1,264 square feet of floor space in the cellar and 689 square feet of floor area on the first floor for the provision of additional office space, a revised reception desk and a seating lounge for patrons; accordingly, the PCE would occupy a total of 16,944 gross square feet in the subject building; and

WHEREAS, additionally, the applicant seeks to extend the term of the special permit grant and, accordingly, requests a waiver, pursuant to § 1-14.2 of the Board’s Rules of Practice and Procedure, of Rule § 1-07.3(b)(2) to permit the filing of the application more than one (1) year before the expiration of the term; and

WHEREAS, the applicant submits that no operational changes to the PCE are herein proposed, to wit, the PCE continues to be operated as New York Health and Racquet Club and operates seven days a week from 6:00 a.m. to 11:00 p.m.; and

WHEREAS, the Board finds that a ten (10) year extension and amendment to reflect a change in weekend hours, as requested, are appropriate, with the conditions set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated February 10, 2009, 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 February 10, 2029, *on condition* that the site shall substantially conform to drawings as

**198-08-BZ**

filed with this application, marked ‘Received February 19, 2017’- Seven (7) sheets and ‘July 25, 2017’- Two (2) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten (10) years, expiring February 10, 2029;

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

THAT all signage shall comply with C6-4A zoning regulation;

THAT the Department of Buildings shall review the second floor mezzanine for compliance with ZR § 54-41;

THAT all second floor and second floor mezzanine windows shall be non-operable, one-inch thick and double-glazed in accordance with the BSA-approved plans;

THAT one-inch thick rubber flooring shall be installed and/or maintained throughout the exercise rooms of the second floor and second floor mezzanine of the PCE;

THAT a distributed speaker system be used with moderated volume unit; and fire safety measures be installed and/or maintained as shown on the Board-approved plans;

THAT the sprinklers and approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms and connection to an FDNY-approved central station—shall be maintained as shown on the Board-approved plans;

THAT Local Law 58/87 compliance shall be as reviewed and approved by DOB;

THAT minimum 3 foot wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

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 substantial construction shall be completed in accordance with ZR § 73-70;

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; 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, November 14, 2017.

**A true copy of resolution adopted by the Board of Standards and Appeals, November 14, 2017.**

**Printed in Bulletin Nos. 46-47, Vol. 102.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

