

20-12-BZ

APPLICANT – Herrick Feinstein LLP.by Arthur Huh, for LNA Realty Holdings LLC, owner; Brookfit Ventures LLC, lessee.

SUBJECT – Application October 21, 2013 – Amendment to a previously granted Special Permit (§73-36) for the legalization of a physical culture establishment (*Retro Fitness*) to obtain additional time to obtain a public assembly license. M1-2/R6B Special MX-8 zoning district.

PREMISES AFFECTED – 203 Berry Street, northeast corner of N. 3rd Street and Berry Street, Block 2351, Lot 1087, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a special permit for the operation of a physical culture establishment (“PCE”); and

WHEREAS, a public hearing was held on this application on November 26, 2013, after due notice by publication in *The City Record*, and then to decision on January 14, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Montanez and Commissioner Hinkson; and

WHEREAS, the subject site is located on the northeast corner of the intersection of Berry Street and North Third Street, within an M1-2/R6B (MX-8) zoning district; and

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

WHEREAS, the Board has exercised jurisdiction over the subject site since July 10, 2012 when, under the subject calendar number, the Board granted a special permit to legalize the operation of the PCE on the first floor and sub-cellar of the building; a condition of the grant was that a Public Assembly Permit (“PA”) be obtained by January 10, 2013; and

WHEREAS, the applicant states that it has not yet obtained the PA due to a series of administrative delays at the Department of Buildings (“DOB”); in addition, the applicant represents that DOB policy requires that

the special permit grant reference DOB Application No. 302334597 (a New Building application filed at the site) instead of Application No. 320411256 (an Alteration Type-1 application), which was noted in the prior grant; and

WHEREAS, as such, the applicant now seeks an amendment permitting: (1) additional time to obtain the PA; and (2) a change to the DOB application noted on the grant to Application No. 302334597; and

WHEREAS, based upon its review of the record, the Board finds that the amendment is appropriate with certain conditions as set forth below.

Therefore it is Resolved, reopens and amends the resolution, dated July 10, 2012, so that as amended the resolution reads: “the applicant will obtain a Public Assembly permit from the Department of Buildings by January 10, 2015”; *on condition* that all work and site conditions will comply with the previously-approved drawings; and *on further condition*:

THAT the applicant will obtain a Public Assembly permit from DOB by January 10, 2015;

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

THAT DOB must ensure compliance with all of the 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. 302334597)

Adopted by the Board of Standards and Appeals, January 14, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, January 14, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

