

209-02-BZ

CEQR #03-BSA-009X

APPLICANT - Samuel Beltron, for Julia Torres, owner.

SUBJECT - Application July 7, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES –

For Applicant: Samuel Beltron.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4
Negative:0

THE RESOLUTION –

WHEREAS, the decision of the Borough Commissioner, dated July 9, 2002 acting on Application No. 200370641 reads:

“IN A C4-4 ZONING DISTRICT, CREATION OF A PHYSICAL CULTURE ESTABLISHMENT (GYMNASIUM) REQUIRES A SPECIAL PERMIT BY THE B.S.A. 32-31 ZR.”: and

WHEREAS, a public hearing was held on this application on March 4, 2003 after due notice by publication in The City Record and laid over to March 25, 2003 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, Commissioner Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit, within a C4-4 zoning district, the legalization of an existing physical culture establishment, located on the fourth floor of an existing four-story building; and

WHEREAS, the applicant represents that the subject PCE commenced operation on October 15, 2001; and

WHEREAS, the record indicates that the remainder of the subject building is occupied by commercial uses; 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 Board finds that the proposed

use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; 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. §§73-03 and 73-36; 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 to permit, within a C4-4 zoning district, the legalization of an existing physical culture establishment, located on the fourth floor of an existing four-story building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received September 17, 2002”-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the October 15, 2001 to expire on October 15, 2011:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the

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Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

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, March 25, 2003.

A true copy of resolution adopted by the Board of Standards and Appeals, March 25, 2003.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.