

222-15-BZ

CEQR #16-BSA-031Q

APPLICANT – Akerman, LLP, for 8601 Roosevelt, LLC, owner; 8601 Roosevelt Ave. Fitness Group, LLC, lessee.

SUBJECT – Application September 16, 2015 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on a portion of the existing building's ground and cellar floors. C2-3/R6 zoning district.

PREMISES AFFECTED – 86-09 Roosevelt Avenue, Block 1474, Lot 037, Borough of Queens.

COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated September 3, 2015, acting on Department of Buildings Application No. 421210175, reads in pertinent part:

“Proposed Physical Culture Establishment is not permitted as-of-right in a C2-3/R6 zoning district per ZR Section 32-10 and therefore requires a ZR Section 73-36 special permit from the Board of Standards and Appeals”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a R6 (C2-3) zoning district, the operation of a physical culture establishment (PCE) on portions of the ground and cellar floor levels of a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 5, 2016 after due notice by publication in *The City Record*, and then to decision on May 17, 2016; and

WHEREAS, Community Board 3, Queens, recommends approval of this application; and

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

WHEREAS, the subject site is located on the north side of Roosevelt Avenue, between 86th Street and 87th Street, in an R6 (C2-3) zoning district, in Queens; and

WHEREAS, the site has approximately 200 feet of frontage along Roosevelt Avenue, 100 feet of frontage along 86th Street, 100 feet of frontage along 87th Street, 20,000 sq. ft. of lot area, and is improved with a one-story plus cellar commercial building; and

WHEREAS, the proposed PCE will occupy 7,315 sq. ft. of floor area on the ground floor of the building and 6,757 sq. ft. of floor space in the cellar; and

WHEREAS, the proposed PCE will be accessible from a dedicated entrance at the ground floor level of the building fronting Roosevelt Avenue and access to the cellar floor from the ground floor will be provided by both stairs and an elevator; and

WHEREAS, the PCE will be operated as a Planet Fitness; and

WHEREAS, the applicant represents that the ground floor level will contain the entrance lobby, reception area, cardiovascular machines, weightlifting equipment, massage areas and tanning facilities and that the cellar level will contain additional cardiovascular machines, weightlifting machines and locker rooms; and

WHEREAS, the proposed hours of operation for the PCE are 24 hours a day, Sunday through Saturday; 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 deemed to be satisfactory; and

WHEREAS, the applicant has provided the Board with plans representing that an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exits, local audible and visual alarms, and connection to a Fire Department-approved central station shall be installed throughout the entire PCE space; and

WHEREAS, the plans also indicate that the PCE will be fully sprinklered; and

WHEREAS, the Fire Department states that it has no objections to the proposal; and

WHEREAS, the applicant represents that the PCE will not interfere with any public improvement projects; and

WHEREAS, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 16BSA031Q, dated September 16, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination

222-15-BZ

CEQR #16-BSA-031Q

under 6 NYCRR Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a R6 (C2-3) zoning district, the operation of a physical culture establishment on portions of the ground and cellar floor levels of a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 27, 2016"- Five (5) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on May 17, 2026;

THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance under Local Law 58/87 will be as reviewed and approved by DOB;

THAT minimum 3'-0" wide exit pathways shall be provided leading to the required exits and such pathways shall always be maintained unobstructed, including from any equipment;

THAT fire safety measures shall be installed as shown on the Board-approved plans;

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 objection(s);

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

Adopted by the Board of Standards and Appeals, May 17, 2016.

A true copy of resolution adopted by the Board of Standards and Appeals, May 17, 2016.

Printed in Bulletin Nos. 20-21, Vol. 101.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

