

246-01-BZ

CEQR#02-BSA-014Q

APPLICANT - Carl A. Sulfaro, Esq., for Q.P. Development Corp., owner; Pure Power gym, lessee.

SUBJECT - Application August 2, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment situated partially within an M1-1 and partially within a C2-2 zoning district.

PREMISES AFFECTED - 35-11 Prince Street, east side 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES-

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department

ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 13, 2001, acting on Alt. 1. Application No. 401213156 reads:

“ Proposed Physical Culture Establishment (Use Group 9) to be located within an M1-1 and C2-2 zoning district indicated on zoning map 10-A is permitted only by special permit issued by the Board of Standards and Appeals pursuant to Section 32-31 ZR and 42-31 ZR and is hereby denied”; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in The City Record and laid over to May 21, 2002 and then to June 11, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, the Community Board #7 unanimously approved this application on September 10, 2001; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment situated partially within an M1-1 and partially within a C2-2 zoning district; and

WHEREAS, the applicant also seeks to reconfigure the locker areas at the rear of the premises in order to provide additional locker spaces, toilets and shower facilities while relocating the manager’s office and tanning rooms; and

WHEREAS, the applicant represents that the premises is located in a one story masonry building with 55'7" of frontage on Prince Street, and a depth of 162'1"; and

WHEREAS, the applicant states that the total floor area of the physical culture establishment will be 8,962 square feet; 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, and aerobics; and

WHEREAS, the applicant states that the first floor level is

occupied with approximately 5,800 square feet designated for exercise machines and a weight training area, a reception area, a small refreshment station, a manager’s office, a tanning room, mens and women’s locker rooms, and approximately 722 square feet devoted to aerobic classes and instruction; and

WHEREAS, the applicant represents that accessory parking in the cellar is provided for 16 cars with an entrance from and exit to 35th Avenue; and

WHEREAS, the record indicates that the facility has been operating since June 1, 1998; and

WHEREAS, the applicant has agreed to post a sign within the PCE stating that no children under the age of eighteen (18) shall be permitted; and

WHEREAS, by letter dated October 31, 2001, The Queens Borough President recommended approval of this application; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; 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, 42-31 and 32-10; 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 the legalization of an existing physical culture establishment situated partially within an M1-1 and partially within a C2-2 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received March 4, 2002”-(11) sheets; and on further condition;

THAT a sign shall be posted within the PCE stating that no children under the age of eighteen (18) shall be permitted; and

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 accessory parking in the cellar shall be provided and maintained for 16 cars with an entrance from 35th Avenue with clearly visible signs to be posted, identifying spaces designated for PCE members only; and

THAT fire protection measures, including a wet sprinkler and smoke detection system connected to a Fire Department-

approved central station, shall be maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from June 1, 1998;

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, June 11, 2002