

260-06-BZ

CEQR #07-BSA-019M

APPLICANT – J. Owen Zurhellen, III, for Charlton Cooperative Corp., owner; TRI IPPON, LLC, lessee.
SUBJECT – Application September 26, 2006 – Special Permit (§73-36) to allow the proposed PCE on the first floor in a six-story (plus basement) building located in a M1-6 zoning district. The proposal is contrary to §42-00 and §42-31.

PREMISES AFFECTED – 547 Greenwich Street, a/k/a 112 Charlton Street, southeast corner of Greenwich and Charlton Streets, Block 597, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: J. Owen Zurhellen, III and Doris Diether, CB #2.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4
Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 18, 2006, acting on Department of Buildings Application No. 104542853, reads in pertinent part:

“Proposed Physical Culture Establishment located in M1-6 zoning district is contrary to ZR 42-31 and requires special permit of the Board of Standards and Appeals.”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-6 zoning district, the establishment of a physical culture establishment (PCE) on a portion of the first floor of an existing six-story mixed-use residential/commercial building, contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on March 6, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chair Srinivasan and Commissioner Hinkson; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the residential cooperative which occupies the remainder of the subject building provided a letter in support of the proposed use; and

WHEREAS, the operator of the adjacent restaurant provided testimony in support of the application; and

WHEREAS, the subject site is located on the southeast corner of Greenwich Street and Charlton Street; and

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

WHEREAS, on June 10, 1980, the Board granted a variance pursuant to BSA Cal. No. 1092-79-BZ, to permit the conversion of the building for residential use; and

WHEREAS, the PCE will occupy a total of 1,725 sq. ft. of floor area on a portion of the first floor; and

WHEREAS, the PCE will be operated as Oishi Judo Club; and

WHEREAS, the applicant represents that the PCE will offer classes and instruction for physical improvement and the martial art of Judo; and

WHEREAS, the proposed hours of operation are: Monday through Friday, 9:00 a.m. to 9:00 p.m.; and Saturday 9:00 a.m. to 3:00 p.m.; and

WHEREAS, the applicant represents that an acoustic analysis was performed and that special sound attenuation measures will be provided, as indicated on the plans; and

WHEREAS, the Board finds that this action will neither: 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; 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 determined to be satisfactory; and

WHEREAS, the PCE will not interfere with any pending public improvement project; 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 Unlisted action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 07BSA019M dated September 25, 2006; and

WHEREAS, the EAS documents show that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid

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Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, the Board has determined that the operation of the PCE will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-6 zoning district, the establishment of a physical culture establishment on a portion of the first floor of an existing six-story mixed-use residential/commercial building, contrary to ZR § 42-00; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received December 18, 2006"-(3) sheets and "Received March 16, 2007"-(1) sheet and *on further condition*:

THAT the term of this grant shall expire on April 10, 2017;

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 hours of operation shall be limited to: Monday through Friday, 9:00 a.m. to 9:00 p.m.; and Saturday 9:00 a.m. to 3:00 p.m.;

THAT sound attenuation measures shall be installed and maintained as per the approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

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

**A true copy of resolution adopted by the Board of Standards and Appeals, April 10, 2007.
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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

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,
April 10, 2007.