

**260-06-BZ**

APPLICANT – J. Owen Zurhellen, II, for Charlton Cooperative Corp., owner; Tri Ippon LLC, lessee.

SUBJECT – Application March 17, 2017 – Extension of Term of a previously approved Special Permit (§73-36) permitted the operation of a Physical Cultural Establishment (*Oishi Judo Club*) on the first floor in a six-story (plus basement) building which expires on April 10, 2017. M1-6 zoning (Special Hudson Square) District

PREMISES AFFECTED – 112 Charlton Street/547 Greenwich Street, Block 597, Lot 45, Borough of Manhattan.

**COMMUNITY BOARD #2M**

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Chanda, Commissioner Ottley-Brown and Commissioner Sheta.....4

Negative: .....0

Abstain: Commissioner Scibetta.....1

THE RESOLUTION –

WHEREAS, this is an application for an extension of term of a special permit, previously granted by the Board; and

WHEREAS, a public hearing was held on this application on September 26, 2017, after due notice by publication in *The City Record*, with continued hearings on November 21, 2017, and January 9, 2018, and then to decision on April 10, 2018; and

WHEREAS, Commissioner Ottley-Brown performed an inspection of the site and surrounding neighborhood; and

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

WHEREAS, the subject site is located on the southeast corner of Charlton Street and Greenwich Street, in an M1-6 zoning district and the Special Hudson Square District, in Manhattan; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 12, 1955, when, under BSA Calendar Number 763-54-A, the Board granted a variance of the Labor Law on condition that one primary means of exit be maintained in accordance with the requirements therefore, that a second means of egress consisting of an exterior fire escape on Greenwich Street be constructed with counterbalanced stair to street and that this variance continue only so long as the building is occupied substantially as it was and the number of occupants per floor not exceed the number shown and that the occupancy per floor not exceed the capacity of the primary means of exit, that the interior fire alarm and fire drills be maintained, that the building not be increased in height or area and that the additional exit from the cellar and cellar stair enclosure be maintained as proposed; and

WHEREAS, on June 10, 1980, when, under BSA

Calendar Number 1092-79-BZ, the Board granted a variance to permit, in an existing six-story building, the conversion of all floors above the first floor from lofts into a multiple dwelling on condition that a smoke detector with a self-contained alarm be installed in each apartment, that the existing sprinkler system be permanently retained and properly maintained, that a fire alarm station, connected to a manual alarm station that can be heard throughout the building, be installed on each floor, that 25 percent of the roof area be allocated for tenant recreation space, that all residential window openings be equipped with approved double glazed windows or with an arrangement of two operable glazed windows installed so as to reduce street traffic noise in the proposed apartments and that, if the method of sound attenuation that is proposed has not received an approval for general use from the Board, the installation not be made until details have been submitted to the Board for approval accompanied by an evaluation of the effectiveness of the proposal from an acoustical engineer; and

WHEREAS, on April 10, 2007, the Board granted a special permit to allow the operation of a physical culture establishment (“PCE”) on a portion of the first floor of a six-story, with cellar, mixed-use residential and commercial building for a term of ten (10) years, expiring April 10, 2017, on condition that there be no change in ownership or operating control of the PCE without prior application to and approval from the Board, that the hours of operation 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 be installed and maintained as indicated on the Board-approved plans, that the above conditions appear on the certificate of occupancy and that fire safety measures be installed and maintained as shown on the Board-approved plans; and

WHEREAS, on March 8, 2016, under BSA Calendar Number 1092-79-BZ, the Board amended the variance to permit the zoning-lot merger of the subject site with contiguous parcels on Block 597 in Manhattan and associated modifications to the Board-approved site plan on condition that the zoning calculations, including any transfer of development rights, be subject to DOB’s review and approval and be in full compliance with underlying bulk regulations, that the site remain subject to the Board’s jurisdiction, including modifications to buildings on the subject site and that all conditions from the prior resolution not specifically waived by the Board remain in effect; and

WHEREAS, the term having expired, the applicant now seeks an extension; and

WHEREAS, the applicant represents that there have been no changes to the floor plan or operator of the facility, Oishi Judo Club, as previously approved by the Board; and

WHEREAS, the applicant has satisfactorily demonstrated compliance with the conditions of the

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previous term and the Board finds that the circumstances warranting the original grant still obtain; and

WHEREAS, based upon its review of the record, the Board has determined that the requested extension of term is appropriate with certain conditions as set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals does hereby *reopen* and *amend* the resolution, dated April 10, 2007, so that as amended this portion of the resolution shall read: "to *permit* an extension of term of ten (10) years, expiring April 10, 2027; *on condition* that all work and site conditions shall conform to drawings filed with this application marked "Received June 14, 2017"-Four (4) sheets; and *on further condition*:

THAT the term of the special permit shall be for ten (10) years, expiring April 10, 2027;

THAT there shall be no change in ownership or operating control of the PCE 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 maintained as indicated on the Board-approved plans;

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

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy shall be obtained within four (4) years, by April 10, 2022;

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

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

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 compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plans or configurations not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 10, 2018.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 10, 2018.**

**Printed in Bulletin Nos. 15-16, Vol. 103.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

