

28-11-BZ

CEQR #11-BSA-071M

APPLICANT – The Law Office of Fredrick A. Becker, for 291 Broadway Realty Associates LLC, owner; Garuda Thai Inc. dba The Wat, lessee.

SUBJECT – Application March 24, 2011 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*The Wat*). C6-4 zoning district.

PREMISES AFFECTED – 291 Broadway, northwest corner of Broadway and Reade Street, Block 150, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Superintendent, dated August 11, 2011, acting on Department of Buildings Application No. 120296125, reads in pertinent part:

“Legalization of the subject Physical Culture Establishment/boxing gym is contrary to ZR 32-10 and is not permitted as-of-right in a C6-4A zoning district and requires a special permit from the Board of Standards and Appeals under ZR 73-36;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C6-4A zoning district, the legalization of a physical culture establishment (PCE) at the cellar of a 19-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on July 12, 2011, after due notice by publication in *The City Record*, and then to decision on August 16, 2011; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the northwest corner of Broadway and Reade Street, within a C6-4A zoning district; and

WHEREAS, the site is occupied by a 19-story commercial building; and

WHEREAS, the PCE will occupy 5,015 sq. ft. of floor space in a portion of the cellar level; and

WHEREAS, the PCE will be operated as The Wat; and

WHEREAS, the proposed hours of operation are Monday through Friday, from 7:00 a.m. to 10:00 p.m.;

Saturday, from 8:00 a.m. to 4:00 p.m.; and Sunday, from 10:00 a.m. to 3:00 p.m.; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement; 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 Board notes that the PCE has been in operation since January 1, 2011, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant shall be reduced for the period of time between January 1, 2011 and the date of this grant; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; 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. 11BSA071M, dated March 24, 2011; and

WHEREAS, the EAS documents 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 Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

28-11-BZ

CEQR #11-BSA-071M

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 a C6-4A zoning district, the operation of a physical culture establishment at a portion of the cellar level of a 19-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received June 1, 2011” – (4) sheets and *on further condition*:

THAT the term of this grant shall expire on January 1, 2021;

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 above conditions shall appear on the Certificate of Occupancy;

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 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, August 16, 2011.

**A true copy of resolution adopted by the Board of Standards and Appeals, August 16, 2011.
Printed in Bulletin Nos. 32-34, Vol. 96.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.