

287-01-BZ

CEQR#02-BSA-034M

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.
For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:
.....0

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 October 9, 2001 acting on Application No. 101951802 reads:

“1) Proposed Physical Culture Establishment is not permitted as of right in C4-6A District. Therefore, it is contrary to section 32-10 Z.R..”

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in The City Record and laid over to April 16, 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 and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; 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, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by New York State licensed massage therapists; 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 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, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 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 October 16, 2001”-(5) sheets and “April 5, 2002” -(1) sheet; and on further condition;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT the hours of operation shall be from Monday to Thursday 6:00 a.m. - 11:00 p.m., Friday 6:00 a.m. - 9:00 p.m., and Saturday and Sunday 9:00 a.m. - 7:00 p.m.;

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, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of nine (9) years from the date of this grant;

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

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

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, April 16, 2002.