

287-01-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Related Broadway Development LLC, owner; TSI West 94, LLC dba New York Sports club, lessee.

SUBJECT – Application November 20, 2013 – Extension of Term of a previously approved special permit (§73-36) permitting the operation of a physical culture establishment, which expired on April 16, 2011; Waiver of the Rules. C4-6/R8 zoning district.

PREMISES AFFECTED – 2523-2525 Broadway, west side of Broadway between West 93rd Street and West 94th Street, Block 1242, Lot 10, 55, Borough of Manhattan.

COMMUNITY BOARD #7M

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 Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, a waiver of the Rules of Practice and Procedure, an amendment, and an extension of term for a physical culture establishment (“PCE”), which expired on April 16, 2011; and

WHEREAS, a public hearing was held on this application on February 25, 2014, after due notice by publication in *The City Record*, and then to decision on March 25, 2014; 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 7, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is a corner lot with frontages along West 94th Street, West 95th Street, and Broadway, partially within a C4-6A zoning district and partially within an R8 zoning district, within a Special Enhanced Commercial District; and

WHEREAS, the site is occupied by a 21-story mixed residential and commercial building; and

WHEREAS, the PCE is located on portions of the cellar (8, 723 sq. ft. of floor space) and first (800 sq. ft. of floor area) and second floors (6,987 sq. ft. of floor area) for a total PCE floor space of 16,060 sq. ft.; and

WHEREAS, the PCE is operated entirely within the C4-6A portion of the site; and

WHEREAS, the PCE is operated as New York Sports Club; and

WHEREAS, on April 16, 2002, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit, on a site partially within a C4-6A zoning district and partially within an R8 zoning district, within a Special Enhanced Commercial District, the legalization of an existing PCE for a term of nine years, to expire on April 16, 2011; and

WHEREAS, the applicant now seeks an amendment regarding the hours of operation and an extension of the term of the PCE special permit for ten years; and

WHEREAS, as to the hours of operation, the applicant noted that the operator has changed the hours of operation from Monday through Thursday, from 6:00 a.m. to 11:00 p.m., Friday, from 6:00 a.m. to 9:00 p.m. and Saturday and Sunday, from 9:00 a.m. to 7:00 p.m. to Monday through Thursday, from 5:00 a.m. to 12:00 a.m., Friday, from 5:00 a.m. to 10:00 p.m., Saturday, from 7:00 a.m. to 10:00 p.m., and Sunday, from 8:00 a.m. to 10:00 p.m.; and

WHEREAS, at hearing, the Board directed the applicant to clarify whether any residential units are located directly above the PCE and to note on the plans the sound attenuation measures that have been installed; and

WHEREAS, in response, the applicant confirmed that no residential units are located directly above the PCE and submitted amended plans showing the existing sound attenuation measures; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term for ten years is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated April 16, 2002, so that as amended the resolution reads: “to grant the noted modification to the PCE’s hours of operation and to grant an extension of the special permit for a term of ten years from the prior expiration; *on condition* that the use will substantially comply with the drawings filed with this application marked ‘Received November 20, 2013’- (6) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on April 16, 2021;

THAT the hours of operation will be limited to Monday through Thursday, from 5:00 a.m. to 12:00 a.m., Friday, from 5:00 a.m. to 10:00 p.m., Saturday, from 7:00 a.m. to 10:00 p.m., and Sunday, from 8:00 a.m. to 10:00 p.m.;

THAT any massages will be performed only by New York State licensed massage professionals;

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

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

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

THAT DOB 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, March 25, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, March 25, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

