

290-99-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, for Almi Greenwich Associates, owner; Equinox Fitness Club, lessee.

SUBJECT – Application April 6, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a Physical Culture Establishment (*Equinox*) which expired on March 28, 2010. C1-6/R6 zoning district.

PREMISES AFFECTED – 99/101 Greenwich Avenue, south west corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Todd Dale.

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, an extension of term of a previously granted variance for a physical culture establishment (PCE), which expired on March 28, 2010, and an amendment to change the hours of operation; and

WHEREAS, a public hearing was held on this application on July 27, 2010, after due notice by publication in *The City Record*, with a continued hearing on August 17, 2010, and then to decision on September 14, 2010; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application, on condition that the applicant resolve all signage violations; and

WHEREAS, the PCE is located on the southwest corner of Greenwich Avenue and West 12th Street, in a C1-6/R6 zoning district within the Greenwich Village Historic District; and

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

WHEREAS, the PCE use occupies the entire building, with a total floor area of 31,988 sq. ft. on the first through fourth floors, and an additional 8,781 sq. ft. of floor space at the cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 28, 2000 when, under the subject calendar number, the Board granted a variance to permit the conversion and enlargement of an existing two-story building into a four-story PCE, for a term of ten years, which expired on March 28, 2010; and

WHEREAS, most recently, on August 14, 2001, the Board amended the grant to permit the installation of an accessory swimming pool at the cellar level of the PCE; and

WHEREAS, the applicant now seeks to extend the term of the special permit for ten years; and

WHEREAS, the applicant also requests an amendment to change the hours of operation of the PCE; and

WHEREAS, the current hours of operation of the PCE are Monday through Thursday, from 6:00 a.m. to 11:00 p.m.; Friday, from 6:00 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 8:00 p.m.; and

WHEREAS, the applicant proposes to increase the hours of operation to: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.; and

WHEREAS, at hearing, the Board questioned whether the applicant had addressed the Environmental Control Board violations related to signage at the site; and

WHEREAS, in response to the concerns raised by the Board and the Community Board, the applicant states that the violations were issued for temporary signage that was installed on the site, which has since been removed from the subject building; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and amendment are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on March 28, 2000, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from March 28, 2010, to expire on March 28, 2020, and to permit the noted change in the hours of operation, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 6, 2010”- (6) sheets; and *on further condition*:

THAT the term of this grant shall expire on March 28, 2020;

THAT the hours of operation shall be: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.;

THAT the above conditions shall be listed on the certificate of occupancy;

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 specifically cited and filed DOB/other jurisdiction objection(s) only;

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)/configuration(s) not related to the relief granted.” (DOB Application No. 120288036)

Adopted by the Board of Standards and Appeals, September 14, 2010.

A true copy of resolution adopted by the Board of Standards and Appeals, September 14, 2010.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.