

58-96-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 277 Park Avenue, LLC, owner; Manhattan Athletic Club, LLC, lessee.

SUBJECT – Application December 8, 2006 – Extension of Term/Amendment-For the operation of a Physical Culture or Health Establishment for an additional ten (10) years, and to add 479 square feet to the club for the purposes of a boxing room. The site is located in a C5-3(SMD) &C6-6 zoning district.

PREMISES AFFECTED – 277 Park Avenue, east side of Park Avenue and 47th Street, Block 1302, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Elizabeth Larsen.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening, an amendment, and an extension of the term for a previously granted special permit for a Physical Culture Establishment (PCE), which expired on December 10, 2006; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, the subject premises is located on the east side of Park Avenue, between East 47th Street and East 48th Street; and

WHEREAS, the site has a lot area of approximately 81,337.5 sq. ft. and is located partially within a C5-3 zoning district and partially within a C6-6 zoning district, within the Special Midtown District; and

WHEREAS, the site is occupied by a 50-story commercial building; and

WHEREAS, the PCE occupies a portion of the first floor and basement for a total floor area of 12,933 sq. ft.; and

WHEREAS, the PCE is operated as Manhattan Athletic Club; and

WHEREAS, on December 10, 1996, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-36, to permit the operation of the PCE for a term of ten years; and

WHEREAS, the instant application seeks the legalization of interior layout modifications including the addition of 479 sq. ft. of floor area on the first floor to

A true copy of resolution adopted by the Board of Standards and Appeals, April 10, 2007.

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To Applicant

Fire Com'r.

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accommodate boxing facilities; and

WHEREAS, the floor area increase results in the PCE occupying 12,933 sq. ft., rather than the 12,454 sq. ft. as per the approved plans; and

WHEREAS, the applicant also requests a ten-year extension of term for the special permit; and

WHEREAS, based upon its review of the record, the Board finds that the requested interior modifications and extension of term are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens*, and *amends* the resolution, dated December 10, 1996, so that as amended this portion of the resolution shall read: “to grant approval of the increase in floor area and an extension of the term for ten years from the expiration of the last grant to expire on December 10, 2016; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, and that all work and site conditions shall comply with drawings marked ‘Received December 8, 2006’-(6) sheets; and *on condition*:

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

THAT this grant shall be limited to a term of ten years to expire on December 10, 2016;

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

THAT a certificate of occupancy shall be obtained within one year of the date of this grant;

THAT Local Law 58/87 compliance shall be as reviewed and approved by DOB;

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; 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 plan(s) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 104595715)

Adopted by the Board of Standards and Appeals, April 10, 2007.