

606-75-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Montbatten Equites, LP, owner; Equinox Fitness, lessee.

SUBJECT – Application December 10, 2010 – Special Permit (§73-36) to allow a Physical Culture Establishment (*Equinox Fitness*) on the first, ninth and tenth floors of an existing 10-story mixed-use building; Amendment to a prior variance (§72-21) to reflect the proposed establishment. M1-5 zoning district.

PREMISES AFFECTED – 405/42 Hudson Street, southwest corner of Hudson and Leroy Streets, Block 601, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Eric Palatnik.

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 an amendment to a previously approved variance for the conversion of an existing building from manufacturing use to residential use with a health facility and restaurant on the ninth and tenth floors; and

WHEREAS, a public hearing was held on this application on February 15, 2011, after due notice by publication in *The City Record*, and then to decision on April 5, 2011; and

WHEREAS, the applicant filed a companion case under BSA Calendar No. 226-10-BZ, for a special permit pursuant to ZR § 73-36 to allow the legalization of a physical culture establishment (PCE) on portions of the first, ninth and tenth floors of the existing ten-story mixed-use commercial/residential building; that application was granted on April 5, 2011; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on a through lot bounded by Leroy Street to the north, Hudson Street to the east, and Clarkson Street to the south, within an M1-5 zoning district; and

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

WHEREAS, the Board has exercised jurisdiction over the subject site since July 20, 1976 when, under the

subject calendar number, the Board granted a variance to permit the conversion of the existing building from manufacturing use to residential use with a health facility and restaurant on the ninth and tenth floors, and commercial space on a portion of the first floor; and

WHEREAS, on July 20, 1976, under BSA Cal. No. 607-75-A, the Board also granted an administrative appeal of a Department of Buildings determination, to allow variances from the Multiple Dwelling Law required for the proposed residential uses; and

WHEREAS, the applicant states that since the original grant there have been a variety of changes to the commercial spaces within the building, including the discontinuance of the restaurant use; and

WHEREAS, the applicant notes that all commercial floor area on the first, ninth and tenth floors is currently used as part of the proposed PCE; and

WHEREAS, the applicant now seeks an amendment to reflect the existing conditions within the commercial space and to permit the renovation of the health club facility for operation as part of the proposed PCE; and

WHEREAS, based upon the above, the Board finds that the requested amendment is 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 July 20, 1976, so that as amended this portion of the resolution shall read: “to permit the noted modifications to the BSA-approved plans; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received December 10, 2010”- (2) sheets and “Received March 2, 2011”- (4) sheets; and *on further condition*:

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)/configuration(s) not related to the relief granted.” (DOB Application No. 120527778)

Adopted by the Board of Standards and Appeals, April 5, 2011.

A true copy of resolution adopted by the Board of Standards and Appeals, April 5, 2011.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.