

69-91-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for The 61 West 62nd Street Condominium, owner; TSI Lincoln LLC dba New York Sports Club, lessee.

SUBJECT – Application April 11, 2012 – Extension of Term of a previously granted special permit (§73-36) for the continued operation of a physical culture establishment (*New York Sports Club*) which expired on November 26, 2012; an Amendment for a decrease in floor area; Waiver of the Rules. C4-7 (L) zoning district.

PREMISES AFFECTED – 49-61 West 62nd Street, northeasterly corner of West 62nd Street and Columbus Avenue, Block 1115, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Fredrick A. Becker.

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 waiver of the Rules of Practice and Procedure, a reopening, an extension of term of a previously granted special permit for a physical culture establishment (PCE), which expired on November 26, 2011, and an amendment to reflect a decrease in the floor space occupied by the PCE; and

WHEREAS, a public hearing was held on this application on August 7, 2012, after due notice by publication in *The City Record*, and then to decision on August 21, 2012; and

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

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the PCE is located on the northeast corner of Columbus Avenue and West 62nd Street, within a C4-7 zoning district; and

WHEREAS, the site is occupied by a 26-story mixed-use building; and

WHEREAS, the PCE occupies 3,915 sq. ft. of floor area at portions of the first and second floor, with an additional 18,365 sq. ft. of floor space located at portions of the cellar and sub-cellar; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 26, 1991 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on November 26, 2001; and

WHEREAS, most recently, on December 9, 2003, the Board granted a ten-year extension of time, to expire

on November 26, 2011; and

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

WHEREAS, the applicant also seeks an amendment to permit a reduction in the total amount of floor space occupied by the PCE; and

WHEREAS, specifically, the applicant seeks to eliminate the 2,582 sq. ft. of existing PCE use at the second floor, reduce the PCE’s floor area at the first floor from 1,333 sq. ft. to 608 sq. ft., and increase the PCE’s floor space at the cellar level from 8,843 sq. ft. to 10,469 sq. ft.; the PCE will continue to occupy the 9,522 sq. ft. of floor space at the sub-cellar level; and

WHEREAS, the applicant states that the proposed amendment will reduce the floor area occupied by the PCE from 3,915 sq. ft. to 608 sq. ft., and will reduce the total floor space occupied by the PCE from 22,280 sq. ft. to 20,599 sq. ft.; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and amendment to the previous grant are 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, as adopted on November 26, 2001, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from November 26, 2011, to expire on November 26, 2021, and to permit the noted modifications to the previously-approved plans, *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 11, 2012’- (5) sheets; and *on further condition*:

THAT the term of this grant will expire on November 26, 2021;

THAT there will be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT the above conditions will 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. 120945317)

Adopted by the Board of Standards and Appeals, August 21, 2012.

A true copy of resolution adopted by the Board of Standards and Appeals, August 21, 2012.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.