

705-81-BZ

APPLICANT – Agusta & Ross, for Fraydon Enterprises, owner; New York Health & Racquet Club, lessee.

SUBJECT – Application May 23, 2005 – Application for an Extension of Term/Amendment/Waiver for a Variance Z.R. 72-21 to continue the operation of a physical culture establishment and to permit the change in hours of operation. The premise is located in an R-10 zoning district.

PREMISES AFFECTED – 1433-37 York Avenue, northwest corner of York Avenue and East 76th Street, Block 1471, Lots 21, 22 and 23, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Mitchell Ross.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Chin and Commissioner Collins.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for (1) a waiver of the Rules of Practice and Procedure, (2) an extension of the term that expired on May 10, 2003, and (3) an amendment to extend the hours of a PCE previously granted a variance and to legalize interior layout changes to the approved plans; and

WHEREAS, a public hearing was held on this application on February 28, 2006, after due notice by publication in *The City Record*, laid over to April 11, 2006 and then to decision on May 2, 2006; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, the subject premises is located at the northwest corner of York Avenue and East 76th Street; and

WHEREAS, on May 10, 1983, the Board granted a variance pursuant to ZR § 72-21, to permit, in a R10 zoning district, the expansion of an existing Physical Culture Establishment (PCE) in the cellar and the first floor onto the second floor of the existing seven-story mixed use building; and

WHEREAS, subsequently, the grant was re-opened and amended to modify the interior layout, increase the floor area, and to extend the term; and

WHEREAS, the instant application seeks to extend the hours of operation so as to open one hour earlier, at 6:00 a.m., daily; and

WHEREAS, the instant application also seeks to legalize certain layout reconfigurations, which do not increase the floor area; and

A true copy of resolution adopted by the Board of Standards and Appeals, May 2, 2006.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, lastly, the instant application seeks to extend the term of the variance for ten years; and

WHEREAS, the Board instructed the applicant to notify neighbors about the application and public hearing in order to determine if prior noise issues had been resolved to their satisfaction; and

WHEREAS, the applicant submitted evidence to the Board confirming that noise concerns had been addressed by an acoustical study and subsequent remediation; and

WHEREAS, the Board reviewed the evidence and notes that acoustical measures were put in place; and

WHEREAS, at hearing, the Board heard testimony from neighbors that the noise issues were resolved; and

WHEREAS, accordingly, the Board finds that a ten-year extension and the proposed change in hours and internal configurations are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated May 10, 1983, so that as amended this portion of the resolution shall read: “to grant an extension of the term for a term of ten years from the expiration of the last grant, to extend the hours of operation by one hour, daily, and to permit internal layout reconfiguration; *on condition* that the use and operation of the PCE shall substantially conform to drawings as filed with this application, marked ‘Received April 3, 2006’ – (6) sheets and ‘April 19, 2006’ – (1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of ten years from May 10, 2003, expiring May 10, 2013;

THAT the hours of operation shall be 6:00 a.m. to 10:00 p.m., daily;

THAT the above conditions shall appear 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; 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.”

Adopted by the Board of Standards and Appeals, May 2, 2006.