

822-87-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Hudson Tower Housing Company, Inc., owner; The Fitness Company, lessee.

SUBJECT – Application May 2, 2005 – Extension of Term of a Special Permit to allow the use of a Physical Culture Establishment in the Special Battery Park City zoning district.

PREMISES AFFECTED – 375 South End Avenue, between Liberty and Albany Streets, Block 16, Lot 100, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: James Power.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, an amendment, and an extension of the term of the special permit; and

WHEREAS, a public hearing was held on this application on September 27, 2005, after due notice by publication in The City Record, and then to decision on October 25, 2005; and

WHEREAS, Community Board No. 1, Manhattan, recommends approval of this application with certain conditions as discussed further below; and

WHEREAS, this is an application filed pursuant to Z.R. § 73-11 to permit an extension of term of a special permit for a previously approved physical culture establishment (“PCE”), and an amendment to a condition of such permit related to access by non-resident members; and

WHEREAS, the premises is located at South End Avenue between Liberty and Albany Streets; and

WHEREAS, on October 11, 1988, the Board granted an application for a special permit pursuant to Z.R. § 73-36, under BSA Calendar No. 822-87-BZ, to permit the use of the site as a PCE for a term of five years; and

WHEREAS, this special permit was extended for a term of five years on June 7, 1994; and

WHEREAS, on May 20, 1997, the Board amended the resolution to require that non-residents shall access the club from the new entrance adjacent to the pool and that the new management of the club shall issue security access cards to the new entrance patrons who are non-residents of Gateway Plaza Limited; and

WHEREAS, on January 12, 1999, under the subject calendar number, the Board reestablished the expired variance for a period of five years; and

WHEREAS, the most recent term expired on

January 12, 2004; and

WHEREAS, the applicant now seeks an extension of the term of the special permit for a period of ten years; and

WHEREAS, in addition to the request for an extension of term, the applicant seeks to revise the condition regarding entry to the center by non-residents to state that “non-resident members shall enter the Center by way of the entrance courtyard, as shown on drawing R-2, using an intercom/buzzer system with remote camera control;” and

WHEREAS, the Board finds such request reasonable; and

WHEREAS, the Community Board requests that the applicant only be granted a three year term to ensure that the landlord make certain repairs to the PCE and resolve certain maintenance and cleanliness issues discussed at the Community Board meeting; and

WHEREAS, the applicant represents that the owner has several capital upgrade projects underway and/or planned for the PCE, including, among other things, upgrade of the air conditioner, replacement of the roof enclosure in the pool area, and sandblasting and resurfacing of the pool interior; the applicant represents that upgrade of the air conditioner is underway and the renovations to the pool are scheduled to take place in the spring of 2006; and

WHEREAS, the Board believes that a ten year extension is reasonable as the PCE is an independent, small health club that serves primarily as an amenity to residents of Gateway Plaza, and has few non-resident members; and

WHEREAS, accordingly, the Board finds that the requested extension of term and minor modification is 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, adopted on October 11, 1988, as extended and last modified on January 12, 1999, so that as amended this portion of the resolution shall read: “to extend the term for ten years from October 11, 2003, to expire on October 11, 2013, and to modify the previous condition related to access by non-resident members as set forth below; on condition that all work/site conditions shall substantially conform to drawings as filed with this application, marked “Received August 19, 2005”-(3) sheets; and on further condition:

THAT the term of this grant shall be for ten years, to expire on October 11, 2013;

THAT non-resident members shall enter the PCE by way of the entrance courtyard, as shown on drawing R-2, using an intercom/buzzer system with remote camera control;

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;

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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. 101816420)

Adopted by the Board of Standards and Appeals, October 25, 2005.

**A true copy of resolution adopted by the Board of Standards and Appeals, October 25, 2005.
Printed in Bulletin Nos. 44, Vol. 90.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.