

98-97-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 278 Eighth Associates, owner; TSI West 23 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application May 19, 2010 – 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 1, 2006; Amendment to change the hours of operations; Waiver of the Rules. C2-7A zoning district.

PREMISES AFFECTED – 270 Eighth Avenue, northeast corner of Eighth Avenue and West 23rd Street, Block 775, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

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 1, 2006, and an amendment to change the hours of operation; and

WHEREAS, a public hearing was held on this application on August 3, 2010, after due notice by publication in *The City Record*, and then to decision on September 14, 2010; and

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

WHEREAS, Community Board 4, Manhattan, states that it has no objection to this application; and

WHEREAS, the PCE is located on a corner through lot bounded by West 24th Street to the north, Eighth Avenue to the west, and West 23rd Street to the south, within a C2-7A zoning district; and

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

WHEREAS, the PCE use is located on the second floor, with an entrance at the first floor, and occupies a total floor area of 19,760 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 24, 1998 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten

A true copy of resolution adopted by the Board of Standards and Appeals, September 14, 2010.

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To Applicant

Fire Com'r.

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years, to expire on November 1, 2006; and

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

WHEREAS, the applicant also requests an amendment to change the hours of operation of the PCE; and

WHEREAS, the current hours of operation of the PCE are Monday through Thursday, from 6:00 a.m. to 11:00 p.m.; Friday, from 6:00 a.m. to 10:00 p.m.; and Saturday and Sunday, from 9:00 a.m. to 6:00 p.m.; and

WHEREAS, the applicant proposes to increase the hours of operation to: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and amendment 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 February 24, 1998, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from November 1, 2006, to expire on November 1, 2016, and to permit the noted change in the hours of operation, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 19, 2010”- (5) sheets; and *on further condition*:

THAT the term of this grant shall expire on November 1, 2016;

THAT the hours of operation shall be: Monday through Thursday, from 5:30 a.m. to 11:00 p.m.; Friday, from 5:30 a.m. to 10:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.;

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;

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. 100849664)

Adopted by the Board of Standards and Appeals, September 14, 2010.