

358-02-BZ

APPLICANT – Law Office of Fredrick A. Becker, 200 Park, LLP, for TSI Grand Central Incorporated d/b/a New York Sports Club, lessee.

SUBJECT – Application September 23, 2013 – Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment in a multi-story commercial, retail and office building, which expired on June 3, 2013; Waiver of the Rules. C5-3 (MID) zoning district.

PREMISES AFFECTED – 200 Park Avenue, south side of East 45th Street, between Vanderbilt Avenue and Dewey Place, Block 1280, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term for a physical culture establishment (“PCE”), which expired on June 3, 2013; and

WHEREAS, a public hearing was held on this application on December 10, 2013, after due notice by publication in *The City Record*, and then to decision on January 14, 2014; and

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

WHEREAS, Community Board 5, Manhattan, declined to issue any recommendation regarding this application; and

WHEREAS, the subject site is located on the south side of East 46th Street, between Park Avenue and Depew Place, within a C5-3 zoning district within the Special Midtown District (MiD); and

WHEREAS, the site is occupied by a 59-story commercial building, which is commonly known as the MetLife Building; and

WHEREAS, the PCE is located on a portion of the first and second floors of the building and occupies 20,835 sq. ft. of floor area; and

WHEREAS, the PCE is operated as New York

Sports Club; and

WHEREAS, on June 3, 2003, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit, in a C2-5 zoning district, the operation of a PCE for a term of ten years; and

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

WHEREAS, at hearing, the Board requested clarification regarding whether massages were being performed at the PCE; and

WHEREAS, in response, the applicant submitted amended plans noting that no massages would be performed at the PCE; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term for ten years 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, dated June 3, 2003, so that as amended the resolution reads: “to grant an extension of the special permit for a term of ten years, to expire on June 3, 2023; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received December 23, 2013’- (4) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on June 3, 2023;

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT the above conditions will appear on the certificate of occupancy;

THAT a certificate of occupancy will be obtained by January 14, 2015;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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, January 14, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, January 14, 2014.

Printed in Bulletin Nos. 1-3, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

