

291-13-BZ

CEQR #14-BSA-059K

APPLICANT – Eric Palatnik, P.C., for 840-842 LLC, owner; Crunch LLC, lessee.

SUBJECT – Application October 22, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*Crunch LLC*) within a portion of an existing building. C8-2 zoning district.

PREMISES AFFECTED – 842 Lefferts Avenue, south side of Lefferts Avenue, approximately 262’ west of intersection of Utica Avenue and Lefferts Avenue, Block 1430, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #9BK

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, the decision of the Brooklyn Borough Commissioner, dated October 8, 2013, acting on Department of Buildings (“DOB”) Application No. 320907202, reads in pertinent part:

Proposed PCE in a C8-2 district is contrary to ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C8-2 zoning district, the operation of a physical culture establishment (“PCE”) in the cellar and on the first, second and third stories of a three-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on March 4, 2014, after due notice by publication in *The City Record*, and then to decision on April 1, 2014; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Hinkson; and

WHEREAS, Community Board 9, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Lefferts Avenue between Schenectady Avenue and Utica Avenue, within a C8-2 zoning district; and

WHEREAS, the site has approximately 130 feet of frontage along Lefferts Avenue and 7,540 sq. ft. of lot area; and

WHEREAS, the site is occupied by a three-story commercial building with 18,213 sq. ft. of floor area (2.42 FAR); the applicant notes that the site has been under the Board’s jurisdiction since January 7, 1964, when, under BSA Cal. No. 110-63-BZX, the Board permitted an extension of time to complete construction of the building under ZR § 11-32; most recently, on August 16, 2005, the Board, under BSA Cal. No. 321-

04-BZ, granted a special permit for the conversion of the building from commercial use to a school; and

WHEREAS, the applicant states that the conversion authorized by the Board under BSA Cal. No. 321-04-BZ did not occur and that the building was used as offices until it recently became vacant; and

WHEREAS, the applicant now proposes to convert the entire building to PCE use; specifically, the PCE will occupy all three stories of the building (18,213 sq. ft. of floor area) and the cellar (6,071 sq. ft. of floor space), for a total PCE size of 24,284 sq. ft. of floor space; and

WHEREAS, the PCE will be operated as Crunch; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the hours of operation for the PCE will be Monday through Saturday, from 5:00 a.m. to 11:00 p.m. and Sunday, from 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, the Board also finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No.14BSA059K dated October 14, 2013; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit

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and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C8-2 zoning district, the operation of a PCE in the cellar and on the first, second and third stories of a three-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received January 9, 2014" – Nine (9) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on April 1, 2024;

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

THAT any massages will be performed only by New York State licensed massage professionals;

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT substantial construction will be completed in accordance with ZR § 73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the 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.

Adopted by the Board of Standards and Appeals, April 1, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, April 1, 2014.
Printed in Bulletin No. 14, Vol. 99.

Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.

