

46-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Boerum Place LLC, owner; for Blink Atlantic Avenue, Inc., lessee.

SUBJECT – Application March 20, 2014 – Special Permit (§73-36) to allow the physical culture establishment (*Blink Fitness*) within portions of a new commercial building, C2-4 (R6A) (DB) zoning districts.

PREMISES AFFECTED – 252/60 Atlantic Avenue, southeast corner of intersection of Atlantic Avenue and Boerum Place, Block 181, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated March 10, 2014, acting on DOB Application No. 320502210, reads, in pertinent part:

Physical culture establishment needs BSA approval as per ZR73-36 and ZR 12-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an R6A (C2-4) zoning district, partially within the Special Downtown Brooklyn District, a physical culture establishment (the “PCE”) on the cellar and first story of a two-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on March 10, 2015, after due notice by publication in the *City Record*, and then to decision on March 31, 2015; and

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

WHEREAS, Community Board 2, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is a corner lot with 100.25 ft. of frontage on Atlantic Avenue, 159.42 ft. of frontage on Boerum Place, and 100 ft. of frontage on Pacific Street, within an R6A (C2-4) zoning district;

WHEREAS, the northerly half of the site, fronting on Atlantic Avenue, is located within the Special Downtown Brooklyn District; and

WHEREAS, the site contains approximately 16,240.21 sq. ft. of lot area and the subject two-story building will contain approximately 32,480 sq. ft. of floor area, with the PCE occupying 1,386 sq. feet of floor area on the first floor and 13,555 sq. ft. of floor space in the cellar of the building; and

WHEREAS, the PCE will operate as Blink Fitness; and

WHEREAS, the hours of operation for the PCE will be Monday through Saturday, from 5:30 a.m. to 11:00 p.m., and on 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 Fire Department states that it has no objection to the proposal; 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 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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination 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 within an R6A (C2-4) zoning district, partially within the Special Downtown Brooklyn District, the operation of a PCE on the first story and cellar of a two-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “March 18, 2015, four (4) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on March 31, 2025;

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

THAT all massages at the PCE shall be performed by New York State licensed massage therapists;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by March 31, 2019;

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

THAT the approved plans shall 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, March 31, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, March 31, 2015.

Printed in Bulletin No. 15, Vol. 100.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

