

216-14-BZ

CEQR #15-BSA-060M

APPLICANT – Law Office of Stuart Klein, for 150 Amsterdam Avenue Holdings LLC, owner; Flywheel Sports Inc., lessee.

SUBJECT – Application September 4, 2014 – Special Permit (§73-36) to permit the legalization of a physical culture establishment (*Flywheel*) located on portions of the first floor and cellar of the existing building. R8 zoning district.

PREMISES AFFECTED – 150 Amsterdam Avenue, northwest corner of Amsterdam Avenue and West 66th Street, Block 1158, Lot 7507/129, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez3

Negative:.....0

Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated August 11, 2014, acting on DOB Application No. 121755546, reads, in pertinent part:

A Physical Culture Establishment is not an “As-of-Right” use, in an R8 / C2-5 zoning district...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize the operation, on a site within an R8 (C2-5) zoning district, of a physical culture establishment (“PCE”) on the cellar and ground floor of a 42-story mixed residential and commercial use building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 30, 2015, after due notice by publication in the *City Record*, and then to decision on February 3, 2015; and

WHEREAS, Vice-Chair Hinkson performed an examination of the premises and surrounding area and neighborhood; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the northwest corner of the intersection of Amsterdam Avenue and West 66th Street; it is located within an R8 (C2-5) zoning district; and

WHEREAS, the site has 200 feet of frontage along West 66th Street and 250 feet of frontage along Amsterdam Avenue, consisting of 50,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a 42-story mixed residential and commercial building; and

WHEREAS, the PCE operates as Flywheel Sports Inc. d/b/a Flywheel, and occupies 2,750 sq. ft. of floor

area on the ground floor of the subject building as well as 2,125 sq. ft. of floor space at the cellar level of the subject building; and

WHEREAS, the PCE shall not operate beyond that portion of the subject building which is within the C2-5 commercial overlay; and

WHEREAS, the PCE’s hours of operation are 5:30 a.m. to 9:00 p.m., seven days a week; 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 does 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 notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; 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

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist No. 15-BSA-060M, dated August 28, 2015; 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 R8 (C2-5) zoning district, the operation of a PCE on the cellar and ground floor a 42-story mixed residential and commercial building, contrary to ZR §32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “Received February 2, 2015 2015”- Eight (4) sheets and “Received January 22, 2015 2015”- One (1) sheet, *on further condition*:

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

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

THAT the PCE shall operate entirely within that portion of the subject building which is located within the C2-5 commercial overlay;

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

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

THAT accessibility 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 all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 3, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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, February 3, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, February 3, 2015.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

