

209-03-BZ

APPLICANT – Law Office of Fredrick A. Becker, for 150 Central Park South Incorporated, owner; Exhale Enterprises, Inc., lessee.

SUBJECT – Application September 23, 2013 – Extension of term of a variance (§72-21) for the continued operation of physical culture establishment (*Exhale Spa*) located in a portion of a 37-story residential building which expired on October 21, 2013. R10-H zoning district.

PREMISES AFFECTED – 150 Central Park South, south side of Central Park South between Avenue of the Americas and Seventh Avenue, Block 1011, Lot 52, 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 Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term for a variance authorizing a physical culture establishment (“PCE”) in an R10H (C5-1) zoning district, which expired on October 21, 2013; and

WHEREAS, a public hearing was held on this application on December 17, 2013, after due notice by publication in *The City Record*, and then to decision on January 28, 2014; and

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

WHEREAS, Community Board 5, Manhattan, declines to issue a recommendation regarding this application; and

WHEREAS, the subject site is an interior lot located on the south side of Central Park South, between Seventh Avenue and Avenue of the Americas, within an R10H (C5-1) zoning district; and

WHEREAS, the site is occupied by a 37-story mixed residential and commercial building with approximately 307,549 sq. ft. of floor area; and

WHEREAS, the PCE is located on portions of the cellar, first and second floors, for a total PCE floor space of 10,500 sq. ft.; and

A true copy of resolution adopted by the Board of Standards and Appeals, January 28, 2014.

Printed in Bulletin Nos. 4-5, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

WHEREAS, the PCE is operated as Equinox; and

WHEREAS, on October 21, 2003, under the subject calendar number, the Board granted a variance, pursuant to ZR § 72-21, to permit, in an R10H district, the operation of a PCE for a term of ten years contrary to ZR § 22-00; and

WHEREAS, the applicant now seeks to extend the term of the variance authorizing the PCE for ten years; 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 *reopens* and *amends* the resolution, dated October 21, 2003, so that as amended the resolution reads: “to grant an extension of the variance for a term of ten years, to expire on October 21, 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 11, 2013’- (4) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on October 21, 2023;

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

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

THAT the hours of operation of the PCE will be limited to Monday through Friday, from 6:30 a.m. to 9:00 p.m., and Saturday and Sunday, from 8:00 a.m. to 8:00 p.m.;

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

THAT a certificate of occupancy will be obtained by January 28, 2015;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

THAT DOB 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 28, 2014.

