

34-14-BZ & 498-83-BZ

CEQR #14-BSA-079R

APPLICANT – Rampulla Associates Architects, for Anthony Vasaturo, owner; MS Fitness, LLC, lessee.

SUBJECT – Application February 19, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Club Metro USA*) within an existing building. Amendment of a previously approved variance (§72-21) to permit the change of use from a banquet hall (UG9 & 12), reduce building size and retain accessory parking in residential district. C8-1/R3X zoning district.

PREMISES AFFECTED – 2131 Hylan Boulevard, north side of Hylan Boulevard, corner formed by the intersection of Hylan Boulevard and Bedford Avenue, Block 3589, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner of the Department of Buildings (“DOB”), dated November 21, 2013, acting on DOB Application No. 520167809, reads, in pertinent part:

Proposed conversion of an existing banquet hall to a physical culture establishment located in a C8-1 and R3X zoning district requires a special permit; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C8-1 zoning district and partially within an R3X zoning district, the operation of a physical culture establishment within an existing three-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on March 25, after due notice by publication in the *City Record*, and then to decision on April 8, 2014; and

WHEREAS, a companion application to permit an amendment to a previously-granted variance under BSA Cal. No. 498-83-BZ (which authorized the operation of a banquet hall and accessory parking lot within a residence district) was decided at the same hearing; and

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

WHEREAS, Community Board 2, Staten Island, recommends approval of the application; and

WHEREAS, the subject site is on the southwest corner of the intersection of Hylan Boulevard and

Bedford Avenue, partially within a C8-1 zoning district and partially within an R3X zoning district; and

WHEREAS, the site has approximately 131 feet of frontage along Hylan Boulevard, approximately 228 feet of frontage along Bedford Avenue, and 29,819 sq. ft. of lot area; and

WHEREAS, the site is divided by a district boundary, with the first 100 feet of depth west of Hylan Boulevard within a C8-1 zoning district, and the remaining 128 feet of depth within an R3X zoning district; and

WHEREAS, the site is occupied by a three-story commercial building with 22,878 sq. ft. of floor area (0.79 FAR) and 37 accessory parking spaces; and

WHEREAS, the applicant proposes to remove the portion of the building within the R3X portion of the site, which will reduce the floor area of the building from 22,878 sq. ft. of floor area (0.79 FAR) to 15,661 sq. ft. (0.52 FAR), convert the remaining portions of the building to a PCE, and increase the number of accessory parking spaces from 37 to 51; and

WHEREAS, the PCE will be operated as Club Metro USA; and

WHEREAS, the applicant represents that, aside from its accessory parking, the PCE will operate entirely within the C8-1 portion of the site; 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 Thursday, from 4:30 a.m. to 12:00 a.m., Friday, from 4:30 a.m. to 10:00 p.m., Saturday, from 6:00 a.m. to 10:00 p.m., and Sunday, from 6:00 a.m. to 7:00 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

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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. 14-BSA-079R dated December 11, 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 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 issued 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 partially within a C8-1 zoning district and partially within an R3X zoning district, the operation of a physical culture establishment within an existing 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 March 28, 2014' – (7) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on April 8, 2024;

THAT the parking lot will be limited to 51 spaces and will be used only by patrons and employees of the PCE;

THAT signage and landscaping/buffering of the parking lot will be in accordance with the BSA-approved plans;

THAT signage will be in accordance with the

A true copy of resolution adopted by the Board of Standards and Appeals, April 8, 2014.

Printed in Bulletin No. 15, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

BSA-approved plans;

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 an amended certificate of occupancy will be obtained by April 8, 2015;

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 8, 2014.

