

68-94-BZ

APPLICANT – Troutman Sanders LLP, for Bay Plaza Community Center, LLC, owner; Bally's Total Fitness of Greater New York

SUBJECT – Application September 10, 2013 – Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (*Bally's Total Fitness*) which expires on November 1, 2014; Extension of Time to obtain a Certificate of Occupancy which expired on September 11, 2013; waiver of the Rules. C4-3/M1-1 zoning district.

PREMISES AFFECTED – 2100 Bartow Avenue, bounded by Bay Plaza Blvd. Co-Op City Blvd, Bartow Avenue and the Hutchinson River Parkway, Block 5141, Lot 810, Borough of Bronx.

COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez.....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an amendment, an extension of term for a physical culture establishment (“PCE”), which expires on November 1, 2014, and an extension of time to obtain a certificate of occupancy, which expired on September 11, 2013; and

WHEREAS, a public hearing was held on this application on December 10, 2013, after due notice by publication in *The City Record*, and then to decision on January 14, 2014; and

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

WHEREAS, Community Board 10, Bronx, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Bartow Avenue, between Baychester Avenue and the Hutchinson River Parkway, within a C4-3 zoning district; and

WHEREAS, the PCE is located on a portion of the first and second floors of the Co-Op City Bay Plaza shopping center and occupies 20,350 sq. ft. of floor area; and

WHEREAS, the PCE is operated as Bally Total Fitness; and

WHEREAS, on November 1, 1994, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit, in a C4-3 district, the operation of a PCE for a term of ten years; and

WHEREAS, on April 12, 2005, the grant was extended for a term of ten years, to expire on November 1, 2014; and

WHEREAS, subsequently, the grant has been amended on various occasions; and

WHEREAS, most recently, on September 11,

2012, the Board granted a one-year extension of time to obtain a certificate of occupancy, which expired on September 11, 2013; and

WHEREAS, the applicant now seeks to extend the term of the PCE special permit for ten years and to extend the time to obtain a certificate of occupancy for one year; and

WHEREAS, in addition, the applicant seeks an amendment to reflect a minor increase in the size of the PCE from the previously-approved 20,290 sq. ft. of floor area to 20,350 sq. ft. of floor area; and

WHEREAS, as to the extension of time, the applicant represents that its application to the Department of Buildings for a certificate of occupancy for the PCE is pending and that it has been delayed by the existence of open violations within the shopping center unrelated to the PCE; and

WHEREAS, as to the amendment, the applicant states that the discrepancy was recently discovered and is reflected in the proposed plans; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term for ten years, an extension of time to obtain a certificate of occupancy, and the noted amendment to the plans are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated November 1, 1994, so that as amended the resolution reads: “to grant an extension of the special permit for a term of ten years, to expire on January 14, 2024 and to grant an extension of time to obtain a certificate of occupancy to January 14, 2015”; *on condition* that all work and site conditions shall comply with drawings marked ‘Received December 13, 2013’ - (3) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on November 1, 2024;

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

THAT all massages must be performed only by New York State licensed massage professionals;

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

THAT a certificate of occupancy will be obtained by January 14, 2015;

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

THAT the Department of Buildings 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 14, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, January 14, 2014.

Printed in Bulletin Nos. 1-3, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

