

**20-02-BZ**

APPLICANT – Law office of Fredrick A. Becker, for 303 Park Avenue South Leasehold Co. LLC, owner; TSI East 23, LLC dba New York Sports Club, lessee. SUBJECT – Application September 20, 2013 – Extension of term of a special permit (§73-36) to allow the operation of a physical culture establishment (*New York Sports Club*) in a five story mixed use loft building, which expired on August 21, 2013. C6-4 zoning district.

PREMISES AFFECTED – 303 Park Avenue South, northeast corner of Park Avenue south and East 23rd Street, Block 879, Lot 1, 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 Montanez .....5  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening of a previously granted special permit for a physical culture establishment (“PCE”) and an extension of term, which expired on August 21, 2013; and

WHEREAS, a public hearing was held on this application on January 28, 2014, after due notice by publication in *The City Record*, and then to decision on February 25, 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, the PCE is located in a mixed commercial and residential building on the northeast corner of Park Avenue South and East 23rd Street within a C6-4A zoning district; and

WHEREAS, the site is located in portions of the cellar, first floor, and second floor of the five-story building; and

WHEREAS, the PCE has a total floor space of 24,496 sq. ft.; 3,250 sq. ft. of floor space on the cellar level, 5,900 sq. ft. of floor area on the first floor, and 15,076 sq. ft. of floor area on the second floor; and

WHEREAS, the Board has exercised jurisdiction over the subject site since March 18, 1997 when, under BSA Cal. No. 160-95-BZ, the Board permitted the legalization of an existing PCE in the subject building for a term of ten years; and

WHEREAS, on June 18, 2002, under the subject calendar number, the Board approved the expansion of the PCE onto the second floor; and

**A true copy of resolution adopted by the Board of Standards and Appeals, February 25, 2014.**

**Printed in Bulletin Nos. 8-9, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

WHEREAS, the Board notes that numerous building residents testified at the August 21, 2007 hearing, raising concerns with excessive noise and vibrations caused by the operation of the PCE; accordingly, on August 21, 2007, the special permit was extended for a term of one year, which expired on August 21, 2008; and

WHEREAS, the applicant represents that, subsequent to the August 21, 2007 hearing, the concerns were addressed and, on November 18, 2008, the Board granted a five-year extension of term, to expired on August 21, 2013; and

WHEREAS, the applicant notes that the PCE continues to be operated as New York Sports Club; and

WHEREAS, the applicant now seeks a ten-year extension of term; and

WHEREAS, at hearing, the Board directed the applicant to notify the residents of the building and submit proof of such notification; and

WHEREAS, in response, the applicant provided proof that the residents of the building had been notified; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term 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, as adopted on June 18, 2002, so that as amended this portion of the resolution shall read: “to extend the term for ten years from August 21, 2013, to expire on August 21, 2023, *on condition* that any and all work shall substantially conform to drawings filed with this application marked “Received December 11, 2013”- (5) sheets; and *on further condition*;

THAT the term of this grant will expire on August 21, 2023;

THAT the hours of operation for the PCE will be Monday through Friday, from 5:30 a.m. to 11:00 p.m., and Saturday and Sunday, from 7:00 a.m. to 9:00 p.m.;

THAT the above conditions will be listed on the certificate of occupancy;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s); 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)/configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, February 25, 2014.

