

49-11-BZ

APPLICANT – Warshaw Burstein, LLP, for A&G Real Estate, LLC, owner; Barry's Boot camp NYC, LLC, lessee.

SUBJECT – Application February 21, 2014 – Amendment of a previously approved Special Permit (§73-36) to allow the extension of physical culture establishment. C6-3A zoning district.

PREMISES AFFECTED – 135 West 20th Street, north side of West 20th Street between Sixth Avenue and Seventh Avenue, Block 796, Lot 18, Borough of Manhattan.

COMMUNITY BOARD #4M

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 a reopening and an amendment of a previously-granted special permit for a physical culture establishment (“PCE”) to legalize the enlargement of the PCE; and

WHEREAS, a public hearing was held on this application on May 20, 2014, after due notice by publication in *The City Record*, and then to decision on June 17, 2014; and

WHEREAS, Community Board 4, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of West 20th Street, between Sixth Avenue and Seventh Avenue, within a C6-3A zoning district; and

WHEREAS, the site is occupied by a six-story commercial building; and

WHEREAS, the PCE occupies 5,279 sq. ft. of floor area on the ground floor and 4,266 sq. ft. of floor space in the cellar, for a total PCE size of 9,545 sq. ft.; and

WHEREAS, the PCE is operated as Barry’s Bootcamp; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 12, 2011 when, under the subject calendar number, the Board granted a special permit operation of the PCE in the subject building for a term of ten years, to expire on July 12, 2021; under the original grant, the PCE was permitted to occupy 3,561 sq. ft. of floor area on the ground floor and 2,873 sq. ft. of

floor space in the cellar for a total PCE size of 6,434 sq. ft.; and

WHEREAS, the applicant now seeks an amendment to permit legalize the enlargement of the PCE into other portions of the ground floor and cellar of the building; specifically, the proposal would increase the total permitted size of the PCE from 6,434 sq. ft. to 9,545 sq. ft.; and

WHEREAS, the Board referred the application to the Fire Department and by letter dated May 15, 2014, the Fire Department offered no objection to the expansion of the PCE; and

WHEREAS, based upon its review of the record, the Board finds the requested amendments to the plans are appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *reopens*, and *amends* the resolution to permit the noted modifications; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received February 21, 2014’ –(4) sheets; and *on further condition*:

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);

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.”

(DOB Application No. 120612774)

Adopted by the Board of Standards and Appeals, June 17, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

