

248-03-BZ

APPLICANT – Troutman Sanders LLP, for Ross & Ross, owner; Bally Total Fitness of Greater NY., lessee. SUBJECT – Application April 28, 2004 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance (72-21) for the operation of a Physical Culture Establishment (*Bally's Total Fitness*) which expired on May 10, 2014. C1-5/R8A & R7A zoning district.

PREMISES AFFECTED – 1915 Third Avenue, southeast corner of East 106th Street and Third Avenue, Block 1655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to obtain a certificate of occupancy for a physical culture establishment (“PCE”); and

WHEREAS, a public hearing was held on this application on June 24, 2014, after due notice by publication in *The City Record*, and then to decision on July 22, 2014; and

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

WHEREAS, the subject site is located on the northeast corner of the intersection of Coney Island Avenue and Avenue P, within an R7A (C2-3) zoning district; and

WHEREAS, the subject site is located on the southeast corner of the intersection of Third Avenue and East 106th Street, partially within a C1-5 (R8A) zoning district and partially within an R7A zoning district; and

WHEREAS, the site is occupied by a two-story commercial building; the PCE occupies 10,137 sq. ft. of floor space in the cellar, 5,261 sq. ft. of floor area on the first story, and 11,189 sq. ft. of floor area on the second story, for a total PCE floor space within the building of 26,587 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the site since January 27, 2004, when, under the subject calendar number, the Board granted a variance to

permit the operation of the PCE partially within a residence district, for a term of ten years, to expire on January 27, 2014; and

WHEREAS, on December 10, 2013, the Board granted an extension of term for the PCE, for a term of ten years, to expire on December 10, 2023; and

WHEREAS, the applicant notes that a condition of the 2013 grant was that a certificate of occupancy (“CO”) was to be obtained by May 10, 2014; however, as of that date, the CO had not been obtained; and

WHEREAS, accordingly, the applicant seeks an extension of time to obtain the CO; and

WHEREAS, the applicant represents that the issuance of the CO has been delayed because the building has not yet received a public assembly certificate of operation (“PA”); further, the issuance of the PA has been delayed by the requirement to provide a fire protection plan for the entire building; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction and amendment 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, dated January 27, 2004, so that as amended the resolution reads: “to grant an extension of the time to obtain a certificate of occupancy, to expire on January 22, 2015; *on condition*:

THAT a certificate of occupancy will be obtained by January 22, 2015;

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

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, July 22, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, July 22, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

