

**223-13-BZ**

APPLICANT – Stroock & Stroock & Lavan LLP by Ross F. Moskowitz, for NYC Department of Citywide Administrative Services, owner.

SUBJECT – Application July 24, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*Kingsbridge National Ice Wellness Center*) in an existing building. C4-4/R6 zoning district.

PREMISES AFFECTED – 29 West Kingsbridge Road aka Kingsbridge Armory Building, Block 3247, Lot 10 part of 2, Borough of Bronx.

**COMMUNITY BOARD #7BX**

**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, the decision of the Bronx Borough Commissioner, dated July 19, 2013, acting on Department of Buildings (“DOB”) Application No. 220326001, reads in pertinent part:

Proposed physical culture establishment is not permitted as of right; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C4-4 zoning district, the operation of a physical culture establishment (“PCE”) on portions of the sub-cellar levels of an existing commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on November 26, 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 Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 7, Bronx, recommends approval of this application; and

WHEREAS, the subject site is the entire block bounded by West Kingsbridge Road, West 195th Street, Jerome Avenue, and Reservoir Avenue; and

WHEREAS, the site has approximately 297,200 sq. ft. of lot area and is occupied by two, two-story commercial buildings occupied by the United States National Guard (“USNG buildings”), and by the Kingsbridge Armory, an individual New York City Landmark, which is also listed on the New York State and National Registers of Historic Places; and

WHEREAS, the applicant represents that it has sought the necessary City Planning Commission approvals to convert the Armory building to indoor ice skating rinks and other retail and commercial spaces;

and

WHEREAS, the applicant states that the converted building will be known as the Kingsbridge National Ice Center; and

WHEREAS, the PCE is proposed to occupy approximately 10,000 sq. ft. of floor space on portions of sub-cellar 1 and sub-cellar 2 of the building; and

WHEREAS, the PCE will be operated in connection with the Kingsbridge National Ice Center; 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 Friday, from 6:00 a.m. to 9:00 p.m., and Saturday and Sunday, from 8:00 a.m. to 6:00 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 PCE will not interfere with any pending public improvement project; and

WHEREAS, the Board notes that, on October 17, 2013, the Landmarks Preservation Commission issued a Binding Report indicating its approval of the proposal; 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

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No. 13DME013X, dated April 16, 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

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and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; 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 adopts the Type I Negative Declaration issued by the Deputy Mayor's Office 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 located in a C4-4 zoning district, the operation of a physical culture establishment ("PCE") on portions of the sub-cellar levels of an existing commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 18, 2013" – Ten (10) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on January 14, 2024;

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 all required City Planning Commission approvals will be obtained;

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 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, January 14, 2014.

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

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**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

