

206-03-BZ

APPLICANT – Law Office of Fredrick A. Becker, Esq., for 980 Madison Owner LLC, owner; Exhale Enterprises, Inc., lessee.

SUBJECT – Application September 12, 2013 – Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (*Exhale Spa*) which expired on November 5, 2013. C5-1 (MP) zoning district.

PREMISES AFFECTED – 980 Madison Avenue, west side of Madison Avenue between East 76th Street and East 77th Street, Block 1391, Lot 14, 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 Hinkson and Commissioner Montanez...4

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of term for a physical culture establishment (“PCE”), which expired on November 5, 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 Chair Srinivasan, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 8, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Madison Avenue, between East 76th Street and East 77th Street, within a C5-1 zoning district within the Special Madison Avenue Preservation District within the Upper East Side Historic District; and

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

WHEREAS, the PCE is located on a portion of the second floor of the building and occupies 7,700 sq. ft. of floor area; and

WHEREAS, the PCE is operated as Exhale Spa; and

WHEREAS, on November 5, 2003, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit, in a C5-1

district, the operation of a PCE for a term of ten years; and

WHEREAS, the applicant now seeks to extend the term of the PCE special permit for ten years; and

WHEREAS, at hearing, the Board requested clarification regarding an open elevator violation from the Department of Buildings (“DOB”); and

WHEREAS, in response, the applicant submitted a DOB record indicating that the elevator violation was dismissed on December 10, 2013; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term for ten years 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, dated November 5, 2003, so that as amended the resolution reads: “to grant an extension of the special permit for a term of ten years, to expire on November 5, 2023; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received December 23, 2013’- (5) sheets; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on November 5, 2023;

THAT any massages will be performed only by New York State licensed massage professionals;

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

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.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

