

CORRECTION

This resolution adopted on February 3, 2015, under Calendar No. 217-14-BZ and printed in Volume 100, Bulletin No. 7, is hereby corrected to read as follows:

217-14-BZ

CEQR #15-BSA-061M

APPLICANT – Law Office of Stuart Klein, for NY REIT, Inc., owner; Flywheel Sports Inc., lessee.

SUBJECT – Application September 4, 2014 – Special Permit (§73-36) to allow for the legalization of a physical culture establishment (*Flywheel*) on a portion of the first floor of the building. C6-2A zoning district. PREMISES AFFECTED – 245 West 17th Street, north side of W. 17th Street, 325' east of 8th Avenue, between 7th and 8th Avenue, Block 767, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez3
Negative:.....0
Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated August 14, 2014, acting on DOB Application No. 122062230, reads, in pertinent part:

The proposed Physical Culture Establishment in zoning district C6-2A is not a permitted use as of right...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize the operation, on a site within a C6-2A zoning district, of a physical culture establishment (“PCE”) on the first floor of a 12-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 30, 2015, after due notice by publication in the *City Record*, and then to decision on February 3, 2015; and

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

WHEREAS, the subject site is located on a through lot with approximately 50 feet of frontage along West 18th Street and 50 feet of frontage along West 17th Street, between Eighth Avenue, to the west, and Seventh Avenue, to the east, in Manhattan, within a C6-2A zoning district; and

WHEREAS, the site has approximately 9,200 sq. ft. of lot area and is occupied by a 12-story commercial building; and

WHEREAS, the PCE operates as Flywheel Sports Inc. d/b/a Flywheel, and occupies 3,395 sq. ft. of floor

area on the first floor of the subject building; and

WHEREAS, the PCE’s hours of operation are 5:00 a.m. to 9:00 p.m., seven days a week; 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 Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; 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 notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; 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 II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist No. 15-BSA061M, dated August 28, 2015; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination 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 within a C6-2A zoning district, the operation of a PCE on the first floor a 12-story commercial building, contrary to ZR §32-10; *on condition* that all work will substantially conform to drawings filed with this application marked “January 7, 2015”- Three (3) sheets; *on further condition*:

THAT the term of the PCE grant will expire on August 1, 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 all signage displayed at the site by the applicant shall conform to applicable regulations;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT accessibility compliance will be as reviewed and approved by DOB;

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THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 3, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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, February 3, 2015.

The resolution has been amended to correct the SUBJECT. Corrected in Bulletin Nos. 20-21, Vol. 100, dated May 20, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 3, 2015.
Printed in Bulletin No. 7, Vol. 100.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

