

**153-13-BZ
CEQR #13-BSA-138K**

APPLICANT – Eric Palatnik, PC, for Williamsburg Workshop, LLC, owner; Romi Ventures, LLC, lessee.
SUBJECT – Application May 10, 2013 – Special Permit (§73-36) to permit the legalization of a physical culture establishment (*Soma Health Club*) contrary to §32-10. C4-3 zoning district.

PREMISES AFFECTED – 107 South 6th Street, between Berry Street and Bedford Avenue, Block 2456, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #1BK

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, the decision of the Brooklyn Borough Commissioner, dated April 10, 2013, acting on Department of Buildings Application No. 320522911, reads in pertinent part:

Proposed change of use to physical culture establishment is contrary to ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C4-3 zoning district, the legalization of an existing physical culture establishment (“PCE”) in portions of the cellar, first, and second floors of an existing four-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on December 10, 2013, after due notice by publication in *The City Record*, with a continued hearing on January 28, 2014, and then to decision on February 25, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 1, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of South 6th Street, between Berry Street and Bedford Avenue, within a C4-3 zoning district; and

WHEREAS, the site has 84.17 feet of frontage along South 6th Street and approximately 5,516 sq. ft. of lot area; and

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

WHEREAS, the PCE occupies 5,516.35 sq. ft. of floor area on the first floor, 4,878 sq. ft. of floor area on the second floor, and an additional 5,516.35 sq. ft. of floor space in the cellar, for a total PCE floor space of 15,910.7 sq. ft.; and

WHEREAS, the applicant notes that the PCE has been in operation since February 1, 2010; and

WHEREAS, the PCE is currently operated as Soma Health Club; and

WHEREAS, the applicant represents that the services at the PCE include facilities for instruction and programs for physical improvement; the applicant states that massages will not be performed at the PCE; and

WHEREAS, the hours of operation for the PCE will be Monday through Thursday, from 5:30 a.m. to 11:00 p.m., Friday from 5:00 a.m. to 10:00 p.m., Saturday, from 7:00 a.m. to 8:00 p.m., and Sunday, from 8:00 a.m. to 8:00 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, accordingly, the Board finds that this action will neither alter the essential character of the surrounding neighborhood, nor impair the use or development of adjacent properties, nor be detrimental to the public welfare; and

WHEREAS, at hearing, the Board directed the applicant to clarify the status of: (1) the active vacate order on the building; and (2) the open DOB violations at the site; and

WHEREAS, in response, the applicant submitted a letter from the owner regarding the vacate order, which was issued for residential occupancy on the third and fourth floors of the building contrary to the certificate of occupancy and without a second means of egress; the owner represents that there has not been residential occupancy since 2011 and that, in November 2013, permits were obtained and work commenced on the restoration of the fire escape to the third and fourth floors and the demolition of the partitions and plumbing related to the residential occupancy; the owner also states that after the work has been completed, the vacate order will be rescinded; and

WHEREAS, as to the open violations, the applicant states that only three of the 18 violations are PCE-related, and that such violations will be resolved following the issuance of the special permit; the applicant notes that the other violations are related to the illegal residential occupancy; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the operation of the PCE 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 an Unlisted action pursuant to 6 NYCRR Part 617.2; and

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WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 13BSA138K, dated May 10, 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 and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; 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 issues a Negative Declaration 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 within a C4-3 zoning district, the legalization of an existing PCE in portions of the cellar, first, and second floors of an existing four-story commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received October 11, 2013" – Five (5) sheets; and *on further condition*:

THAT the term of this grant will expire on February 1, 2020;

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

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

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;

A true copy of resolution adopted by the Board of Standards and Appeals, February 25, 2014.

Printed in Bulletin Nos. 8-9, Vol. 99.

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

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, February 25, 2014.

