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AND APPEALS

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2-15-BZ

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5-15-BZ

123 North St. Austins Place, Corner of St. Austins Place North and Davis Avenue, Block 139, Lot(s) 74, Borough of **Staten Island, Community Board: 1**. Variance (§72-21) permit the construction of a new single family detached home contrary to front yard regulations located within an R3X zoning district. kR3X/R2 district.

6-15-A

123 North St. Austins Place, Corner of St. Austins Place North and Davis Avenue, Block 139, Lot(s) 74, Borough of **Staten Island, Community Board: 1**. GCL 36 construction of a new single family detached home located partially within the bed of mapped street, contrary Article 3 Section e of the General City Law. RA3X/R2 district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

FEBRUARY 3, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, February 3, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

301-13-BZ

APPLICANT – Eric Palatnik, P.C., for Rabbi Mordechai Jofen, owner.

SUBJECT – Application November 12, 2013 – Variance (72-21) to add three floors to an existing one story and basement UG 4 synagogue for a religious-based college and post graduate (UG 3) with 10 dormitory rooms, contrary to sections 24-11, 24-521, 24-52,24-34(a),24-06. R5B zoning district.

PREMISES AFFECTED – 1502 Avenue N, southeast Corner of East 15th Street and Avenue N, Block 6753, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

303-13-BZ

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for SoBro Development Corporation, owner.

SUBJECT – Application November 15, 2013 – Variance (§72-21) to allow a new mixed use building with 36 residential units and community facility space. R6 & C1-4 zoning districts.

PREMISES AFFECTED – 506-510 Brook Avenue, east side of Brook Avenue between 147th and 148th Street, Block 2274, Lot(s) 6, 7 and 8, Borough of Bronx.

COMMUNITY BOARD #1BX

309-13-BZ

APPLICANT – Law office of Lyra J. Altman, for Miriam Josefovich and Mark Josefovia, owners.

SUBJECT – Application November 22, 2013 – Special Permit (73-622) for the enlargement of an existing single family home, contrary to floor area and open space (23-141); side yards (23-461) and less than the required rear yard (23-47). R2 zoning district.

PREMISES AFFECTED – 965 East 24th Street, east side of East 24th Street between Avenue I and Avenue J, Block 7588, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

60-14-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Sephardic Congregation of Kew Gardens Hills, owners.

SUBJECT – Application April 11, 2014 – Variance (§72-21) to enlarge a community facility (*Sephardic Congregation*), contrary to floor lot coverage rear yard, height and setback (24-00). R4-1 zoning district.

PREMISES AFFECTED – 141-41 72nd Avenue, 72nd Avenue between Main Street and 141st Street, Block 6620, Lot 41, Borough of Queens.

COMMUNITY BOARD #8Q

154-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Peter Agrapides, owner.

SUBJECT – Application July 1, 2014 – Special Permit (§73-621) to allow an addition to the existing mixed commercial and residential building. C1-3/R6B zoning district.

PREMISES AFFECTED – 6934 5th Avenue, northwest corner of the intersection of Ovington Avenue and 5th Avenue, Block 5873, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #10BK

232-14-BZ

APPLICANT – Warshaw Burstein, LLP, for Pennsylvania Associates, LLC., owner; Pennsylvania Avenue Fitness Group, LLC, lessee.

SUBJECT – Application September 26, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*Planet Fitness*) within a portion of an existing commercial building. M1-1 zoning district.

PREMISES AFFECTED – 946 Pennsylvania Avenue aka 1000 Pennsylvania Avenue, west side of Pennsylvania Avenue between Wortman Avenue and Cozine Avenue, Block 04389, Lot 0001, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Ryan Singer, Executive Director

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REGULAR MEETING TUESDAY MORNING, JANUARY 13, 2015 10:00 A.M.

Present: Chair Perlmutter, Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez.

SPECIAL ORDER CALENDAR

717-28-BZ

APPLICANT – Fried Frank Harris Shriver and Jacobson
LLP, for Allan's Garage LLC, owner.

SUBJECT – Application August 26, 2014 – Amendment
(\$11-413) of a previously approved variance which
permitted the operation of a public parking facility. The
amendment seeks to permit a reduction in size of an existing
515 parking space facility to allowed a 143 space parking
facility to be included in an as-of-right residential
development. C2-8A zoning district.

PREMISES AFFECTED – 152-58 East 87th Street, south
side of East 87th Street, 35.17' east of the corner formed by
the intersection of East 87th Street and Lexington Avenue,
Block 1515, Lot(s) 46, 45, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez.4
Negative:.....0

ACTION OF THE BOARD – Laid over to January
27, 2015, at 10 A.M., for decision, hearing closed.

42-08-BZ

APPLICANT – Eric Palatnik, P.C., for David Nikcchemny,
owner.

SUBJECT – Application July 22, 2014 – Extension of
Time to Complete Construction of a previously granted
Special Permit (73-622) for the enlargement of an existing
two family home to be converted into a single family home
which expired on January 27, 2013; Waiver of the Rules.
R3-1 zoning district.

PREMISES AFFECTED – 182 Girard Street, between
Oriental Boulevard and Hampton Street, Block 8749, Lot
25, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to February
24, 2015, at 10 A.M., for deferred decision.

172-79-BZ

APPLICANT – Alfonso Duarte, for Luciano Utopia LLC.,
owner.

SUBJECT – Application July 16, 2014 – Extension of Term
of a previously approved variance permitting the operation
of a Real Estate office and accessory parking which will
expire on July 24, 2014. R2 zoning district.

PREMISES AFFECTED – 167-04 Northern Boulevard,
southeast corner of 16th Street, Block 5398, Lot 11,
Borough of Queens

COMMUNITY BOARD #4Q

ACTION OF THE BOARD – Laid over to March 24,
2015, at 10 A.M., for continued hearing.

APPEALS CALENDAR

109-14-A

APPLICANT – Eric Palatnik, P.C., for Carlo Saccheri,
owner.

SUBJECT – Application May 23, 2014 – Proposed two
story commercial building which does not front on a legally
mapped street, contrary to GCL Section 36. M1-1 SRD
Zoning District.

Proposed two story commercial building which does not
front on a legally, mapped street contrary to GCL Section
36. M1-1 SRD Zoning District.

PREMISES AFFECTED – 44 Marjorie Street, south of
Sharrotts Road and East of Arthur Kill Road, Block 7328,
Lot 645, Borough of Queens.

COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner
Montanez.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of
Buildings (“DOB”) dated April 18, 2014 acting on DOB
Application No. 520182686, reads in pertinent part:

The street giving access to the proposed building is
not duly placed the official map of the City of New
York, therefore,

A) No Certificate of Occupancy can be issued
pursuant to Article 3, Section 36 of the General
City Law;

B) Proposed construction does not have at least
8% of the total perimeter of building fronting
directly upon a legally mapped street or
frontage space contrary to section 502.1 of the
2008 Building Code; and

WHEREAS, this is an application to allow the
construction of a two-story commercial building which
does not front on a mapped street, contrary to General
City Law (“GCL”) § 36; and

WHEREAS, a public hearing was held on this
application on October 28, 2014 after due notice by
publication in *The City Record*, continued hearing, and then to
decision on January 13th, 2015; and

WHEREAS, Commissioners Montanez and Ottley-
Brown performed an inspection of the site, premises, and

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surrounding area and neighborhood; and

WHEREAS, the subject site is located south of Sharrotr's Road and east of Arthur Kill Road, within an M1-1 zoning district, within the Special South Richmond Development District; and

WHEREAS, the applicant proposes to construct a two-story commercial building with 12,742 sq. ft. of floor space the first floor of which shall be used for the receiving and storage of plumbing supplies and equipment as well as the parking of commercial trucks and the second story of which shall be used as accessory office space in connection with building's plumbing use; and

WHEREAS, by letter dated September 4, 2014, the Fire Department states that it has no objection to the proposal under the following conditions: (1) the proposed building must be sprinklered throughout in compliance with the NYC Fire Code and the NYC City Building Code; (2) the provided 30 feet by 30 feet frontage space shall be indicated by a yellow reflective paint striped diagonal line; (3) a sign shall be posted at the front entrance of the building indicating the location of and distance to the siamese connection; (4) the proposed hydrant shall be installed as per DEP requirements and located as per site plan A101.00; (5) A "No Parking Anytime" sign shall be provided on the subject property lot as per the NYC Fire Code Section FC503.2.7.2.1; and

WHEREAS, in response to the FDNY's request the applicant has submitted revised plans noting all conditions; and

WHEREAS, at a hearing, the Board expressed its concern that the building's two loading berths may conflict with the FDNY parking restrictions; and

WHEREAS, in response, by letter dated December 8, 2014, the Fire Department states that it has no objection to the use of the loading berths for loading and unloading goods and supplies; and

WHEREAS, the Board expressed its concern regarding the site's eligibility for a parking waiver pursuant to ZR Section 44-231 based on the use group 16D originally proposed; and

WHEREAS, the applicant has amended his plans and DOB filings to reflect a Use Group 16A use for "HVAC and Plumbing Establishment" which has a parking category of B1; and

WHEREAS, the Board does not object to the change provided that DOB agrees with the designation of the use as a Use Group 16A use; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant approval of the application subject to certain conditions set forth herein.

Therefore it is Resolved, that the decision of the DOB, dated April 18, 2014, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received October 15, 2014; one (1) sheet; that the proposal will comply with all

applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by DOB;

THAT building shall be fully-sprinklered in compliance with the NYC Fire Code and the NYC City Building Code;

THAT the 30 feet by 30 feet frontage space shall be indicated by a yellow reflective paint striped diagonal line;

THAT a sign shall be posted at the front entrance of the building indicating the location of and distance to the siamese connection;

THAT the proposed hydrant shall be installed as per DEP requirements and located as per site plan A101.00; (5) A "No Parking Anytime" sign shall be provided on the subject property lot as per the NYC Fire Code Section FC503.2.7.2.1;

THAT DOB review and approve the Use Group 16A designation proposed by the applicant;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals January 13, 2015.

245-12-A

APPLICANT – Law Offices of Marvin B. Mitzner LLC, for 515 East 5th Street, LLC, owner.

SUBJECT – Application August 9, 2012 – Appeal pursuant to Section 310(2) of the Multiple Dwelling Law, requesting that the Board vary several requirements of the MDL. R7B Zoning District

PREMISES AFFECTED – 515 East 5th Street, north side of East 5th Street, between Avenue A and Avenue B, Block 401, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to March 3, 2015, at 10 A.M., for continued hearing.

110-14-A thru 112-14-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for WRR Realty Corp., owner.

SUBJECT – Application May 29, 2014 – Proposed construction of buildings that does not front a legally mapped street, pursuant the Article 3, Section 36 of the General City Law. R3A zoning district.

PREMISES AFFECTED – 115, 109, 105 Roswell Avenue, north side of Roswell Avenue, 149.72 feet east of Wild Avenue, Block 2642, Lot 88, 91, 92, Borough Staten Island

COMMUNITY BOARD #2SI

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson,

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Commissioner Ottley-Brown and Commissioner Montanez.4
Negative:.....0

ACTION OF THE BOARD – Laid over to January 27, 2015, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

168-14-BZ

CEQR #15-BSA-027M

APPLICANT – Warshaw Burnstein, LLP, for Michael Baum, LLC, owner; Barry's Boot camp NYC. LLC, lessee. SUBJECT – Application July 14, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Barry's Bootcamp*) within the existing building. M1-5B zoning district.

PREMISES AFFECTED – 419 Lafayette Street, east side of Lafayette Street between East 4th Street and Astor Place, Block 544, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated June 25, 2014, acting on DOB Application No. 122022060, reads, in pertinent part:

Proposed ‘Physical Culture Establishment’ at zoning M1-5B is not permitted as-of-right per ZR 42-10...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to legalize, on a site within an M1-5B zoning district, within the NoHo Historic District, an existing physical culture establishment (the “PCE”) on the cellar and first story of an eight-story commercial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on December 16, 2014 after due notice by publication in the *City Record*, and then to decision on January 13, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed an examination of the premises and surrounding area and neighborhood; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site has approximately 52 feet of frontage along the east side of Lafayette Street, between Astor Place and East 4th Street, in Manhattan, within an M1-5B zoning district, within the NoHo Historic District; and

WHEREAS, the site consists of approximately 8,062 sq. ft. of floor area; and

WHEREAS, the site is occupied by an eight-story commercial building which contains approximately 58,000 sq.

ft. of floor area; and

WHEREAS, the PCE shall occupy approximately 1,332 sq. ft. of floor space at the cellar of the building and approximately 3,944 sq. ft. of floor area on the first floor of the building (.49 FAR), for a total of 5,276 sq. ft. of floor space, and shall operate as Barry’s Bootcamp; and

WHEREAS, the hours of operation for the PCE shall be daily from 5:00 a.m. to 11:00 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 Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE will not interfere with any pending public improvement project; and

WHEREAS, at hearing, the Board inquired as to the PCE’s proposed sound isolation and noise attenuation measures, and the applicant submitted drawings showing acoustic wall, ceiling, and spring isolated floor details; 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 Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect (CNE 15-5043), issued on March 10, 2014; 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. 15BSA027M, dated July 14, 2014; 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 an M1-5B zoning district, within the NoHo Historic District, the operation of a PCE on the first story and cellar of an eight-story commercial building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received September 11, 2014” – Four (4) sheets and “Received

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December 19, 2014” – One (1) sheet; and *on further condition:*

THAT the term of the PCE grant shall expire on January 13, 2025;

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

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

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by January 13, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT the approved plans shall 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 13, 2015.

184-14-BZ

CEQR #15-BSA-041K

APPLICANT – Sheldon Lobel, P.C., for Hamilton Plaza Associates, owner; Brooklyn Park Slope Fitness, lessee.

SUBJECT – Application August 6, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Retro Fitness*) on the third floor of the existing building at the premises. M1-2 zoning district
PREMISES AFFECTED – 1-37 12th Street, eastern side of the intersection between Hamilton Place and 12th Street, Block 1007, Lot 172, Borough of Brooklyn.

COMMUNITY BOARD #6BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 8, 2014, acting on DOB Application No. 320917790, reads, in pertinent part:

Proposed Physical Culture Establishment use on the third floor and the mezzanine level of the building within M1-2 district is contrary to ZR 42-

10 ...

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-2 zoning district, a physical culture establishment (“PCE”) on the third floor and mezzanine of a four-story mixed manufacturing and commercial use building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in the *City Record*, and then to decision on January 13, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed an examination of the premises and surrounding area and neighborhood; and

WHEREAS, Community Board 6, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is bounded to the west and south by the Gowanus Canal with access from 12th Street, within an M1-2 zoning district; and

WHEREAS, the site consists of approximately 86,250 sq. ft. of lot area; and

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

WHEREAS, the site is subject to a restrictive declaration recorded on October 21, 1977 at Reel 952, Page 1344 (the “Restrictive Declaration”) which restricts, *inter alia*, uses on the 3rd and 4th stories of the building such that the contemplated PCE use must be recommended by the City Planning Commission (the “CPC”); and

WHEREAS, the applicant has represented that it has submitted an application to the CPC to remove or amend the Restrictive Declaration; and

WHEREAS, the PCE shall occupy approximately 15,561 sq. ft. of floor area (1.35 FAR) on the third floor of the building and shall operate as Retro Fitness; and

WHEREAS, the PCE’s hours of operation shall be daily, from 4:30 a.m. to 12:00 a.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 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 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

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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-BSA-041K, dated August 6, 2014; 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 an M1-2 zoning district, the operation of a PCE on the third story and mezzanine of a four-story mixed manufacturing and commercial use building, contrary to ZR § 42-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received November 26, 2014"- Five (5) sheets and "Received January 13, 2015"- One (1) sheet; *on further condition*:

THAT the term of the PCE grant shall expire on January 13, 2025;

THAT there shall 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 this approval is contingent upon the CPC removing or amending the Restrictive Declaration so that the contemplated PCE use shall not be prohibited;

THAT required parking shall be as reviewed and approved by DOB;

THAT accessibility 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 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 January 13, 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 January 13, 2015.

201-14-BZ

CEQR #15-BSA-046X

APPLICANT – Frank Angelino, Esq., for Joseph Pogostin, owner; New Fitness of 3rd Avenue, Bronx, LLC., lessee.

SUBJECT – Application August 22, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Retro Fitness*) on the ground floor of an existing one-story and cellar commercial building. M1-1/R7-2 zoning district.

PREMISES AFFECTED – 3524 Third Avenue, northeast corner of East 168th Street, Block 2610, Lot 1, Borough of Bronx.

COMMUNITY BOARD #3BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated August 8, 2014, acting on DOB Application No. 220390226, reads, in pertinent part:

Proposed Physical Culture Establishment is not permitted in an M1-1/R7-2 Zoning District. The use is contrary to Section ZR 42-10 of the New York City Zoning Resolution ...

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-1/R7-2 zoning district, within a Special Mixed Use District (MX-7), a physical culture establishment ("PCE") on the first floor of a single story commercial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on January 6, 2015, after due notice by publication in the *City Record*, and then to decision on January 13, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Ottley-Brown performed an examination of the premises and surrounding area and neighborhood; and

WHEREAS, Community Board 3, Bronx, recommends approval of this application; and

WHEREAS, the subject site is a corner lot with approximately 176 feet of frontage on 3rd Avenue and approximately 125 feet of frontage on East 168th Street, within an M1-1/R7-2 zoning district, within a Special Mixed Use District (MX-7) in the Bronx; and

WHEREAS, the site consists of approximately 22,925 sq. ft. of lot area; and

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

WHEREAS, the PCE shall occupy approximately 15,008 sq. ft. of floor area (0.66 FAR) on the first floor of the building and shall operate as Retro Fitness; and

WHEREAS, the PCE's hours of operation shall be Monday through Friday, from 5:00 a.m. to 12:00 a.m., and on Saturday and Sunday, from 7:00 a.m. to 7:00 p.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and

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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 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. 15BSA046X, dated August 22, 2014; 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 an M1-1/R7-2 zoning district, within a Special Mixed Use District (MX-7), the operation of a PCE on the first story a single-story commercial building, contrary to ZR § 42-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received December 3, 2014"- Four (4) sheets; *on further condition*:

THAT the term of the PCE grant will expire on January 13, 2025;

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;

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 January 13, 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 January 13, 2015.

78-11-BZ & 33-12-A thru 37-12-A

APPLICANT – Sheldon Lobel, P.C., for Indian Cultural and Community Center, Incorporated, owner.

SUBJECT – Applications May 27, 2011 and February 9, 2012 – Variance (§72-21) to allow for the construction of two assisted living residential buildings, contrary to use regulations (§32-10).

Proposed construction of two mixed use buildings that do not have frontage on a legally mapped street, contrary to General City Law Section 36. C8-1 Zoning District.

PREMISES AFFECTED – 78-70 Winchester Boulevard, Premises is a landlocked parcel located just south of Union Turnpike and west of 242nd Street, Block 7880, Lots 550, 500 Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for deferred decision.

155-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Cong Kozover Zichron Chaim Shloime, owners.

SUBJECT – Application May 15, 2013 – Variance (§72-21) to permit the enlargement of an existing synagogue (*Congregation Kozover Sichron Chaim Shloime*) and rabbi's residence (UG 4) and the legalization of a Mikvah, contrary to floor area (§24-11), lot coverage (§24-11), wall height and setbacks (§24-521), front yard (§24-34), side yard (§24-35), rear yard (§24-36), and parking (§25-18, 25-31) requirements. R3-2 zoning district.

PREMISES AFFECTED – 1782-1784 East 28th Street, west side of East 28th Street between Quentin road and Avenue R, Block 06810, Lots 40 & 41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

186-13-BZ

APPLICANT – Harold Weinberg, P.E., for Apostollis Goutsios, owner.

SUBJECT – Application June 21, 2013 – Special Permit (§73-622) for an enlargement to an existing single family

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home, contrary to side yard regulations (ZR 23-461) of the zoning resolution. R5 (BR) zoning district.

PREMISES AFFECTED – 117 Gelston Avenue, east side 125'-13/8" south of 90th Street and 92nd Street, Block 6089, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #10BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.4

Negative:.....0

ACTION OF THE BOARD – Laid over to January 27, 2015, at 10 A.M., for decision, hearing closed.

264-13-BZ

APPLICANT – Francis R. Angelino, Esq., for David Lowenfeld, owner; BB Fitness dba Brick Crossfit NYC, lessee.

SUBJECT – Application September 6, 2013 – Special Permit (§73-36) to legalize a physical culture establishment (*Brick CrossFit*) on the ground floor and cellar of an existing 10-story building. C6-2A zoning district.

PREMISES AFFECTED – 257 West 17th Street, north side, West 17th Street, between 7th & 8th Avenues, Block 767, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to February 10, 2015, at 10 A.M., for continued hearing.

266-13-BZ

APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for 515 East 5th Street LLC, owner.

SUBJECT – Application September 6, 2013 – Variance (§72-21) to legalize the enlargement of a six-story, multi-unit residential building, contrary to maximum floor area (§23-145). R7B zoning district.

PREMISES AFFECTED – 515 East 5th Street, north side of East 5th Street between Avenue A and B, Block 401, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to March 3, 2015, at 10 A.M., for deferred decision.

8-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Oleg Saitskiy, owner.

SUBJECT – Application January 16, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (23-141); side yards requirements (§23-461) and less than the rear yard requirement (23-47). R3-2 zoning district.

PREMISES AFFECTED – 1824 East 22nd Street, west side of East 22nd Street between Quentin Road and Avenue R, Block 6804, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for continued hearing.

25-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Yeshiva of Flatbush, LLC, owner.

SUBJECT – Application February 6, 2014 – Variance (§72-21) to permit the enlargement of an existing four story Yeshiva (*Yeshiva of Flatbush*). R2 & R5 zoning districts.

PREMISES AFFECTED – 1601-1623 Avenue J aka 985-995 East 16th Street & 990-1026 East 17th Street, Block 6709, Lot(s) 32, 34, 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.4

Negative:.....0

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for decision, hearing closed.

64-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Moshe Dov Stern & Goldie Stern, owners.

SUBJECT – Application April 29, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1320 East 23rd Street, west side of East 23rd Street between Avenue M and Avenue N, Block 7658, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for continued hearing.

91-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for 3428 Bedford LLC by Jeffrey Mehl, owner.

SUBJECT – Application May 2, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 3420 Bedford Avenue, southwest corner of Bedford Avenue and Avenue M, Block 7660, Lot (tentative) 45, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

117-14-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Trinity Episcopal School Corporation, owner; Trinity Housing Comp. Inc., lessee.

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SUBJECT – Application June 3, 2014 – Variance (§72-21) to permit the enlargement of a school (*Trinity School*), including construction of a 2-story building addition with rooftop turf field, contrary to required rear yard equivalents, lot coverage, height and setback, and minimum distances between buildings. Split zoning lot within R7-2 and C1-9 zoning districts.

PREMISES AFFECTED – 101 W 91st Street, 121 & 139 W 91st St and 114-124 W 92nd St, bounded by West 91st and 92nd street and Amsterdam and Columbus Avenues, Block 1222, Lot(s) 17, 29, 40, 9029, Borough of Manhattan.

COMMUNITY BOARD # 7M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.4
Negative:.....0

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for decision, hearing closed.

185-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Roza 14 WLLC, owner; 14 Wall Day Spa LLC, lessee.

SUBJECT – Application August 6, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*The Vault Spa*) on the cellar and sub-cellar floor of the existing building at the premises, which is located in a C5-5 zoning district.

PREMISES AFFECTED – 14 Wall Street, north side of Wall Street with frontage on Nassau Street and Pine Street, Block 46, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for deferred decision.

285-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 84 McLaughlin Street, Block 0341, Lot 20049. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

286-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane

Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 20 Orlando Street, Block 0340, Lot 30016. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

288-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 131 Cedar Grove Avenue, Block 0408, Lot 70002. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

297-14-BZ & 298-14-A

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy. (GCL 36) waiver for properties located on an unmapped street on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 6 Topping Street, between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot 50042 Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

299-14-BZ & 300-14-A

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy. (GCL 36) waiver for properties located on an unmapped street on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 28 Topping Street, between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot 50043. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

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307-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 10, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 540 Hunter Avenue, Block 0379, Lot 60024 Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

308-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 10, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 179 Kiswick Street, Block 50042, Lot 60024 Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

310-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 10, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 297 Colony Avenue, Block 0381, Lot 40032, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February 3, 2015, at 10 A.M., for continued hearing.

312-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 10, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 65 Hempstead Avenue, Block 0381, Lot 00008, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to February

3, 2015, at 10 A.M., for continued hearing.

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 13, 2015

1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.

ZONING CALENDAR

169-14-BZ

APPLICANT – Simons & Wright LLC, for Midyan Gate Reality No. 3 LLC., owner.

SUBJECT – Application July 21, 2014 – Special Permit (§73-19) to allow a pre-school and child care services (Use Group 3) (*Inner Force Y*) within the existing building. M1-1 Ocean Parkway Special Zoning District.

PREMISES AFFECTED – 325 Avenue Y, southwest corner of Avenue Y between Shell Road and West 3rd Street, Block 7192, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for continued hearing.

203-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 16 West 8th LLC, owner; 305 Fitness, lessee.

SUBJECT – Application August 25, 2014 – Special Permit §73-36 to permit a physical culture establishment (*305 Fitness*) within portions of an existing commercial building. C4-5 zoning district.

PREMISES AFFECTED – 18 West 8th Street, South side of West 8th Street, 97.2 feet east of intersection of West 8th Street and MacDougal Street. Block 551, Lot 23. Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to February 10, 2015, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director