

87-12-BZ

APPLICANT – Troutman Sanders, LLP, for A & J Properties, LLC, owner.

SUBJECT – Application September 9, 2015 – Amendment (73-36) to permit a change in ownership of the PCE from Bally total fitness. C2-2/R4 zoning district.

PREMISES AFFECTED – 1720-1728 Sheepshead Bay Road, Block 8770, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for the reopening, the amendment of a previously granted special permit for a physical culture establishment (“PCE”), which will expire on August 14, 2022, to reflect a change in ownership, a change in the hours of operation, a new interior layout for the PCE on the first floor, and the replacement of accessory business signs; and

WHEREAS, a public hearing was held on this application on March 8, 2016, after due notice by publication in *The City Record*, and then to decision on April 12, 2016; and

WHEREAS, Vice-Chair Hinkson, Commissioner Ottley-Brown, Commissioner Montanez and Commissioner Chanda performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Sheepshead Bay Road, between Voorhies Avenue and Shore Parkway, in an R4 (C2-2) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 110 feet of frontage along Sheepshead Bay Road, 125 feet of frontage along Shore Parkway, and a total lot area of 24,162 sq. ft.; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 3, 1977 when, under BSA Cal. No. 854-76-BZ, the Board granted a variance to permit the area enlargement of an existing theater structure and its conversion into a skating rink with accessory uses; and

WHEREAS, on May 5, 1987, under BSA Cal. No. 830-86-BZ, the Board granted a variance to permit the change in use of the premises from a skating rink (Use Group 12) to a physical culture establishment (Use Group 9) and a special permit for such use for a period of ten years, expiring May 5, 1997; and

WHEREAS, on June 27, 1989, under BSA Cal. No. 830-86-BZ, the Board reopened and amended the

variance to permit the change in name of the owner of the facility, change the hours of operation, and waive the requirement of three off-street loading and unloading berths; and

WHEREAS, on September 21, 1999, under BSA Cal. No. 830-86-BZ, the Board reopened and amended the variance to change the hours of operation, to accept certain changes to the interior layout of the space, and extend the term an additional ten years, expiring May 5, 2007; and

WHEREAS, on September 9, 2003, under BSA Cal. No. 830-86-BZ, the Board granted an extension of time to obtain a new certificate of occupancy to September 9, 2005; and

WHEREAS, on August 14, 2012, under the subject calendar number, the Board granted the subject special permit to permit the operation of the subject PCE on the first floor, second floor, and mezzanine level of an existing two-story and mezzanine commercial building for a term of ten years, expiring August 14, 2022; and

WHEREAS, the instant application seeks an amendment to the PCE’s special permit indicating a change in ownership of the PCE, from Bally Total Fitness of Greater New York to 24 Hour Fitness, Inc., as well as the replacement of accessory business signs to reflect the new ownership, changes to the previously approved hours of operation and minor interior partition alterations to the first floor of the PCE; and

WHEREAS, the applicant notes that it is not proposing to change the area occupied by the PCE within the existing building, 15,110 sq. ft. of floor area on the first floor, 15,700 sq. ft. of floor area on the second floor, and 6,553 sq. ft. of floor area on the mezzanine level for a total of 37,363 sq. ft. of floor area; and

WHEREAS, the applicant represents that the proposed accessory signs are in compliance with applicable zoning regulations; and

WHEREAS, the hours of operation previously approved by the Board on August 14, 2012 were Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 7:00 a.m. to 10:00 p.m., Saturday, 7:00 a.m. to 10:00 p.m., and Sunday, 9:00 a.m. to 5:00 p.m.; and

WHEREAS, the applicant requests an amendment to those approved hours so that they reflect the PCE’s existing hours of operation of Monday through Thursday, 6:00 a.m. to 11:00 p.m. (no change from approved hours), Friday, 6:00 a.m. to 10:00 p.m. (opening one hour earlier than approved hours), Saturday, 8:00 a.m. to 9:00 p.m. (opening one hour later and closing one hour earlier than approved hours), and Sunday, 8:00 a.m. to 9:00 p.m. (opening one hours earlier and closing four hours later than approved hours); and

WHEREAS, the applicant represents that this

87-12-BZ

change in its approved hours of operation will not affect the character of the neighborhood, which is primarily commercial and includes no residential uses within the immediate area; and

WHEREAS, the applicant represents that the subject PCE is ADA-compliant and that an FDNY-approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and connection of the interior fire alarm to an FDNY-approved central station—and automatic wet sprinklers have been installed in the entire PCE space; and

WHEREAS, the applicant states that the PCE will not interfere with any public improvement project; and

WHEREAS, the Department of Investigation has performed a background check on the new corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has deemed to be satisfactory; and

WHEREAS, based upon its review of the record, the Board finds that the requested change in ownership and extensions of term are 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 August 14, 2012, so that as amended the resolution reads: “to permit a change in ownership of the premises to 24 Hour Fitness, Inc.; to change the hours of operation to Monday through Thursday, 6:00 a.m. to 11:00 p.m., Friday, 6:00 a.m. to 10:00 p.m., Saturday, 8:00 a.m. to 9:00 p.m., and Sunday, 8:00 a.m. to 9:00 p.m., *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked ‘Received January 26, 2016’ –(Three) 3 sheets; and *on further condition*:

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

THAT minimum 3’-0” wide exit pathways shall be provided leading to the required exits and shall always be maintained unobstructed, including from any gymnasium equipment;

THAT an approved interior fire alarm system—including area smoke detectors, manual pull stations at each required exist, local audible and visual alarms, and a connection to an FDNY-approved central station—shall be installed in the entire PCE space;

THAT the entire PCE space shall be fully-sprinklered;

A true copy of resolution adopted by the Board of Standards and Appeals, April 12, 2016.

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Copies Sent

To Applicant

Fire Com’r.

Borough Com’r.

THAT Local Law 58/87 shall be complied with as approved by DOB;

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

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, April 12, 2016.

