



CITY PLANNING COMMISSION

April 26, 2005/Calendar No. 8

C 030425 MMX

IN THE MATTER OF an application, submitted by Salanter Akiba Riverdale (SAR) Academy pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of a portion of Netherland Avenue between West 259th Street and West 261st Street;
- the adjustment of grades; and
- any acquisition or disposition of real property related thereto,

Community District 8, Borough of the Bronx, in accordance with Map No. 13103 dated June 29, 2005 and signed by the Borough President.

The application (C 030425 MMX) for an amendment to the City Map was filed by Salanter Akiba Riverdale (SAR) Academy, pursuant to Sections 197-c and 199 of the New York City Charter on April 2, 2003. It involves: the elimination of a portion of Netherland Avenue between West 259th Street and West 261st Street; the adjustment of grades; and any acquisition or disposition of real property related thereto.

BACKGROUND

Salanter Akiba Riverdale (SAR) Academy is requesting a change in the City Map involving the elimination of a portion of Netherland Avenue between West 259th and West 261st streets. The amendment to the City Map will facilitate construction of an athletic field, a school bus boarding area, and a parking lot for a newly-constructed 400 student parochial high school. The proposed parking lot would contain approximately 78 parking spaces and would be used for school staff and visitor parking and school bus loading and unloading.

Netherland Avenue between West 259th and West 261st streets is mapped to a 60-foot width and is unimproved. The portion of Netherland Avenue proposed to be eliminated is owned by the applicant. West 259th Street is mapped to a 60-foot width and is open for two-way traffic. West 261st Street is also mapped to a 60-foot width and is open for two-way traffic.

The subject street is located in the Riverdale section of the Borough of the Bronx and runs parallel to Riverdale Avenue. The subject area lies in an R4 zoning district with a C1-2 commercial overlay. Adjacent zoning districts include R3-1, R3-2 and R1-2. The NA-2 Special Natural Area District abuts the site to the north and west. This is a residential area with one-and-two-family homes and multi-family structures. The area to the west of Netherland Avenue is occupied by the Skyview apartment complex. Directly to the north are single family residential homes, further to the north is the campus of the College of Mount St. Vincent. East of the proposed site are a number of commercial establishments including a post office, a bank and a synagogue. A small shopping center is located to the south of West 259th Street on Riverdale Avenue.

ENVIRONMENTAL REVIEW

This application (C 030425 MMX) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR No. is 03DCP057X. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on December 19, 2005.

UNIFORM LAND USE REVIEW

This application (C 030425 MMX) was certified as complete by the Department of City Planning on December 19, 2005, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

COMMUNITY BOARD PUBLIC HEARING

Community Board 8 held a public hearing on this application (C 030425 MMX) on January 30, 2006, and on February 14, 2006, by a vote of 13 to 9 with 2 abstentions, adopted a resolution recommending disapproval of the application with the following comments:

Community Board 8 disapproved this application because conditions were not met at the time of vote on February 14, 2006. The conditions of Community Board 8 were that the applicant provide to the Board satisfactory documentary proof of the following:

1. A certified copy of the Covenant running with the land between SAR and Skyview, together with proof of recording, reflecting the asserted undertaking by SAR not to build on the land conveyed by Skyview to SAR (other than a small utility shed at or in proximity to the proposed baseball field) and that such conveyed land shall not in any way be used to increase the buildable FAR of the SAR property.
2. A duly authorized written representation of SAR or its counsel (which shall become part of the application and record and shall be relied upon by the Board and the Community) that:
 - a) no illumination or lights shall be erected or maintained in the area of the proposed ball field;
 - b) duly authorized representatives of SAR have prior to February 14, 2006 met with and attempted in good faith to reach an accord with the residential neighbors on the West side of Riverdale Avenue adjacent to the property and Dr. McLean the residential neighbor to the north of the property, such writing to set forth either the agreement reached with such neighbors or the specific proposals made in good faith by SAR to meet the expressed concerns of such neighbors;
 - c) to limit the rolling of parked cars on at least that portion of the proposed parking area as shall be in proximity to the residential and other structures on the west side of Riverdale Avenue a wall or other meaningful, but not unsightly, construction shall be erected to ensure that cars will not roll onto the property of said structures;
 - d) the use of the ball field shall be limited to use by SAR students and students activities and that any use by non students of SAR shall be limited to a specific, reasonable and defined utilization by Skyview (the terms of use to be specified in said writing);
 - e) a fence or comparable security barrier shall be erected and maintained at the entrance to the driveway which shall be closed, to the public when the property and premises are not in actual use by SAR (e.g. at nights);
 - f) appropriate planting shall be provided and maintained in the area adjacent to the residential structures on the west side of Riverdale Avenue so as to minimize noise and pollution;
 - g) a reasonable, good faith effort shall be made to mitigate the sightline problem

attendant to rubble, rock formation or wall facing the residence to the north of the site (the home of Dr. McLean);

h) the water management plan for the site shall be essentially set forth in an annexed writing;

i) the Department of Buildings and the Department of Transportation advised representatives of SAR that the proposed construction and development would not be permitted absent the demapping of the unbuilt, relevant existing portion of Netherland Avenue;

j) no additional or other retaining wall is required to make safe the rock outcroppings to the west of the premises and, if such shall be required, then, in the interests of public safety, SAR shall promptly take steps to make safe that area or pertinent portion thereof.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 030425 MMX) was considered by the Borough President, who issued a recommendation approving the application on March 17, 2006 with the following conditions:

1. That, within 30 days of my report to the City Planning Commission, SAR presents to Community Board 8 a long range development plan for its high school campus, including any adjacent properties that it may own, and a rendering of the site alterations that will result from this ULURP application;
2. That the applicant will comply with Section 25-66(a) (1) of the Zoning Resolution which provides for screening of all parking facilities larger than 10 spaces constructed in an R4 district from adjoining zoning lots, including zoning lot situated across a street, with “a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years”;
3. That the setbacks of retaining walls and the vertical walls must be densely planted with year-round screening to minimize negative visual impacts on adjacent residences;
4. That SAR shall agree to maintain such dense planting except where a neighboring property owner agrees in writing to assume maintenance responsibility;
5. That all site alterations be designed to minimize the removal of trees, notably the area between SAR's parking lot and residential properties on the west side of Riverdale Avenue which should be planted with dense evergreen screening;
6. That the ball field shall not be equipped with illumination or sound amplification;
7. That the parking lot will be elevated at least two feet above the property of Young Israel Synagogue on Riverdale Avenue so as to preclude vehicular access to SAR from Riverdale Avenue;
8. That parking areas will be surrounded by aesthetically appropriate guardrails to prevent cars from sliding onto nearby properties on the west side of Riverdale Avenue;
9. That the ball field will be set back at least 20 feet from the southern boundary of property directly north of SAR's property, in two components consisting of an at least five

foot setback rising eight feet above existing grade followed by an at least 15 foot setback rising to the elevation of the softball field (approximately 20 to 40 feet depending on the location along the slope);

10. That the property's storm water management system is approved by the City of New York;

11. That the development complies with all City zoning regulations;

12. That there will be no buildings on the demapped portion of Netherland Avenue, other than a possible utility shed consistent with the Skyview agreement;

13. That only clean fill material be introduced to the property and

14. That there shall be no chain link fencing around the perimeter of the property except surrounding the ball field.

CITY PLANNING COMMISSION PUBLIC HEARING

On March 8, 2006 (Calendar No. 1), the City Planning Commission scheduled March 22, 2006, for a public hearing on this application (C 030425 MMX). The hearing was duly held on March 22, 2006 (Calendar No. 21).

There were five speakers in favor and none in opposition to the application. Four speakers, the applicant's architect, attorney, and two school faculty members, described the application and the response to the concerns of Community Board 8 and further stated that the applicant would respond to the Borough President's conditions within 30 days.

A speaker, representing a property owner directly north of the applicant's property, spoke in favor of the application with conditions. He requested that the City Planning Commission consider fulfillment of the conditions of Community Board 8 and the Borough President's recommendations as a condition for the approval of this application.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 030028 MMX) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York

State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 00-058.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

The portion of Netherland Avenue proposed to be eliminated from the City Map is mapped to a 60-foot width, unimproved and privately owned. The street lies in a steep slope and is not buildable. The subject portion of street is not necessary to the integrity and function of the street grid in this area. Peripheral streets can adequately, safely and conveniently carry the anticipated volume of vehicular and pedestrian traffic, at an acceptable level of service, both now and in the future.

The City Planning Commission received letters from the applicant dated February 17, 2006, and April 12, 2006, responding to the concerns and issues raised by Community Board 8 and the Borough President. In these letters, the applicant agreed to certain conditions relating to the resolution of these issues and concerns with the understanding that such agreement would take effect only upon the City Council approval of this application for a City Map change.

Specifically, the applicant noted that agreement has been reached between SAR and adjacent property owners regarding the restrictions of SAR development on, or use of development rights from, the former Skyview Owners Corporation property, illumination and amplification of sound at the ball field, level of parking areas, separation and use of ball field, parking and other areas adjacent to residences, planting, security, and storm water management.

In response to the Borough President's concerns about SAR's long range development plan, the applicant submitted its long range development plan to the Borough President. The long range plan includes construction of the parking lot, bus drop-off area and turnaround, a ball field, and a six hundred seat theatre addition within 2006 and the possibility of construction of a visual arts department, expanded food service addition, and a tennis court in 2007.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 030425 MMX) for the amendment to the City Map involving: the elimination of a portion of Netherland Avenue between West 259th Street and West 261st Street; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto, Community District 8, Borough of the Bronx, in accordance with Map No. 13103 dated June 29, 2005 and signed by the Borough President, is approved; and be it further

RESOLVED that, all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13103 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed an agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission. If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

The above resolution (C 030425 MMX), duly adopted by the City Planning Commission on April 26, 2006 (Calendar No. 8), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq. Vice Chair

ANGELA BATAGLIA, IRWIN G. CANTOR, P.E.

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KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners