

LAND USE COMMITTEE RESOLUTION
CPC-ULURP #C 030425 MMX

RESOLVED that the above-cited application by SAR Academy is **CONDITIONALLY APPROVED**, provided that on or before February 14, 2006, the applicant provides 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 ballfield;
 - 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 SAR 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 such 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 plantings 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 the 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 as 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 demapping of the unbuilt, relevant existing portion of Netherlands Avenue; and

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.

In Favor – 8

Steven Benardo
Anthony P. Cassino
Anthony P. Creaney
Jay Horowitz
Damian Mc Shane
Charles Moerdler
Laura Spalter
Martin Wolpoff

Opposed - 2

Julie Reyes
Nicole Stent

Abstentions - 2

Philip Friedman
Joyce Pilsner