

**RESOLUTION GRANTING PUD SITE PLAN APPROVAL (PHASE ONE)
AND PUD SUBDIVISION APPROVAL FOR THE
RXR GLEN ISLE MIXED-USE WATERFRONT DEVELOPMENT PROJECT**

WHEREAS, on December 19, 2011, the City of Glen Cove Planning Board, as Lead Agency, adopted a SEQRA Findings Statement and granted to RXR Glen Isle Partners LLC (the “Applicant”) a Special Use Permit for a Planned Unit Development (“PUD”) Master Development Plan, regarding the Applicant’s proposed mixed-use waterfront redevelopment encompassing approximately 56-acres on the north side of Glen Cove Creek, in the MW-3 Zoning District (the “Waterfront Project”); and

WHEREAS, on October 1, 2012, consistent with the MW-3 District regulations and pursuant to the SEQRA Findings Statement, the Applicant formally submitted a PUD Site Plan Application for Phase One of the Waterfront Project (the “PUD Site Plan Application”) in accordance with the City’s Site Plan regulations (Article IV of Chapter 280 of City Code); and

WHEREAS, the PUD Site Plan Application included a set of Civil Drawings, prepared by PS&S Engineering, P.C., Architectural Drawings, prepared by Lessard Design Inc. P.C., and Landscape Architecture and Urban Design Drawings, prepared by M. Paul Friedberg & Partners; and

WHEREAS, Phase One of the Waterfront Project (“Phase One”) is proposed to consist of 387 multi-family rental units, 3,055 gsf of retail, Renaissance Park, Crescent Park, relocation of Anglers Club building and boat slips, reconstructed Marina Support Building, esplanade to Ferry Terminal, related parking, and associated site improvements; and

WHEREAS, on July 9, 2014, consistent with the MW-3 District regulations and pursuant to the SEQRA Findings Statement, the Applicant formally submitted a conceptual or sketch PUD Subdivision Plat for the Waterfront Project in accordance with Section 245-6 (“Sketch layout informal discussion”) of the City Code; and

WHEREAS, on or about August 15, 2014, the Applicant submitted a complete PUD Subdivision Application for the Waterfront Project (the “PUD Subdivision Application”) in accordance with the City’s subdivision regulations (Chapter 245 of City Code); and

WHEREAS, the latest drawings submitted to the Planning Board in support of the PUD Site Plan and PUD Subdivision Applications, and which are being approved pursuant to this Resolution, subject to the conditions set forth herein and in the SEQRA Findings Statement, are, as follows:

- Civil Drawings, prepared by PS&S Engineering, P.C., dated or last revised August 14, 2014 (or November 14, 2014 if noted below):
 - C-1 Cover Sheet (last revised November 14, 2014)
 - C-2 Legend and General Notes (last revised November 14, 2014)
 - C-3 Existing Conditions
 - C-4 Overall Site Plan

C-5 Site Plan A (last revised November 14, 2014)
 C-6 Site Plan B (last revised November 14, 2014)
 C-7 Site Plan C
 C-8 Grading Plan A
 C-9 Grading Plan B
 C-10 Grading Plan C
 C-11 Utility Plan A
 C-12 Utility Plan B
 C-13 Utility Plan C
 C-14 Soil Erosion and Sediment Control Plan A
 C-15 Soil Erosion and Sediment Control Plan B
 C-16 Soil Erosion and Sediment Control Plan C
 C-17 Profiles of Dickson Street & Road G
 C-18 Site Details (last revised November 14, 2014)
 C-19 Site Details
 C-20 Utility Details
 C-21 Utility Details
 C-22 Utility Details
 C-23 Utility Details (Irrigation Chambers)
 C-24 Utility Details (Drainage/Storage Chambers)
 C-25 Soil Erosion and Sediment Control Details
 C-26 Soil Erosion and Sediment Control Details
 C-27 Stormwater Pollution Prevention Plan Details
 C-28 PUD Master Plan
 C-29 Storm Sewer Profiles
 C-30 Storm Sewer Profiles
 C-31 Storm Sewer Profiles
 C-32 Storm Sewer Profiles
 C-33 Site Cross Sections - Plan
 C-34 Site Cross Sections
 C-RM 300' Radius Map
 MPT-1 Maintenance and Traffic Protection of Traffic Plan

- Architectural Drawings, prepared by Lessard Design, Inc. P.C., last revised August 15, 2014 (or November 14, 2014 if noted below):

A-0 Architectural Cover Sheet (last revised November 14, 2014)
 A-1 Parking Level “H” and “I” (last revised November 14, 2014)
 A-2 Plaza Level “H”/Plaza Level “I” (last revised November 14, 2014)
 A-3 Plaza Level “1”/2nd Floor “I”
 A-4 Typical levels
 A-5 Roof Level
 A-6 Longitudinal Section
 A-7 Elevations; Block “H”
 A-7.1 Street View; Block “H”
 A-8 Elevations; Block “I”
 A-8.1 Street View; Block “I”
 A-9 Anglers Club: Floor Plans & Elevations
 A-10 Marina Support Building: Floor Plans & Elevations

- Landscape Architecture and Urban Design Drawings, prepared by M. Paul Friedberg and Partners, last revised on August 15, 2014:

L-100 Key & Dimension Plan
 L-101 Key & Dimension Plan
 L-102 Key & Dimension Plan
 L-200 Paving Plan
 L-201 Paving Plan
 L-202 Paving Plan
 L-300 Planting Plan
 L-301 Planting Plan
 L-302 Planting Plan
 L-303 Rain Garden Detail
 L-304 Green Screen Detail
 L-305 Planting Detail
 L-400 Lighting Plan
 L-401 Lighting Plan
 L-402 Lighting Plan
 L-500 Building H Elevation
 L-501 Building H Roof Plan
 L-502 Building I Elevation
 L-503 Building I Roof Plan
 L-600 Playground Plan
 L-700 Pavement Details
 L-701 Site Amenity Details
 L-702 Water Wall Details
 L-703 Gazebo Details
 L-704 Roundabout Details
 L-705 Signage Wall Detail
 L-706 Furniture Details

- Subdivision Drawings, prepared by PS&S Engineering, P.C., dated August 12, 2014:

S-1 ALTA/ACSM Land Title Survey (certified June 7, 2013)
 S-1 Subdivision
 FM-1 Subdivision
 FM-2 Subdivision

WHEREAS, the properties that are the subject of the PUD Site Plan Application (Phase One) and/or the PUD Subdivision Application comprise approximately 52 acres, and are shown on the Nassau County Tax Map, as follows: Section 31, Block G, Lot 311; Section 21, Block 259, Lots 1-4, inclusive; Section 21, Block A, Lots 12, 14, 15, 114, 142, 431, 459, 541-545, inclusive, 648-650, inclusive, 661 & 662 (the “Property”); and

WHEREAS, Phase One would involve approximately 27.5 acres of the approximately 52-acre Property, and would disturb approximately 18.4 acres; and

WHEREAS, the PUD Subdivision would involve the entire approximately 52-acre Property, which is under the control of the Applicant; and

WHEREAS, in summary, the purpose of the PUD Subdivision Application is to divide the Property into eleven (11) individual lots consistent with the development blocks shown on the approved PUD Master Development Plan, in order to facilitate the development of the Waterfront Project and potential future conveyances of the development blocks; and

WHEREAS, by way of background, the overall Project Site (as defined in the SEQRA Findings Statement) consists of approximately *56 acres*, in contrast to the approximately *52 acres* that are the subject of the PUD Site Plan and PUD Subdivision Applications; and

WHEREAS, the other approximately four (4) acres, which are commonly known as the “Gateway Properties” and located at the east end of the Project Site, are owned by private parties and are not currently under the control of the Applicant, and, therefore, are not part of the PUD Site Plan and PUD Subdivision Applications; and

WHEREAS, the Planning Board has reviewed the PUD Site Plan and PUD Subdivision Applications, including, but not limited to, the Flexibility Compliance Chart and accompanying narrative, to evaluate whether such Applications and the proposed Phase One development are consistent with the approved PUD Master Development Plan; and

WHEREAS, the PUD Site Plan and PUD Subdivision Applications, and the proposed Phase One development, are consistent with the approved PUD Master Development Plan, including, but not limited to, with respect to proposed uses, conceptual layout, general footprint, and building heights; and

WHEREAS, the Planning Board’s environmental review under SEQRA for the PUD Site Plan and PUD Subdivision Applications is based, therefore, upon the SEQRA Findings Statement for the PUD Master Development Plan; and

WHEREAS, the Waterfront Project satisfies the minimum area requirement of 25 contiguous acres for PUD developments in the MW-3 District (Zoning Ordinance § 280-73.2(C) (3)) based upon the PUD Master Development Plan approval, and the Property may be subdivided (and if necessary later re-subdivided) into individual lots pursuant to the PUD Subdivision regulations in the Zoning Ordinance; and

WHEREAS, the Planning Board, its independent consultants, and its special counsel reviewed the PUD Site Plan Application when it was originally submitted in October 2012; and

WHEREAS, the Planning Board issued its first set of comment letters to the Applicant on January 18, 2013; and

WHEREAS, the Planning Board’s and the Applicant’s respective consultants conducted a series of discussions and meetings regarding the comment letters; and

WHEREAS, on April 23, 2013, in response to the comment letters, the Applicant made a supplemental submission to the Planning Board regarding the PUD Site Plan Application; and

WHEREAS, the Planning Board, its independent consultants, and its special counsel reviewed the supplemental submission; and

WHEREAS, the Planning Board issues its second set of comment letters to the Applicant in or around May/June 2013; and

WHEREAS, the Applicant made a presentation to the Planning Board on September 17, 2013, intending to respond to the second set of comments issued by the Planning Board's consultants; and

WHEREAS, the Planning Board issued a third set of comment letters to the Applicant on October 4, 2013, responding to the Applicant's September 17th presentation; and

WHEREAS, the Planning Board's and the Applicant's respective consultants continued to discuss and review various planning, design, landscaping, environmental, engineering and other technical issues pertaining to the PUD Site Plan Application; and

WHEREAS, at a Planning Board meeting held on February 4, 2014, the Planning Board reviewed and made specific recommendations to the Applicant regarding issues pertaining to architecture, the design of Renaissance Park, and LEED, which were memorialized in additional comment letters issued to the Applicant on February 11, 2014; and

WHEREAS, on June 3, 2014, the Applicant submitted a second supplemental submission to the Planning Board regarding the PUD Site Plan Application, which was intended to respond to all of the Planning Board's outstanding comments; and

WHEREAS, the Applicant's June 3, 2014 second supplemental submission included, but was not limited to, (i) revised Civil, Architectural, and Landscape Architecture and Urban Design Drawings, (ii) narrative responses to the Planning Board's Consultants' comments, and (iii) preliminary Stormwater Pollution Prevention Plan Narrative Report and Stormwater Management Calculations for the Garvies Point Waterfront Redevelopment Phase I, prepared by PS&S, last revised May 23, 2014; and

WHEREAS, the Planning Board, its independent consultants, and its special counsel reviewed the second supplemental submission; and

WHEREAS, in June 2014, the Planning Board's consultants issued comment letters to the Applicant regarding the second supplemental submission, specifically a (i) letter prepared by the Planning Board's engineering consultants, Cameron Engineering, dated June 27, 2014 (the "Cameron Comments"), and (ii) compilation of three memoranda prepared by the Planning Board's landscape architecture and open space consultant, Saratoga Associates, dated June 26, 2014 (the "Saratoga Comments"); and

WHEREAS, the Planning Board's and the Applicant's respective consultants discussed the Cameron Comments and Saratoga Comments in late June and early July 2014; and

WHEREAS, at a Planning Board meeting held on July 15, 2014, the Applicant addressed many of the Cameron Comments and Saratoga Comments, including, but not limited to, confirming sewer and water availability for Phase One of the Waterfront Project, as documented in letters from Nassau County Department of Public Works ("NCDPW") and City of Glen Cove Department of Public Works ("GCDPW"), respectively; and

WHEREAS, on or about August 15, 2014, the Applicant submitted (i) a further revised and complete set of PUD Site Plan (Phase One) drawings, which addressed the outstanding Cameron Comments and Saratoga Comments, and (ii) a complete PUD Subdivision Application; and

WHEREAS, the Planning Board acknowledges that the Applicant is in contract with the City of Glen Cove Industrial Development Agency ("IDA") and the City of Glen Cove Community Development Agency ("CDA") to purchase the majority of the approximately 52-acre Property that is the subject of the PUD Subdivision Application, and that the Applicant is authorized by IDA and CDA to make this PUD Subdivision Application pursuant to the contract of sale; and

WHEREAS, the Planning Board further acknowledges that Herb Hill Holdings, LLC, is the current owner of Nassau County Tax Map Section 21, Block A, Lots 661 and 662, which Lots are part of the PUD Subdivision and PUD Site Plan, and that Herb Hill Holdings, LLC has submitted a Disclosure Affidavit authorizing the inclusion of Lots 661 and 662 within the PUD Subdivision and PUD Site Plan; and

WHEREAS, as part of its August 15, 2014 submission, and as requested by the Planning Board, the Applicant also provided the Planning Board with Geotechnical Reports (entitled "Soils and Foundation Investigation") for Buildings H and I, prepared by Melick-Tully and Associates, P.C., dated April 9, 2014, and April 24, 2014, respectively, which are being utilized in connection with the design of building foundations/support; and

WHEREAS, also as part of its August 15, 2014 submission, the Applicant updated the Planning Board with respect to the outcome of a meeting with the Glen Cove Anglers Club, including certain agreed upon modifications to the design of the new, relocated building and boat slips to be constructed for the Anglers Club during Phase One; and

WHEREAS, the design of the new Anglers Club building has been an important issue for the Planning Board, and the Board has given careful consideration to such design to ensure that the building is functional for the Club, and serves as an aesthetic and architectural enhancement to the overall waterfront area; and

WHEREAS, the Planning Board conducted a Joint Public Hearing on the PUD Site Plan and PUD Subdivision Applications on September 16, 2014, at 8:00 p.m. in City Hall, Council

Chambers, 9 Glen Street, Glen Cove, New York, 11542, at which time public comments were heard regarding the aforementioned Applications; and

WHEREAS, the Public Hearing Notice was published in the Gold Coast Gazette, mailed to each owner of all parcels of property located within a radius of 300 feet of the Property, and was posted on the City website; and

WHEREAS, the Public Hearing date and other related information was also advertised on signs posted on the Property; and

WHEREAS, the Planning Board has carefully considered all of the comments and questions raised at the Public Hearing, specifically including those relating to maintenance of public amenities, green roofs, environmental condition of the property, and traffic/parking, as well as the Applicant's responses provided at the Public Hearing; and

WHEREAS, the Planning Board voted unanimously to close the Public Hearing on September 16, 2014; and

WHEREAS, following the close of the Public Hearing, Saratoga Associates and the Applicant have continued to discuss certain improvements and refinements to the proposed landscaping and lighting plans for Phase One; and

WHEREAS, at its meeting held on October 23, 2014, the Nassau County Planning Commission reviewed the PUD Site Plan and PUD Subdivision Applications pursuant to Section 239-m of the General Municipal Law; and

WHEREAS, following a presentation by representatives of the Planning Board and Applicant, the Nassau County Planning Commission voted unanimously to adopt Resolution No. 9968-14, which recommended that the Planning Board "take action as it deems appropriate, the Commission having no modifications"; and

WHEREAS, on October 30, 2014, the Nassau County Planning Commission issued a "non-jurisdiction" letter with respect to the PUD Subdivision Application, because the "property is located entirely within the City of Glen Cove and is not within 300' of a municipal boundary"; and

WHEREAS, the Planning Board is also in receipt of various correspondence regarding the PUD Site Plan and/or PUD Subdivision Application from other City and outside agencies; and

WHEREAS, with respect to the sanitary sewer infrastructure serving the Project, NCDPW issued a Sanitary Sewer Availability Letter, dated July 9, 2014, confirming that NCDPW "will allow connection to the sanitary sewer system of those buildings intended for construction as Phase I (Block H, Block I, Angler's Club and Marina Support Building)," subject to certain conditions; and

WHEREAS, NCDPW conditioned its Sanitary Sewer Availability Letter upon, among other things, the Applicant installing two (2) new pumps of a size and design specification established by NCDPW at the Garvies Point Road sewage pump station, as well as other minor upgrades to this facility and the submission and approval of sewer connection permit applications; and

WHEREAS, with respect to the provision of water supply to the Project, the GCDPW issued a Water Availability Letter, dated June 13, 2014, confirming a previous letter from GCDPW, dated July 21, 2011, in which GCDPW confirmed that the City can provide 0.22 MGD to the Waterfront Project; and

WHEREAS, as documented in the SEQRA Findings Statement, the provision of 0.22 MGD of water service is adequate to meet the water demands of at least Phase One of the Project; and

WHEREAS, with respect to stormwater management and design, one of the main considerations has been confirming the appropriate storage requirement to be utilized in the design of the stormwater management system; and

WHEREAS, the Planning Board is aware that 8 inches of storage is typically required where Nassau County drainage facilities or roadways may be impacted by stormwater overflow; and

WHEREAS, NCDPW issued an email on March 27, 2014, stating that NCDPW “will accept a design parameter of 2 inches of storage in this case, provided *all other agencies holding jurisdiction are agreeable*” (emphasis added);

WHEREAS, NCDPW’s determination was based upon a finding that the Project is located at the bottom of the contributing watershed, where storing stormwater runoff could delay its release resulting in flooding upstream, as well as that any overflow above the on-site storage of 2 inches would be discharged to a New York State regulated waterway (*i.e.*, Glen Cove Creek), and would not impact any Nassau County facilities; and

WHEREAS, the “other agencies” having jurisdiction with respect to the stormwater design parameter that provides for 2 inches of storage capacity are the New York State Department of Environmental Conservation (“DEC”) and GCDPW; and

WHEREAS, DEC issued an email on July 16, 2014, stating that NYSDEC has “no objection” to the proposed 2 inches of storage capacity “as it will meet our Water Quality objectives;” and

WHEREAS, GCDPW issued a letter dated August 13, 2014, prepared by the City’s engineering consultants, Sidney Bowne & Son, LLP (the “Bowne Letter”), confirming, among other things, that GCDPW is “in agreement that 2” storage with an overflow above the 2” storage to be discharged to the NYS regulated waterway will be satisfactory;”

WHEREAS, GCDPW also recommended in the Bowne Letter that “formal application and approval to the appropriate regulatory agencies be required . . . and upon receipt of this written approval, we recommend that the City of Glen Cove approve the request;” and

WHEREAS, currently there are minimal stormwater management facilities on the Property; and

WHEREAS, the Planning Board has reviewed the Project’s stormwater management plan with its engineering consultant, and finds that the proposed stormwater management system, which will include drywells, piping, irrigation chambers, storage chambers, green roofs, and rain gardens, will substantially improve the quality and control of stormwater runoff from the Property in the post-development condition; and

WHEREAS, as set forth below, as a condition of these approvals the Applicant shall submit a formal and complete Stormwater Management Pollution Prevention Plan (“SWPPP”) to the Planning Board and other agencies having jurisdiction, which SWPPP shall include, among other things, a completed Notice of Intent Application, a completed MS4 SWPPP Acceptance Form, erosion and sediment control practices, and an operations and maintenance plan; and

WHEREAS, the Bowne Letter was issued in response to certain technical and engineering questions asked of GCDPW by the Planning Board’s Consultants that required the City’s input and direction; and

WHEREAS, the Planning Board has reviewed the Bowne Letter, and is aware of the City’s other positions regarding (i) the design of the roundabout and yield signage for the City’s Garvies Point Road Project; (ii) temporary access to the Nassau County Pump Station, (iii) City’s acceptance of the stormwater from Road G (which will be a private road) discharging into the City’s stormwater system, subject to an appropriate easement agreement, (iv) crosswalk design (discussed below), (v) and coordination of the Waterfront Project and Garvies Point Road Project; and

WHEREAS, with respect to the architecture of the Buildings for Blocks H & I, the Anglers Club, and the Marina Support Building, the architectural design of such buildings is suitable for the waterfront area, and will promote a harmonious character of the waterfront community; and

WHEREAS, with respect to the design of Renaissance Park, the Planning Board gave careful consideration to the various elements of the Park, including, but not limited to, the playgrounds, great lawn, gazebo, and pedestrian connections and circulation; and

WHEREAS, the Planning Board determined to separate the playground areas in Renaissance Park into a tot playground and pre-teen playground, and also carefully worked with the Applicant to select an appropriate mix of traditional and modern playground equipment; and

WHEREAS, with respect to parking, the Planning Board finds that the 811 proposed total parking spaces, i.e., 646 off-street for Blocks H&I, and 165 on-street for Renaissance Park,

transient marina, other public amenities, and Anglers Club, is sufficient to provide adequate parking for Phase One of the Waterfront Project; and

WHEREAS, with respect to loading spaces, the loading spaces in Block I satisfy the City's requirement for fourteen (14) feet of vertical clearance, and satisfy the loading space requirements for Blocks H and I; and

WHEREAS, the proposed loading spaces in Block H, which have ten (10) to twelve (12) feet of vertical clearance, are additional loading spaces provided for the convenience of small to mid-size vehicles; and

WHEREAS, larger vehicles serving Block H, which require more than ten (10) to twelve (12) feet of vertical clearance, will need to queue on Road G to serve Block H; and

WHEREAS, such queuing is acceptable as Road G will be a private road under the jurisdiction of the Applicant/future Property Owners Association, and the alternative approach of excavating further to provide taller vertical clearance in the Block H garage would result in unnecessary disturbance; and

WHEREAS, the Planning Board has also studied the potential adverse environmental impacts associated with two (2) minor changes to the Project that have arisen during Phase One of the Waterfront Project with respect to (i) crosswalks, and (ii) number of boat slips for the Anglers Club; and

WHEREAS, first, the SEQRA Findings Statement requires the Applicant to install raised crosswalks constructed of asphalt, concrete or another suitable driving surface, rather than painted or thermoplastic crosswalks, to help promote safe pedestrian circulation; and

WHEREAS, the Planning Board intended, in summary, for the raised crosswalks to serve as a traffic calming measure, and to assist in pedestrian safety; and

WHEREAS, GCDPW, through the Bowne Letter and various technical discussions between certain of the Planning Board's Consultants and GCDPW, has instructed the Applicant to install thermoplastic crosswalks, rather than raised and/or colored crosswalks, due to durability, maintenance, replacement and other concerns, as well as to achieve consistency with the crosswalks being designed for the City's separate Garvies Point Road Project; and

WHEREAS, GCDPW opined in the Bowne Letter that "raised crosswalks are not necessary as the roundabout itself, together with the various yield and other signs, serve as traffic calming measures;" and

WHEREAS, GCDPW has also advised certain of the Planning Board's Consultants that raised crosswalks are not necessary to promote pedestrian safety, provided that standard pavement markings and adequate signage are utilized, as these safety measures will sufficiently alert drivers to pedestrian crossings; and

WHEREAS, based on the referenced input and direction from GCDPW, the use of thermoplastic crosswalks are acceptable instead of the raised and/or colored crosswalks described in the SEQRA Findings Statement, given that standard pavement markings and adequate signage will be provided as shown on the PUD Site Plan; and

WHEREAS, the Planning Board finds that no supplemental environmental review is required with respect to the minor change in crosswalk design; and

WHEREAS, second, the SEQRA Findings Statement requires the Applicant to relocate the Anglers Club, including the existing 39 boat slips; and

WHEREAS, the approved PUD Master Development Plan also shows 39 boat slips for the Anglers Club; and

WHEREAS, the Anglers Club has indicated to the Applicant that the Club may prefer 38 boat slips, rather than 39, in order to allow for more space between finger piers so that boats can be docked safely side-by-side; and

WHEREAS, 38 or 39 boat slips are acceptable, and that the Applicant and Anglers Club shall work together to reach a final agreement on this issue; and

WHEREAS, the Planning Board finds that no supplemental environmental review is required with respect to the minor change in number of boat slips for the Anglers Club; and

WHEREAS, the Planning Board has reviewed the PUD Site Plan and PUD Subdivision Applications in accordance with the standards, requirements and procedures as set forth in General City Law Sections 27-a and 32, as well as Glen Cove City Code Chapter 245 (“Subdivision of Land”) and Chapter 280 (“Zoning”), including specifically Article IV of Chapter 280 (“Site Plan Review”), and the MW-3 District regulations; and

WHEREAS, the PUD Site Plan and PUD Subdivision Applications are consistent with the approved PUD Master Development Plan, and meet the criteria set forth in Section 280-73.2(C)(3)(c)[11][c][i]-[vi] of the Zoning Ordinance, including, but not limited to, the following:

- The PUD Site Plan and PUD Subdivision Applications conform to the SEQRA Statement of Findings, and the approved PUD Master Development Plan;
- The location, arrangement, design and appearance of each aspect of the PUD Site Plan and PUD Subdivision are consistent with the approved PUD Master Development Plan;
- The Applicant has complied with the timing and sequencing requirements and conditions of the PUD Master Development Plan approval;
- Phase One of the PUD Master Development Plan is capable of being self-supporting and sustainable in the event that the Applicant does not proceed with

other phases, provided that it remains the Planning Board's and the Applicant's intent that the Applicant will proceed with and complete the entire PUD Master Development Plan;

- Phase One of the PUD Master Development Plan will have no adverse impact on, and will have a functional relationship with, the infrastructure and amenities of other phases; and
- The proposed infrastructure improvements are in conformance with the approved PUD Master Development Plan; and

WHEREAS, based upon the advice of its Consultants, the PUD Master Development Plan approval – which is the first step in the overall PUD process – essentially constitutes preliminary PUD subdivision approval, and thus the Planning Board is positioned to grant final PUD subdivision approval; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the potential environmental impacts associated with the PUD Site Plan and PUD Subdivision Applications are consistent with and fall within the conditions and Thresholds (as defined in the SEQRA Findings Statement) established in the SEQRA Findings Statement; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the PUD Site Plan and PUD Subdivision Applications do not present any new information or changed circumstances that may result in potential significant adverse environmental impacts that were not previously studied during the full SEQRA process for the PUD Master Development Plan; and

BE IT FURTHER RESOLVED, that the Planning Board finds that no additional or supplemental environmental review is required under SEQRA for the PUD Site Plan and PUD Subdivision Applications; and

BE IT FURTHER RESOLVED, that the Planning Board finds that no additional or supplemental environmental review is required under SEQRA specifically with respect to the two (2) minor changes to the Project regarding (i) the use of thermoplastic crosswalks instead of raised and/or colored crosswalks pursuant to direction from GCDPW, and (ii) the installation of either 38 or 39 boat slips for the Anglers Club, subject to a final agreement between the Applicant and Anglers Club; and

BE IT FURTHER RESOLVED, that except with respect to the two (2) minor changes to the Project identified herein, all other terms, provisions, requirements, conditions, and mitigation measures set forth in the Planning Board's SEQRA Findings Statement, issued on December 19, 2011, are incorporated herein by reference and shall remain in full force and effect, regardless of whether or not they are specifically cited or referenced in this Resolution; and

BE IT FURTHER RESOLVED, that the PUD Site Plan and PUD Subdivision Applications, as shown on a (i) 36-page set of Civil Drawings, prepared by PS&S Engineering, P.C., dated or last revised August 14, 2014/November 14, 2014, (ii) 13-page set of Architectural Drawings, prepared by Lessard Design Inc. P.C., last revised August 15, 2014/November 14, 2014, (iii) 27-page set of Landscape Architecture and Urban Design Drawings, prepared by M. Paul Friedberg & Partners, last revised August 15, 2014, and (iv) 4-page set of Subdivision Drawings, prepared by PS&S Engineering, P.C., dated August 12, 2014, which all are more specifically described above, are all hereby conditionally approved, subject to compliance with the following conditions and modifications:

1. All of the conditions set forth in this Resolution shall apply to the Applicant's successors and assigns.
2. This PUD Site Plan Approval (Phase One) and PUD Subdivision Approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this Resolution of Approval, and as delineated on the PUD Site Plan (Phase One) drawings and PUD Subdivision Plat endorsed by the Planning Board Chairman. Any change in use, alteration or modification to the PUD Site Plan (Phase One), or to the PUD Subdivision Plat except as herein authorized, shall require the review and approval by the Planning Board of the City of Glen Cove.
3. No material changes, additions, erasures, modifications or revisions shall be made to the PUD Site Plan and PUD Subdivision Plat following endorsement by the Planning Board Chairman. Any changes detected after the final endorsement of the PUD Site Plan and PUD Subdivision Plat shall result in the immediate termination and revocation of this Resolution of Approval, thereby making it null and void.
4. Applicant shall furnish the Planning Board with three (3) print sets and a CD (in .pdf) of the PUD Site Plan, as described above, for endorsement by the Planning Board Chairman.
5. Applicant and all owners of subdivided lots shall observe and comply with all requirements, conditions and mitigation measures contained in this Resolution and the SEQRA Findings Statement. Nothing in this Resolution, or the plans referenced herein, shall be construed or interpreted as limiting or impacting any of the requirements, conditions and mitigation set forth in the SEQRA Findings Statement, except as provided herein with respect to two (2) minor changes to the Project.
6. Applicant shall obtain all other necessary approvals, licenses and/or permits as may be required from any other City, County, State, or Federal Agency having jurisdiction over the Waterfront Project. Nothing in this Resolution, or the plans referenced herein, shall be construed or interpreted as limiting or impacting any other City, County, State or Federal agency having jurisdiction over the Waterfront Project. Such agencies may include, but are not limited to, GCDPW, Glen Cove Zoning Board of Appeals ("ZBA"), Glen Cove Police Department, NCDPW, Nassau County Department of Health, Nassau County Fire Marshal, DEC, New York State Department of Transportation ("DOT"),

United States Environmental Protection Agency (“EPA”), and U.S. Army Corps of Engineers. Applicant shall provide the City with copies of each of these permits as they are granted.

7. Applicant may not receive a building permit for construction or site disturbance associated with Phase One until such time as the EPA and DEC (and any other agency having jurisdiction) finalize their respective approvals, including, but not limited to, approval of the Ongoing Environmental Obligations (e.g., SMP, ICs/ECs, EE, as defined in the SEQRA Findings Statement), to allow residential and the other uses approved for Phase One to be constructed on the Property, or otherwise authorize construction or site disturbance to begin. Applicant shall submit all relevant information related to the final EPA and DEC approvals to the Planning Board and City Building Department when applying for a building permit. Applicant shall provide the City with copies of these final environmental approvals as they are granted.
8. All plans and other documents submitted in support of the PUD Site Plan and PUD Subdivision Applications shall be reviewed for consistency with each other after the revisions required by this Resolution have been made. Any additional revisions required in order to ensure consistency of the information presented on such plans and in such documents shall be made to the satisfaction of the Building Department Director, GCDPW Director, and/or the Planning Board’s Consultants, as the case may be.
9. Applicant shall continue to pursue the highest level of certification that is reasonably possible under the LEED ND rating system, in addition to the LEED NC rating system, including, but not limited to, by pursuing reasonable applications and/or appeals to the U.S. Green Building Council to determine if alternative paths to prerequisite compliance under the LEED ND system are feasible.
10. In conjunction with the Building Permit Application for the Phase One PUD Site Plan, the Applicant shall have registered the Project with the US Green Building Council to begin the LEED certification process, and shall submit the Application for Preliminary Design Review for all Design Credits being sought.
11. Applicant shall continue meeting with the Anglers Club to reach an agreement on the design of the new building and related issues. The Planning Board is aware of several outstanding issues raised by the Anglers Club, including the potential of extending the deck around a portion of the west side of the building, providing a fish cleaning station with running water at dockside adjacent to the boat slips, and changing the number of boat slips from 39 to 38 to allow for at least 20 feet between finger piers, as well as requesting insurance coverage for the boat slips. While the Planning Board takes no official position with respect to such private discussions and negotiations between the Applicant and Anglers Club, a final signed agreement containing all relevant and reasonable terms and conditions between the Applicant and Anglers Club is a condition to the issuance of a building permit, as set forth below.

12. All capitalized terms used in his Resolution and not otherwise defined shall have the meanings ascribed to such terms in the SEQRA Findings Statement and/or approved PUD Master Development Plan.

Conditions required to be satisfied prior to the issuance of a Building Permit:

13. Obtain signature of the Receiver of Taxes on an appropriate form indicating that taxes on the Property have been paid.
14. Submit Declarations, Easements, Maintenance Agreements, and other similar documents, in recordable form satisfactory to the Planning Board's Special Counsel, which the Planning Board's Consultants determine are required to be recorded, including, but not limited to, the following:
 - a. Declaration in favor of City of Glen Cove, IDA/CDA, and the public, regarding appropriate easements, covenants and restrictions to ensure permanent access to, and passive and active recreational use of, the public amenities by the general public, and maintenance of the public amenities by the Applicant.
 - b. Landscape monitoring, maintenance, and guarantee agreement to detail monitoring, maintenance, and replacement protocols for the upland plantings and lawn area located in public spaces, including, but not limited to, a guarantee of all non-wetland area plantings for a minimum period of two (2) years, and long-term maintenance obligations.
 - c. Landscape monitoring, maintenance, and guarantee agreement to detail monitoring, maintenance, and replacement protocols for the plantings located in wetland spaces, consistent with the requirements of the appropriate regulatory agencies having jurisdiction. The agreement shall include, but not be limited to, guaranteeing a minimum annual survival rate of 85% for a period of five (5) years for all wetland area plantings.
 - d. Maintenance agreement regarding green roofs and green deck areas.
 - e. Any other agreement that is deemed necessary by the Planning Board's Consultants.
15. Escrow Agreement, in a form satisfactory to the City Attorney, regarding establishing an escrow fund to cover the City's reasonable costs to engage a Construction Project Manager for Phase One.
16. Submit proof of an agreement between the Applicant and IDA/CDA regarding hiring an Environmental Monitor, as was required to be included in the LDA.
17. Submit proof of an easement or other agreement between Applicant and City permitting stormwater run-off from private Road G to discharge into the City's stormwater system.

18. Submit proof that the required engineering study regarding the ability of the City's existing water infrastructure to support the Waterfront Project has been completed.
19. Submit proof that there is or will be available capacity of each utility or that the necessary capacity improvements will be made as part of Phase One.
20. Submit to the GCDPW Director an itemized cost estimate of all PUD Site Plan and PUD Subdivision improvements with respect to public amenities (including, but not limited to, esplanade pavement, sidewalk, street lighting, wayfinding and educational signage, landscaping, and Renaissance Park play areas). The cost estimate shall be escalated to the year 2015, and shall be subject to review by the GCDPW Director and Planning Board Consultants.
21. File with the City Clerk a performance bond, in an amount to be determined upon the advice of the GCDPW Director, to cover the full cost of the required improvements relating to the public amenities for Phase One, which bond shall be satisfactory to the City Attorney as to form, sufficiency, manner of execution and surety, pursuant to Section 280-15(G) of the Zoning Ordinance.
22. An Engineering Inspection Fee, in an amount to be determined upon the advice of the GCDPW Director, shall be paid to the City of Glen Cove.
23. SWPPP shall be submitted to the Planning Board and its Consultants, as well as the City's duly authorized representative (for MS4 SWPPP acceptance), for review and approval prior to filing a Notice of Intent with DEC.
 - a. SWPPP shall include, among other things, a completed Notice of Intent Application, a completed MS4 SWPPP Acceptance Form, erosion and sediment control practices, and an operations and maintenance plan.
24. Submit proof of having coverage under New York State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-10-001. In the event that approval of the SWPPP is contingent upon material modifications to the PUD Site Plan and/or PUD Subdivision, the Applicant shall be required to secure amended PUD Site Plan and/or PUD Subdivision Approval from the Planning Board.
25. Submit proof of formal approval from NCDPW of stormwater storage parameter of 2 inches.
26. Submit temporary easement agreement with the adjoining owner of Section 31, Block G, Lot 615 (Konica Imaging USA Inc.), and also the owner of Section 31, Block G, Lot 211 (Herb Hill Associates), to permit the Applicant to enter onto such property(ies) temporarily to construct a new retaining wall along the eastern boundary of Block H, if such access is deemed necessary for construction of the retaining wall.

27. Obtain the required area variance from the ZBA with respect to the setback of the retaining wall to be constructed on Block H.
28. Submit executed Lease or other agreement between the Applicant and Anglers Club. Such Lease or other agreement shall provide for long-term occupancy of the new Anglers Club building at nominal rent. The Anglers Club shall be responsible for maintaining the interior of the new building, and paying for its own utilities. The Applicant, through the Master Property Owner's Association, shall be responsible for maintenance of the exterior of the building. Such Lease or other agreement shall also include all other relevant and reasonable terms and conditions to the satisfaction of the Applicant and Anglers Club.
 - a. The Planning Board may modify this condition upon a recommendation by the City to allow a building permit to be issued, and construction to begin, prior to an executed Lease or other agreement with the Anglers Club. In no event may a Certificate of Occupancy be issued without this Condition 28 being satisfied.
29. Plans for Anglers Club shall be revised to include the following elements, in addition to any other items agreed upon between the Applicant and Anglers Club pursuant to their ongoing private discussions and negotiations:
 - a. 15-foot wide deck on south side of Anglers Club
 - b. Sufficient outdoor patio space in the area between the proposed retaining wall for the existing Pump Station and the eastern edge of the new Anglers Club building
 - c. Fence on the north side of the Anglers Club between the northeast corner of the Anglers Club and the Pump Station
 - d. Gate on the south side of the Anglers Club
 - e. Security gate with a combination lock (similar to the gate at the Ferry Terminal)
30. Revision of the Lighting Plans to the satisfaction of the Planning Board Consultants, including, but not limited to, achieving a minimum illuminance of 0.5 foot candles on all pavements, and an average of 5.0 foot candles in the playground.
31. Revision of the Landscaping Plans to the satisfaction of the Planning Board Consultants, including, but not limited, revisions to address the following goals and objectives:
 - a. Landscaping Plans shall incorporate at least three (3) additional flowering shrubs and three (3) additional flowering perennials configured to achieve more appropriate height transitions (i.e., taller materials shall be planted farthest from the edge).

- b. Landscaping Plans shall be revised to promote cohesiveness between plants and plant groupings.
 - c. Locations of trees shall be adjusted to achieve a minimum of 15 feet of clearance between light poles and trees.
32. Submit construction details showing the dimensions, materials, colors, textures and finishes of arbor structures to the satisfaction of the Planning Board Consultants.
 33. Submit construction details showing the dimensions, materials, colors, textures and finishes of pavilion structure to the satisfaction of the Planning Board Consultants.
 34. Submit sample boards consistent with the renderings for the buildings on Blocks H&I, Marina Support Building, and Anglers Club as depicted in the approved Architectural Drawings, showing the specific exterior colors, textures, and finishes to be specified in the construction documents, including, but not limited to, building cladding, roofing, windows, doors, grill-work, railings, stone face, marquees, canopies, typography, exterior mounted lighting fixtures, and commercial signs (if any), to the satisfaction of the Building Department Director and Planning Board Consultants.
 35. Submit construction details and locations of pet waste stations and trash receptacles to the satisfaction of the Building Department Director, GCDPW Director, and Planning Board Consultants.
 36. Submit construction details and locations of educational signage for Phase One consistent with the SEQRA Findings Statement (p. 115) to the satisfaction of the Building Department Director, GCDPW Director, and Planning Board Consultants.
 37. Payment of all outstanding Planning Board review fees in connection with the Board's review of the PUD Site Plan and PUD Subdivision Applications.
 38. The hours of construction activity shall take place in conformance with the applicable City regulations, including the City Noise Code.

Conditions required to be satisfied prior to the issuance of a Certificate Of Occupancy:

39. Prior to the issuance of a Certificate of Occupancy by the Building Department, an "As-Built" Survey showing all of the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant. Said As-Built Survey shall be provided to the Building Department and GCDPW, documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.
40. Submit Certificate of Completion or similar documentation from NCDPW regarding the interim retaining wall around the pump station building.

41. Submit Certificate of Completion or similar documentation from NCDPW and other agency(ies) having jurisdiction with respect to sewer infrastructure improvements.
42. Submit Certificate of Completion or similar documentation from NCDPW, GCDPW and other agency(ies) having jurisdiction with respect to water infrastructure improvements.
43. Submit Certificate of Completion or similar documentation from NCDPW and DOT regarding off-site traffic mitigation projects (e.g., signal retiming, restriping) required in the SEQRA Findings Statement for Phase One. The Applicant is advised to apply to NCDPW and DOT for approvals to implement such traffic mitigation measures promptly following the Planning Board's approval of this Resolution.
44. Submit evidence to the Planning Board's Special Counsel and City Clerk that all Declarations, Easements, Maintenance Agreements, and other similar documents required to be recorded have been duly recorded in the Nassau County Clerk's Office Division of Land Records, in a form satisfactory to the Planning Board's Special Counsel, and provide copies of same.
45. File with the City Clerk a maintenance bond to ensure the proper maintenance of the required improvements relating to the public amenities for Phase One. The amount and period of said bond shall be determined upon the advice of the GCDPW Director, and the form, sufficiency, manner of execution and surety shall be approved by the City Attorney.
46. Applicant shall pay \$20,000.00 to the City of Glen Cove for the City to purchase and plant new street and/or other trees to mitigate the adverse air quality impact anticipated at the intersection of Glen Cove Road and Northern Boulevard, pursuant to the SEQRA Findings Statement (p. 65).
47. Applicant shall file the Application for Final Construction Review of the US Green Building Council, to obtain at a minimum LEED Certified designation, with the understanding that the Applicant will make all reasonable efforts to achieve a higher level of certification.
48. Submit final routing and schedule plans of the Waterfront Project's private shuttle buses, consistent with the service connections set forth in the SEQRA Findings Statement (p. 69).
49. Perform a Phase IB Archaeological Field Investigation if determined to be required during construction in accordance with the SEQRA Findings Statement (pp. 93-94).
50. Submit a copy of the signed contract with a private on-site security company. The Applicant shall be responsible for funding said on-site security until such time as the future Property Owners Association is established, at which time the property owners association shall fulfill this responsibility.

51. A draft Declaration and By-Laws for the Property Owners Association shall be submitted to the Planning Board's Special Counsel for review and approval to confirm that these documents are consistent with the purpose and intent of the conditions of this PUD Site Plan and PUD Subdivision Approval, and the SEQRA Findings Statement.

Conditions required to be satisfied prior to the Chairman signing the Subdivision Plat:

52. Applicant shall execute and deliver to the Planning Board's Special Counsel the following:

- a. Title company certification as to the ownership of the land covered by the Subdivision Map, and confirming that the Applicant is the proper party to be executing the instruments required pursuant to this Resolution.
- b. Consents by any and all mortgagees to the filing of the Subdivision Map.
- c. Evidence of payment to the City Clerk of all required fees and deposits.
- d. Submit Declarations, Easements, Maintenance Agreements, and other similar documents, in recordable form satisfactory to the Planning Board's Special Counsel, which the Planning Board's Consultants determine are required to be recorded, consistent with Condition 14 above.

53. File with the City Clerk a Performance Bond, in an amount to be determined upon the advice of the GCDPW Director, to cover the full cost of the required improvements relating to the public amenities for Phase One, which bond shall be satisfactory to the City Attorney as to form, sufficiency, manner of execution and surety, pursuant to City Code Section 245-10.

54. An Engineering Inspection Fee, in an amount to be determined upon the advice of the GCDPW Director, shall be paid to the City of Glen Cove.

55. Add signature blocks to Subdivision Map for Herb Hill Holdings, LLC, the owner of Tax Lots 661 and 662.

- a. Title company certification shall also confirm the ownership of Lots 661 and 662, and that Herb Hill Holdings, LLC is the proper party to be executing the Subdivision Map with respect to these Lots.

56. Upon compliance with conditions 52-55 set forth in this Resolution, the Chairman of the Planning Board shall be authorized to endorse the final Subdivision Map.

57. The Applicant shall simultaneously file the signed PUD Subdivision Plat and all other covenants, restrictions and legal instruments required by this Resolution or law with the Nassau County Clerk's Office in accordance with Real Property Law Section 334-a,

Nassau County Charter Section 1610, General City Law Section 32, and City of Glen Cove City Code Section 245-11.

BE IT FURTHER RESOLVED, that the Planning Board's approval of the PUD Site Plan Application shall expire eighteen (18) months after the date of this Resolution, subject to an extension(s) requested by the Applicant and approved by the Planning Board pursuant to Section 280-73.2(C)(3)(c)[11][g] of the Zoning Ordinance, and the Applicant is hereby instructed to apply for any extension request(s) no sooner than forty-five (45) days prior to said expiration of PUD Site Plan Approval; and

BE IT FURTHER RESOLVED, that the Planning Board's approval of the PUD Subdivision Application shall expire within one hundred eighty days after the date of this Resolution unless all requirements stated in this Resolution have been certified as completed, subject to extension(s) of ninety days each requested by the Applicant and approved by the Planning Board pursuant to New York General City Law Section 32, and the Applicant is hereby instructed to apply for any extension request(s) no sooner than thirty (30) days prior to said expiration of PUD Subdivision Approval; and

BE IT FURTHER RESOLVED, that the Planning Board Secretary shall file this Resolution with the City Clerk within five (5) days from this date, and the Nassau County Planning Commission within seven (7) days from this date; and

BE IT FURTHER RESOLVED, that if the conditions of this Resolution are not fully complied with within the above time limits, then this Resolution of PUD Site Plan and PUD Subdivision Approval shall no longer be valid or in effect, and the Applicant shall apply for new approvals.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

VOTE:

AYES:

NOES:

ABSENT:

RESOLUTION ADOPTED. SO ORDERED.

Approved for Filing:

Lois Stemcosky,
Planning Board Secretary

Dated:
November 18, 2014