

# DECEMBER 22, 2015 RESOLUTIONS

Resolution 6A

Resolution offered by Mayor Spinello and seconded by

**RESOLUTION AUTHORIZING THE CITY COUNCIL OF GLEN COVE TO ADOPT FINDINGS STATEMENT PURSUANT TO SEQRA IN ACCORDANCE WITH THE APPLICATION OF LIVINGSTON DEVELOPMENT CORP FOR THE REDEVELOPMENT OF PROPERTY LOCATED ON THE EAST SIDE OF GLEN COVE AVE, NORTH AND SOUTH OF CRAFT AVE**

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**WHEREAS**, Livingston Development Corp. (the “Applicant”) has heretofore made application to the Planning Board for site development plan approval and subdivision approval, and to the City Council for incentive density bonuses and waivers pursuant to Section 280-73.3 of the City’s zoning code, “Glen Cove Avenue Redevelopment Incentive Overlay District” (hereinafter “RIO-GCA”); and

**WHEREAS**, Livingston Development Corp seeks to redevelop an approximately 3.96 acre parcel of property (4.31 Glen Cove acres) located on the east side of Glen Cove Ave north and south of Craft Ave, more particularly identified on the Nassau County Land and Tax Map as Section 21, Block 244, Lots 55, 60 and 66, and Section 21, Block 38, Lots 152, 196, 202 and 203 (the “Premises”), located in the B-2 (Peripheral Commercial), R-4 (one and two-family residences) and R-5 (Garden Apartments and Townhouses) zoning districts and the RIO-GCA district; and

**WHEREAS**, the Planning Board of the City of Glen Cove is the lead agency and the Glen Cove City Council in an involved agency;

**WHEREAS**, the City Council and Planning Board held joint public hearings on the application on September 30, 2014, November 5, 2014 and May 15, 2015 pursuant to RIO-GCA Section 280-73.3; and

**WHEREAS** the City Council of the City of Glen Cove as an involved agency is required to adopt a SEQRA findings statement pursuant to Article 8 of the Environmental Conservation Law and pursuant 6 NYCRR part 617 ;

**WHEREAS**, the City Council has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft Environmental Impact Statement( DEIS) and the Final Environmental Impact Statement(FEIS);

**WHEREAS**, the City Council has found that the requirements of 6 NYCRR part 617 have been met;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby adopts and finds the following concerning the application of the Livingston Development Corp;

1. The foregoing recitals are hereby incorporated in and made a part of this resolution as if more fully set forth at length herein;

2. The Findings Statement issued by the Glen Cove City Council pursuant SEQRA- Article 8 of the Environments Conservation Law and 6 NYCRR part 617 is hereby adopted and incorporated in and made a part of this resolution as if more fully set forth at length herein.

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing resolution was adopted by vote as follows:

Reginald Spinello, Mayor -

Joseph Capobianco, Member -

Michael Famiglietti, Member -

Anthony Gallo, Jr., Member -

Pamela D. Panzeback, Member -

Effraim Spagnoletti, Member -

Timothy Tenke, Member -

Dated: Glen Cove, New York

December 22, 2015

Filed: Glen Cove, New York

December , 2015

## **FINDINGS STATEMENT ATTACHED BELOW**

Resolution 6B

Resolution offered by Mayor Spinello and seconded by

**RESOLUTION AUTHORIZING INCENTIVES, BONUSES AND WAIVERS PURSUANT TO THE "GLEN COVE AVENUE RE -DEVELOPMENT INCENTIVE OVERLAY DISTRICT" IN CONNECTION WITH THE APPLICATION OF LIVINGSTON DEVELOPMENT CORP FOR THE REDEVELOPMENT OF PROPERTY LOCATED ON THE EAST SIDE OF GLEN COVE AVE, NORTH AND SOUTH OF CRAFT AVE**

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**WHEREAS**, Livingston Development Corp. (the "Applicant") has heretofore made application to the Planning Board for site development plan approval and subdivision approval, and to the City Council for incentive density bonuses and waivers pursuant to Section 280-73.3 of the City's zoning code, "Glen Cove Avenue Redevelopment Incentive Overlay District" (hereinafter "RIO-GCA"); and

**WHEREAS**, Applicant seeks to redevelop an approximately 3.96 acre parcel of property (4.31 Glen Cove acres) located on the east side of Glen Cove Ave north and south of Craft Ave, more particularly identified on the Nassau County Land and Tax Map as Section 21, Block 244, Lots 55, 60 and 66, and Section 21, Block 38, Lots 152, 196, 202 and 203 (the “Premises”), located in the B-2 (Peripheral Commercial), R-4 (one and two-family residences) and R-5 (Garden Apartments and Townhouses) zoning districts and the RIO-GCA district; and

**WHEREAS**, in accordance with the provisions of the RIO-GCA, the Applicant proposes to demolish the existing structures on the Premises and to construct a new residential development to be called “The Villa at Glen Cove” consisting of six buildings containing condominiums, a health and recreation center and underground parking; and

**WHEREAS**, the Applicant’s initial application to the Planning Board, which included a change of zone application, was made on or about June 18, 2007 seeking 251 residential condominium units within six building to be constructed on the Premises; and

**WHEREAS**, on May 6, 2008, the Planning Board declared itself to be lead agency and issued a positive declaration for the development thereby requiring preparation of a Draft Environmental Impact Statement (DEIS) all in accordance with the New York State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6NYCRR Part 617; and

**WHEREAS**, on or about April 17, 2009, the Applicant submitted an amended site plan application, amended change of zone application and amended subdivision application, which, among other changes, reduced the number of proposed residential condominium units at the Premises from 251 to 226; and

**WHEREAS**, on or about May 2009, the City Council adopted the City’s Master Plan; and

**WHEREAS**, on or about August 2010, the City Council adopted zoning regulations including the RIO-GCA to implement certain recommendations set forth in the City’s Master Plan; and

**WHEREAS**, on September 7, 2010, the Planning Board determined that the DEIS submitted by the Applicant was complete; and

**WHEREAS**, the Planning Board held a public hearing on the DEIS on October 19, 2010, with a written public comment period that expired on November 16, 2010; and

**WHEREAS**, on or about November, 2010, the Applicant was provided a list of substantive comments from the Planning Board regarding the DEIS to be addressed in the Final Environmental Impact Statement (FEIS); and

**WHEREAS**, to address some of the potential adverse impacts identified in the DEIS, on or about June 6, 2012 the Applicant submitted further amended plans to the Planning Board which, among other changes, reduced the number of residential condominium units from 226 to 216, and made application for Incentive Density Bonuses and Waivers pursuant to the RIO-GCA; and

**WHEREAS**, on or about April 10, 2013, the Applicant submitted further amended plans which, among other changes, reduced the number of residential condominium units from 216 to 196; and

**WHEREAS**, in accordance with 6 NYCRR Part 617, the Planning Board filed its FEIS in June, 2014, which considered the 216 and 196-unit plans; and

**WHEREAS**, on or about May 30, 2014, the Applicant submitted a 194-unit alternative development plan for consideration in response to the Planning Board's environmental concerns identified in the FEIS which plan, among other changes, lowered the heights of various buildings as previously shown on the 196 unit plan and increased the setback of building B as previously shown on the 196 unit plan; and

**WHEREAS**, the Applicant has requested waivers from the City Council of Glen Cove's Hillside Protection regulations (Ordinance §280-50), and inclusionary housing provisions (Ordinance §280-75) and density incentive bonuses from the City Council for structured parking, streetscape improvements, and on-site recreational amenities pursuant to the RIO-GCA; and

**WHEREAS**, the DEIS and FEIS contained a detailed analysis of the density bonuses and waivers sought from the City Council; and

**WHEREAS**, pursuant RIO-GCA Section 280-73.3.I(1) of the City Code, the Planning Board adopted a resolution on August 6, 2014, which recommended approval of the density bonuses for structured parking and on-site recreational amenities and recommended against approval of the streetscape improvement bonus; and

**WHEREAS**, the City Council and Planning Board held joint public hearings on the application on September 30, 2014, November 5, 2014 and May 15, 2015 pursuant to RIO-GCA Section 280-73.3; and

**WHEREAS**, the City Council has considered the recommendations of the Planning Board as required by RIO-GCA Section 280-73.3.K(2)(a); and

**WHEREAS**, the City Council finds that the proposed redevelopment satisfies the purpose and intent of the RIO-GCA as promulgated in Section 280-73.3.A(1) through A(4) thereof; and

**WHEREAS**, the City Council finds that the proposed redevelopment project is in harmony with the recommendations of the City Master Plan; and

**WHEREAS**, the City Council finds that the authorization of the incentives and bonuses as hereinafter provided subject to the height limitations for building A as hereinafter provided will not result in significant adverse environmental impacts or that such impacts, have been mitigated to the maximum extent practicable, as more particularly described in the City Council's SEQRA finding statement adopted on December 22, 2015; and

**WHEREAS**, pursuant to the referral requirements of NYS General Municipal Law Section 239-m, on January 29, 2015 the Nassau County Planning Commission adopted Resolution No. 9990-15, recommending the matter for local determination with no modification; and

**WHEREAS**, the City Council has fully considered the DEIS and FEIS for the project and by resolution dated on December 22, 2015 adopted its findings statement pursuant to SEQRA and the implementing regulations therefor at 6 NYCRR Part 617 (the "Findings Statement"); and

**WHEREAS**, the City Council has given due consideration to the plans above described, all of the submissions, exhibits and testimony of the Applicant, all of the comments raised by the public including those presented at the joint public hearings and all other exhibits and written submissions received in connection with this application, the comments of the City Planner, the purposes and requirements of the RIO-GCA, and the DEIS and FEIS.

**NOW, THEREFORE, BE IT RESOLVED** that the application of Livingston Development Corp seeking the Incentive Density Bonuses and Waivers pursuant to the RIO-GCA be and the same is hereby determined as follows:

3. The foregoing recitals are hereby incorporated in and made a part of this resolution as if more fully set forth at length herein.
4. The City Council hereby determines that the Applicant has not met the requirements for the waiver of affordable housing as set forth in RIO-GCA Section 280-73.3.E(1) of the City Code for the reasons more particularly set forth and described in the Findings Statement and hereby denies the requested waiver of affordable housing.
5. The City Council hereby determines that the Applicant has met the requirements for the waiver of the hillside protection provisions set forth in RIO-GCA Section 280-73.3.E(2) of the City Code for the reasons more particularly set forth and described in the Findings Statement and hereby grants the requested waiver from the hillside protection provisions.
6. The City Council hereby determines that the Applicant has met the requirements for the density bonus for structured parking as set forth in RIO-GCA Section 280-73.3.F(1) of the City Code for the reasons more particularly set forth and described in the Findings Statement and hereby grants the density bonus for structured parking.
7. The City Council hereby determines that the Applicant has not met the requirements for the density bonus as for streetscape improvements and on-site recreational amenities as set forth in RIO-GCA Sections 280-73.3.F(2) and (3) of the City Code for the reasons more particularly set forth and described in the Findings Statement and hereby denies the density bonuses is for streetscape improvements and on-site recreational amenities; and

**BE IT FURTHER RESOLVED** that as found in the Finding Statement in order to protect the neighborhood character and to mitigate any potential adverse visual impacts and in order to minimize and further reduce the visual impacts to the areas to the east and north of the Premises it is necessary to impose a height limitation on Building A. Accordingly, the grant of the waivers and density bonus herein is subject to and conditioned upon the imposition of following height restriction:

The Building A height shown on the 194-unit plan must be further reduced to no greater than 105 feet above mean sea level (amsl) to the top of the roof (three stories) and 115 feet amsl to the top of the stair bulkheads along the north wing (with the "north wing" being defined as that portion taken from 0 feet to 184 feet southward from the north fascia of Building A along the center axis of the building). The remainder of the Building A heights shall remain as delineated on the 194-unit plan at 115 feet amsl to the top of the roof (four stories) and 125 feet amsl to the top of stair bulkheads. Furthermore, the reconfigured building heights of Buildings B, C, D, E and F, shall also remain as indicated on the 194-unit plan.

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing resolution was adopted by vote as follows:

Reginald Spinello, Mayor -

Joseph Capobianco, Member -

Michael Famiglietti, Member -

Anthony Gallo, Jr., Member -

Pamela D. Panzeback, Member -

Effraim Spagnoletti, Member -

Timothy Tenke, Member -

Dated: Glen Cove, New York

December 22, 2015

Filed: Glen Cove, New York

December , 2015

Resolution 6C

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby approves Budget Transfers as submitted and reviewed by the City Controller.

## **BUDGET TRANSFER INFORMATION ATTACHED BELOW**

Resolution 6D

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the Mayor is hereby authorized to enter into an agreement with CSEA Employee Benefit Fund. Said FUND shall provide benefits to the covered employees under Dutchess Dental Plan and Platinum 12 Vision Plan as specified in agreement.

Resolution 6E

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the Mayor is hereby authorized to enter into a lease agreement, with 3D, LLC, for use of One School Street, Glen Cove, for the Youth Bureau's After Three Program, in the amount of \$1,200.00 per month (\$14,400 annually), including electric.

Resolution 6F

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby authorizes the City Attorney to settle the following claims in full and final settlement:

<u>Name</u>	<u>Claim Number</u>	<u>Amount</u>
Alagheband, Zohreh and Mehran	08-1156	\$25,000.00
Alivizuri, Jennie	15-2535	\$2,506.49
Mangone, Vincenza	15-2517	\$2,315.65
Stanco, Maria	15-2530	\$350.00

Resolution 6G

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby authorizes Glen Cove School District in conjunction with the City of Glen Cove to host the annual Martin Luther King Parade on January 18, 2015 and the closing of Cottage Row, School Street and Forest Avenue 8:00 a.m. to 9:45 a.m.

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby promotes Maureen Pappachristou to full-time Secretary, with the Police Department, at an annual salary of \$58,487 (Grade 10 Step 13), effective December 14, 2015.

Budget Lines PD3120-51101

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby appoints Terrence Smith as full-time Laborer, with Department of Public Works, at an annual salary of \$40,205 (Grade 7 Step 0), effective January 4, 2016.

Budget Line A5110-51101

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby appoints Jamar L. Gamble as full-time Laborer, with Department of Public Works, at an annual salary of \$40,205 (Grade 7 Step 0), effective January 4, 2016.

Budget Line A8160-51101

Resolution offered by Mayor Spinello and seconded by



**BE IT RESOLVED**, that the City Council hereby appoints Kevin S. Basile as full-time Laborer, with Water Department, at an annual salary of \$40,205 (Grade 7 Step 0), effective January 4, 2016.

Budget Line F8300-51101

Resolution 7D

Resolution offered by Mayo Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby appoints Alfo O. Esposito as full-time Laborer, with the Golf Course, at an annual salary of \$40,205 (Grade 7 Step 0), effective January 4, 2016.

Budget Line CR7180-51101

Resolution 7E

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby appoints Alison Mottola as Youth Service Worker, with the Youth Bureau, \$11.00 per hour, effective December 21, 2015.

Budget Line A7050-51123

Resolution 9A

Resolution offered by Mayor Spinello and seconded by

**BE IT RESOLVED**, that the City Council hereby amend the following persons salary, effective January 9, 2016, as indicated:

<b>Name</b>	<b>Hourly Rate</b>	<b>Budget Line</b>
Nancy Dagress	\$11.50 per hour	A7050-51123
Carolina Guastella	\$11.50 per hour	A7050-51123
Susan Heloskie-Rosenberg	\$10.50 per hour	A7050-51123
Martha Ruiz-Reyes	\$11.50 per hour	A7050-51123
Monic Salinas	\$8.50 per hour	A7050-51123
Deanna Sawyer	\$13.00 per hour	A7050-51123
Natalia Ventura	\$8.50 per hour	A7050-51123
Jane Manister-Fein	\$25.00 per hour	A7050-51123
Keith Brussel	\$13.50 per hour	A7050-51120
Janai Nock	\$11.50 per hour	A7050-51120
Mozelle White	\$12.50 per hour	A7050-51120

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