

**CITY COUNCIL: CITY OF GLEN COVE
COUNTY OF NASSAU: STATE OF NEW YORK**

In the Matter of the Petition of

**76 NORTH REALTY CO., LLC AND
40 GARVIES POINT, LLC**

For a Change of Zone, the Adoption of a New Zoning District, the Creation of a New Overlay Zoning District and the Amendment of the City’s Master Plan to Permit the Re-Development of a Combined 13.62 Acre Parcel of Property for a Mixed Use Project Consisting of Residential Units, Commercial and Retail Spaces and a Restaurant Use at the Premises Commonly Known as 18-38 Garvies Point Road and 40 Garvies Point Road, in the City of Glen Cove, Nassau County.

PETITION

**NOTIFY:
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Uniondale, New York 11553
msahn@swc-law.com
(516) 228-1300**

**TO: CITY COUNCIL OF THE CITY OF GLEN COVE, COUNTY OF NASSAU,
STATE OF NEW YORK**

The Petition of **76 NORTH REALTY CO., LLC AND 40 GARVIES POINT, LLC**, collectively at times referred to as the “Petitioners”, respectfully shows:

1. Petitioner, **76 NORTH REALTY CO., LLC**, is a New York Limited Liability Company having its principal office and place of business located at 585 Stewart Avenue, Garden City, New York 11530, and is the owner in fee of the parcel of real property that is commonly known at 18-38 Garvies Point Road, and that is also known and designated on the Nassau County Land and Tax Map as Section 21, Block A, Lot 643 (the “76 North Realty Parcel”).

2. Petitioner, **40 GARVIES POINT, LLC**, is a New York Limited Liability Company having its principal office and place of business located at 585 Stewart Avenue, Garden City, New York 11530, and is the owner in fee of the parcel of real property that is

commonly known at 40 Garvies Point Road, and that is also known and designated on the Nassau County Land and Tax Map as Section 21, Block A, Lot 504 (the “40 Garvies Point Parcel”).

3. The 76 North Realty Parcel has a lot area of approximately 8.56 acres.

4. The 40 Garvies Point Parcel has a lot area of approximately 5.06 acres.

5. The Petitioners’ parcels adjoin each other and have a combined land area of approximately of 13.62 acres. The Petitioners’ combined parcels of land are referred to at times in this Petition as the “Premises”.

6. The Petitioners jointly submit this Petition to the City Council pursuant to Article VI of the Code of the City of Glen Cove for a Change of Zone, the adoption of a new zoning district for the Premises, the creation of a new overlay zoning district for the Premises and to the extent necessary the amendment of the City’s Master Plan to permit and allow for the re-development of the Premises for the Petitioners’ proposed mixed-use development project consisting of residential units, commercial and retail spaces and a restaurant use and related site improvements.

7. Legal descriptions of the 76 North Realty Parcel and the 40 Garvies Point Parcel are attached to this Petition as Exhibit “A” and Exhibit “B”, respectively.

8. The Premises are located in the MW-3 Zoning District of the City of Glen Cove.

9. The 76 North Realty Parcel is presently improved as follows: A one story masonry building having approximately 185,944 square feet of building area with associated off-street parking areas, loading docks and related facilities, used for various storage, warehouse and distribution facilities.

10. The 40 Garvies Point Parcel is presently improved as follows: A one story

masonry building having approximately 72,205 square feet of building area with associated off-street parking areas, truck load docks and related facilities, used for light manufacturing and factory facilities.

11. The zoning and uses of land surrounding the Premises is as follows:
 - a. To the north of the Premises is a mix of recreational/open space, including Garvies Point Preserve owned by Nassau County, various related community facilities, including Landing Elementary School along Carpenter Street, as well as single- and multi-family residential homes.
 - b. The Premises are bounded to the south by the road bed of Garvies Point Road and properties owned by RXR Glen Isle Partners LLC and the Glen Cove Industrial Development Agency. These parcels are being developed for residential use as part of the City's waterfront development plan. Also south of the Premises is the City's new ferry terminal and a mix of aquatic uses along Glen Cove Creek and Glen Cove Marina, community facilities, including the Brewer Yacht Yard and recreational uses at City Stadium Park.
 - c. To the west of the Premises are a variety of community facilities including Garvies Point Museum Preserve, recreational uses at Garvies Point Preserve, and aquatic uses at Mosquito's Cove and the Long Island Sound.
 - d. To the east of the Premises is property that contains a mix of industrial and commercial uses such as Garvies Point Brewing Company along Garvies Point Road, a mix single- and multi-family residential homes, commercial uses including office uses and retail uses along Glen Cove Avenue, and recreational uses at Pratt Park. Further east, along Herb Hill Road, is the RXR

multi-family residential development currently undergoing construction.

12. The Petitioners propose to demolish all of the existing improvements on the Premises and re-develop the Premises for a mixed-use development containing approximately 300 rental residential units, 100 residential units for condominium ownership as well as commercial, retail and restaurant spaces. Specifically, the proposed buildings and improvements as shown on the Site Plan submitted with this Petition will include the following:

- a. A ten-story building containing 300 rental residential units over multi-level parking is proposed within the eastern portion of the Subject Property. This proposed residential building would have a first-floor area of 98,155± square feet (SF), and floors two through ten would have a floor area of 51,900± SF.
- b. A second, ten-story building containing 100 for-sale units over multi-level parking is proposed within the western portion of the Subject Property. Each floor of this proposed residential building would have areas of 16,600± SF.
- c. A third building, to be three stories in height and located within the central portion of the Subject Property would contain retail and restaurant spaces. Floors one and two would contain the proposed retail space, measuring 18,000± SF and 16,200± SF, respectively. The third floor is proposed to be 7,200± SF in size and would contain restaurant space with approximately 120 dining seats.

13. Off street parking will be provided throughout the Premises for all of the uses with a total of 980 on-site parking spaces. The parking will be distributed among various parking structures and surface parking areas.

14. The Premises are located directly opposite and north of the City's new Ferry

Terminal and Boat Basin in Glen Cove Creek. The proposed mixed-use development project has been designed to provide ample off-street parking, a portion of which could be made available as a public benefit for the users of the Ferry Terminal Use.

15. The proposed mixed-use development also contemplates various conservation and sustainability measures, including water reclamation systems for irrigation, landscaping areas and attractive site features such as fountains and waterfalls, resulting in an overall increase of 3.7 acres in landscaped areas at the Premises over the existing conditions.

16. Respectfully, the Premises are uniquely situated and configured to accommodate the proposed mixed-use development that will complement and be in harmony with the other developments presently proceeding in the waterfront area of the City and with the City's planning vision and goals for the waterfront area.

17. The existing MW-3 zoning district does not permit the proposed mixed-use development. However, respectfully, the proposed development is consistent with other developments presently being constructed and will benefit the City of Glen Cove, the surrounding developments and substantially improve the use and value of the Premises and the adjoining properties, and contribute to the City's overall growth and economic development.

18. Moreover, given the City's waterfront development plan that is now being implemented, the existing commercial and industrial uses at the Premises are not the highest and best use of the Premises, and are not in harmony with the new waterfront development.

19. Accordingly, the Petitioners respectfully request that the City Council act under Article VI of the City Code to exact a change of zone, adopt a new zoning district, or create an overlay zoning district to accommodate the mixed-use development project as proposed and to the extent necessary amend the City's Master Plan to enact a new PUD zoning category to apply

to the Premises having the combined area of 13.62 acres.

20. Submitted with the Petition are Site Plans showing the proposed development.

21. Also submitted with this Petition is a Full Environmental Assessment Form with attachments including a Traffic Impact and Parking Analysis Report.

22. The Petitioners are simultaneously submitting an application to the Planning Board of the City of Glen Cove for consideration of a Site Development Plan for the proposed mixed-use development.

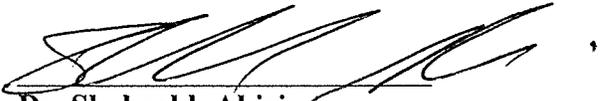
23. **WHEREFORE**, the Petitioners respectfully request that the City Council grant the rezoning relief requested in this Petition.

Dated: November 17, 2019
Garden City, New York

40 GARVIES POINT, LLC

By: 
Dr. Shahrokh Abiri
Managing Member

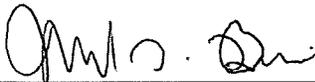
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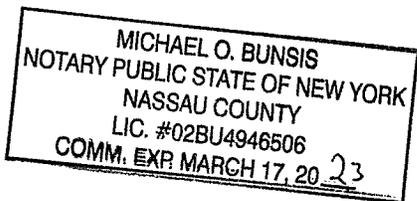
STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

ACKNOWLEDGMENT

On the 14th day of November in the year 2019, before me, the undersigned, personally appeared, **SHAHROKH ABIRI** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



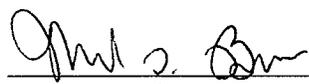
Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

ACKNOWLEDGMENT

On the 14th day of November in the year 2019, before me, the undersigned, personally appeared, **SHAHROKH ABIRI** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

MICHAEL O. BUNSI
NOTARY PUBLIC STATE OF NEW YORK
NASSAU COUNTY
L.I.C. #02BU4946506
COMM. EXP. MARCH 17, 2022

Exhibit A

SCHEDULE A

FIDELITY NATIONAL TITLE INSURANCE COMPANY
TITLE NO. 05-7405-45322-N

SCHEDULE A-1 (Description)

ALL that certain plot, piece or parcel of land, situate, lying and being in the City of Glen Cove, County of Nassau, State of New York, and being bounded and described as follows:

BEGINNING at a point on the new northerly side of Garvies Point Road the following two courses and distances:

1. Along the arc of a curve bearing to the right, having a radius of 470 feet a distance of 343.03 feet to a point or reverse curve;
2. Along the arc of a curve bearing to the left having a radius of 843.77 feet a distance of 241.26 feet;

THENCE north 2 degrees 15 minutes 15 seconds west 486.18 feet;

THENCE north 68 degrees 21 minutes 29 seconds east 596.84 feet;

THENCE south 2 degrees 15 minutes 15 seconds east 787.97 feet to the new northerly side of Garvies Point Road at the point or place of BEGINNING.

ALSO together with an easement and Right of Way over a strip of land 12.50 feet wide running from the northerly side of Garvies Point Road, as physically laid out, southerly to the old northerly side of Garvies Point Road, for all ordinary purposes of ingress and egress. The easterly line of said strip being a direct southerly continuation of the easterly line of the above described premises.

SUBJECT to an easement and Right of Way over a strip of land 12.5 feet of premises above described for all ordinary purposes of ingress and egress.

TOGETHER with an easement and right of way over a strip of land 12.50 feet in width adjoining the easterly side of the premises above described for all ordinary purposes of ingress and egress, commonly known as 20 Garvies Point Road, Glen Cove, New York.

THE POLICY TO BE ISSUED under this commitment will insure the title to such buildings and improvements on the premises which by law constitute real property.

FOR CONVEYANCING ONLY: Together with all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.

Exhibit B

FIRST AMERICAN TITLE Title Number: Page 1 3019-779894

SCHEDULE A DESCRIPTION

ALL that certain plot, piece or parcel of land, in the Town of North Hempstead, situate, lying and being in the City of Glen Cove, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at the southeast corner of the property to be described, said point being on the north side of Garvies Point Road distant 1452.29 feet, westerly from the point of intersection of the north side of Garvies Point Road and the westerly side of Dickson Street;

THENCE, westerly along the north side of Garvies Point Road, the following course and distances:

- 1) Along the curve to the left, having a radius of 843.77 feet a distance of 152.58 feet;
- 2) South 87 degrees 02 minutes 20 seconds west 88.21 feet;
- 3) South 83 degrees 16 minutes 20 seconds west 393.08 feet;

THENCE north 6 degrees 00 minutes 35 seconds east 302.04 feet to lands now or formerly of Ira Miller;

THENCE easterly along said lands of Ira Miller north 68 degrees 21 minutes 29 seconds east 623.97 feet;

THENCE south 2 degrees 15 minutes east 486.18 feet to the north side of Garvies Point Road to the point or place of BEGINNING.