

**RESOLUTION GRANTING A SPECIAL USE PERMIT
FOR AMENDED PLANNED UNIT DEVELOPMENT (PUD) MASTER
DEVELOPMENT PLAN, AND AMENDED PUD SUBDIVISION APPROVAL, FOR
THE GARVIES POINT 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, now known as “Garvies Point,” encompassing approximately 56-acres on the north side of Glen Cove Creek (the “Property” or “Project Site”), in the MW-3 Zoning District (the “Waterfront Project” or “Project”); and

WHEREAS, the Proposed Action approved in the SEQRA Findings Statement included 860 residential units, a 250-unit hotel, 25,000 gross square feet (“GSF”) of total retail, 50,000 GSF of office, 1,702,420 GSF of total residential development, all totaling 2,225,680 GSF of total private development, as well as significant public amenities and open spaces, with individual building heights on Blocks A1, B1, B2 and C (*i.e.*, the Project’s “west side”) ranging from five (5) to twelve (12) stories; and

WHEREAS, the Proposed Action also included 86 workforce housing units (*i.e.*, minimum of 10% of the dwelling units as required under the MW-3 regulations); and

WHEREAS, as reflected in the SEQRA Findings Statement, the Planning Board studied several Alternatives to the Proposed Action as part of its comprehensive environmental review under SEQRA; and

WHEREAS, one of the Alternatives was known as “Alternative 3,” which would substitute 250 residential units for the 250 hotel suites, resulting in a development containing 1,110 dwelling units (860 + 250), in addition to the other retail, restaurant, commercial, and other components that were provided in the Proposed Action; and

WHEREAS, the Planning Board required this Alternative 3 to be studied in response to concerns of the Planning Board, Glen Cove Industrial Development Agency (“IDA”), Glen Cove Community Development Agency (“CDA”) and others regarding the viability of a hotel as part of the Waterfront Project; and

WHEREAS, with respect to Alternative 3, the Planning Board found in the SEQRA Findings Statement that Alternative 3 would *not* result in any significant adverse environmental impacts, or that such impacts will be mitigated to the maximum extent practicable; and

WHEREAS, the Planning Board further found that it could not approve Alternative 3 (*i.e.*, no hotel/1,110-units), because it was not formally referred to the Board by the IDA and CDA pursuant to those Agencies’ contractual relationship with the Applicant, as set forth in a certain Contract for Sale of Land for Private Redevelopment, dated May 14, 2003, as amended (the “LDA”); and

WHEREAS, the Planning Board further found specifically with respect to Alternative 3 that the Board “would have no substantive objection in the event the IDA/CDA chooses to include a no hotel/1,110-unit development program in any future amendments to the LDA given the Board’s finding that no adverse environmental impacts would result”; and

WHEREAS, the Planning Board further found that “if Alternative 3 is submitted to the Planning Board for consideration in the future, no further SEQRA review shall be required in order for the Planning Board to approve Alternative 3, provided that the submission does not propose changes or modifications to Alternative 3, which would have the potential to result in one or more new significant adverse environmental impacts that were not studied as part of this SEQRA review”; and

WHEREAS, on or about June 11, 2015, the Applicant submitted to the Planning Board, with a copy to the IDA and CDA, an Application for an Amendment to the approved PUD Master Development Plan (the “Amended Master Plan”); and

WHEREAS, on June 23, 2015, the IDA and CDA each adopted a Resolution approving the Amended Master Plan pursuant to the LDA, and such approval authorized the Planning Board to process the Amended Master Plan pursuant to the MW-3 District regulations; and

WHEREAS, the Amended Master Plan is intended to incorporate certain improvements to the Project desired by the City, IDA and CDA, including more open space and public amenities, as well as to take into account increasing building construction costs; and

WHEREAS, the Amended Master Plan is consistent with Alternative 3, as it proposes a “no hotel/1,110-unit” development program; and

WHEREAS, while the Amended Master Plan is consistent with Alternative 3, the proposed Amended Master Plan contains certain modifications and improvements that required this instant review by the Planning Board to determine, among other things, whether these modifications and improvements necessitated supplemental review under SEQRA; and

WHEREAS, the Amended Master Plan proposes, for example, a significant reduction in gross square footage of total private development for the Project, from 2,225,680 GSF to 1,719,932 GSF (with an allowance to increase to 1,828,128 GSF for changes in unit geometry for development blocks not yet fully designed); and

WHEREAS, the Amended Master Plan also reflects certain changes in the physical layout of the proposed redevelopment of only the *west side* of the Property as a result of eliminating the hotel (the proposed redevelopment of the east side of the Property is unchanged); and

WHEREAS, rather than a total of four development blocks on the west side as shown on the approved PUD Master Development Plan, under the proposed Amended Master Plan, the 513 residential units on the west side of the Property would be constructed within two development

blocks – *i.e.*, Blocks A1/A2 and B2 – totaling approximately 950,000 GSF, which represents a reduction from the 1,218,080 GSF previously approved on the west side; and

WHEREAS, the heights of the proposed buildings on Blocks A1/A2 and B2 would be comparable to the heights of the buildings previously approved under the 2011 PUD Master Development Plan, including two 12-story buildings on the Project’s west side (*i.e.*, one located on prior Block A and one on Block C); and

WHEREAS, the Amended Master Plan would still be subject to the same 125’ maximum height requirement established in the SEQRA Findings Statement; and

WHEREAS, the Amended Master Plan also results in approximately 2.5 acres of additional open space on the west side of the Project, bringing the total amount of open space to approximately 29.2 acres, or 52% of the Property; and

WHEREAS, as a result of eliminating certain development blocks, and consolidating and repositioning the condominium buildings on the west side of the Property in Block A1/A2 and Block B, the Amended Master Plan shows, as part of its “24-acre necklace of waterfront parks,” a new, approximately 3-acre Garvies Point Park in the center of the west side of the Property; and

WHEREAS, Garvies Point Park, which is located between Blocks A1/A2 and B, would allow for active and passive uses by the public, such as a dog run, bocce court, volleyball court, kite flying, movie nights, farmers’ markets, and the like, the exact details of which would be programmed during the Planning Board’s PUD Site Plan reviews of the individual phases of the Project; and

WHEREAS, Garvies Point Park would complement the many other public spaces throughout the Project, including Renaissance Park, Crescent Park, Sunset Park, the esplanade, and beach area; and

WHEREAS, like the 2011 PUD Master Development Plan, the Amended Master Plan also includes 25,000 GSF of total retail, and 50,000 GSF of office; and

WHEREAS, the Amended Master Plan also proposes to convert the Large Vessel Marina to a Small Vessel Marina, which will reduce the need for dredging in Glen Cove Creek and provide a number of other environmental benefits, resulting in an increase in the total number of marina boat slips throughout the Project’s three marinas from 85 to 120; and

WHEREAS, the Amended Master Plan further proposes to relocate the ecology pier farther east, near the Small Vessel Marina, as well as to reduce the length of the pier by approximately one-half, in order to minimize the amount of wetlands disturbance; and

WHEREAS, on or about June 11, 2015, the Applicant also submitted an Application for minor amendments to the PUD Subdivision (the “Amended Subdivision Plan”), which was conditionally approved by the Planning Board on November 18, 2014 (collectively, the

Applications for Amended PUD Master Development Plan Approval and Amended PUD Subdivision Approval are collectively referred to herein as the “Amended Applications”); and

WHEREAS, by way of background, and in summary, the purpose of the prior PUD Subdivision Application was 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, the subdivision amendments involve slightly adjusting certain property lines so that the approved and filed Subdivision Map reflects the final design and boundaries of the City’s Garvies Point Road/Herb Hill Road Reconstruction Project, and the amended Subdivision Map would also create as a separate parcel what is commonly known as “Li Tungsten Lower C” to facilitate the final environmental remediation of that parcel; and

WHEREAS, the Planning Board, its independent consultants, and its special counsel reviewed the Amended Applications when they were submitted in June 2015; and

WHEREAS, as part of its Amended Applications, the Applicant provided a Full Environmental Assessment Form (“EAF”), including an expanded Part 3, to assist the Board in determining whether supplemental environmental review was warranted; and

WHEREAS, the Planning Board carefully reviewed the EAF, together with its professional planning, engineering and open space consultants, to determine whether there were any new impacts that were not previously studied in the prior SEQRA review of the approved 2011 PUD Master Development Plan, or which were not fully studied as part of the EAF and the Amended Applications; and

WHEREAS, the Planning Board began its formal review of the Amended Master Plan and Amended Subdivision Plan at its meeting on June 16, 2015; and

WHEREAS, during the June 16th meeting, the Planning Board expressed comments regarding the Amended Master Plan relating to, among other things, (i) additional programming of the west side of the Project so that it serves as an inviting destination for the City’s residents and visitors who do not reside at the Project, and (ii) ensuring adequate public parking within reasonable walking distances to the west side public amenities and open spaces; and

WHEREAS, the Planning Board did not have any comments on the minor adjustments to the property lines as shown on the Amended Subdivision Plan; and

WHEREAS, by letter dated June 26, 2015, the Planning Board referred the Application for Amended PUD Master Development Plan Approval to the Nassau County Planning Commission pursuant to Section 239-m of the General Municipal Law; and

WHEREAS, on or about July 2, 2015, the Applicant made a supplemental submission to the Planning Board regarding the Amended Applications in response to the Planning Board’s comments made at the June 16th meeting (the “July 2nd Submission”); and

WHEREAS, the Planning Board, its independent consultants, and its special counsel reviewed the July 2nd Submission; and

WHEREAS, the revised plans, submitted as part of the July 2nd Submission, addressed the Planning Board's concerns about ensuring that the west side of the Project serves as an inviting destination for the general public by, among other things, relocating an approximately 3,000 square foot restaurant to the western end of the Project Site adjacent to Block A1/A2; and

WHEREAS, the Amended Master Plan was also revised to show suitable locations for other retail space and casual eateries on the west side of the Project, such as a walk-up café and ice cream shop, all of which would serve as destinations to encourage the public to visit and use the west side of the Project Site; and

WHEREAS, as part of the July 2nd Submission, the Applicant also provided a Parking Study, dated July 1, 2015, prepared by Walker Parking Consultants, which described the increase in public parking spaces that was also added to the revised Amended Master Plan in response to the Planning Board's comments to improve the public's access and connectivity to the parks and waterfront; and

WHEREAS, more specifically, the Applicant added a 22-space parking lot next to Garvies Point Park, 12 spaces along Road D, and 29 spaces along Road A, which leads to the restaurant, Sunset Park and the public beach on the west end of the Project Site; and

WHEREAS, these 63 new parking spaces would supplement the approximately 51 on-street spaces located along Garvies Point Road within a reasonable 300-foot walking distance of the west side destinations, such as the public parks and beach; and

WHEREAS, also as part of the July 2nd Submission, the Applicant provided an expanded Part 3 of the EAF, which evaluated in greater detail the Amended Master Plan's potential impacts on land use, zoning and public policy, soils and topography, subsurface environmental conditions, water resources, ecology, transportation, air quality, noise, community facilities (including schools, recreation and open space, hospitals, solid waste, emergency services and police/harbor patrol/fire), utilities, economics, demographics, aesthetics, cultural resources, and construction impacts; and

WHEREAS, again, the purpose of Part 3 of the EAF is to assist the Planning Board, together with its professional consultants and special counsel, in determining whether the project modifications proposed as part of the Amended Applications would result in any new significant adverse environmental impacts that were not previously studied during the prior comprehensive SEQRA review, or evaluated as part of the current expanded EAF; and

WHEREAS, also as part of the July 2nd Submission, the Applicant provided a Report from Land Use Ecological Services, Inc., dated July 1, 2015, which responded to questions by the Planning Board regarding the proposed conversion of the Large Vessel Marina to a Small Vessel Marina; and

WHEREAS, the Applicant presented the materials and information contained in its July 2nd Submission to the Planning Board at its meeting held on July 7, 2015; and

WHEREAS, the Planning Board, at its meeting, made additional comments and expressed further concerns about the adequacy of public parking spaces on the west side of the Project, and scheduled a Public Hearing for July 25, 2015; and

WHEREAS, on July 9, 2015, the Nassau County Planning Commission voted unanimously to adopt Resolution No. 10021-15, which recommended that the Planning Board “take action as it deems appropriate, the Commission having no modifications”; and

WHEREAS, the Planning Board conducted a Public Hearing on the Amended Applications regarding the proposed Amended Master Plan and Amended Subdivision Plan on July 21, 2015, at 7:30 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 Amended 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 throughout the Property; and

WHEREAS, during the Public Hearing, the Planning Board expressed additional comments and asked the Applicant to consider further improvements to the Amended Master Plan in order to further mitigate any potential visual and other impacts, including, (i) whether Block A1/A2 could be shifted to the east to mitigate the views of the massing of the building, (ii) whether the number of stories in Block A1/A2 could be reduced, (iii) whether Block A1/A2 satisfies the MW-3 District regulation that the height of the buildings shall not exceed the treetop elevation of the ridgeline of the Garvies Point Preserve, and (iv) whether additional boat trailer parking spaces could be provided, and to confirm the ability of boat trailers to maneuver in the vicinity of the boat ramp; and

WHEREAS, the Planning Board has carefully considered all of the comments and questions raised by the commenters at the Public Hearing, specifically including those relating to public parking spaces, boat trailer parking spaces, and the suitability of the Glen Cove Volunteer Fire Department’s equipment and vehicles to service the Project’s taller buildings, as well as the Applicant’s responses provided at the Public Hearing; and

WHEREAS, the Planning Board voted to close the Public Hearing on July 25, 2015; and

WHEREAS, following the close of the Public Hearing, the Planning Board’s and the Applicant’s respective professional consultants and legal counsel discussed potential further

revisions to the Amended Master Plan in response to the Planning Board's and the public's comments expressed during the Public Hearing and prior meetings; and

WHEREAS, pursuant to such discussions, the Applicant provided the Planning Board's Consultants with a further revised Amended Master Plan intended to address the concerns raised during the Public Hearing; and

WHEREAS, the further revised Amended Master Plan showed, among other things, that the northern tower of Block A was shifted approximately 60 feet to the east, which, in turn, yielded approximately 4,000 square feet of new additional public open green space on the northwest corner of Block A closest to Sunset Beach, thus creating an additional destination at the Project's western end; and

WHEREAS, the Applicant also reduced the building on Block A1/A2 from 12 stories to 11 stories (it would remain subject to the maximum height requirement of 125 feet, as established in the SEQRA Findings Statement); and

WHEREAS, the Applicant also refined the conceptual architectural features of Block A1/A2 in order to "step back" the upper floor plates of the building, which opens the upper stories and reduces the bulk of the building, thereby creating a more appealing aesthetic from Sea Cliff and Hempstead Harbor; and

WHEREAS, the Planning Board's professional engineering consultants from Nelson & Pope reviewed the relevant elevation and survey information, concluding and advising the Planning Board that the height of the buildings on Block A1/A2 would not exceed the treetop elevation of the ridgeline of the Garvies Point Preserve in compliance with the MW-3 regulations; and

WHEREAS, with respect to boat trailer parking and maneuverability, the revised Amended Master Plan provided 3 additional boat trailer parking spaces (17 total), including 3 spaces that have been specifically designed to accommodate up to a 60-foot boat-trailer combination; and

WHEREAS, the ability of boat trailers and a con-o-lift device to maneuver in the vicinity of the boat ramp was demonstrated by the "Hempstead Harbor Club Con-O-Lift Maneuver Sketch 1," prepared by PS&S, dated February 3, 2009, which was included in the Final Environmental Impact Statement for the Project, and reviewed and analyzed by the Planning Board and its consultants during the prior SEQRA review; and

WHEREAS, upon the recommendation of its professional consultants and special counsel, the Planning Board scheduled a Special Meeting for July 29, 2015, so that the Applicant could present these further revisions to the Amended Master Plan to the Planning Board; and

WHEREAS, the Public Notice of the Special Meeting was duly noticed in accordance with Section 104 of the Open Meetings Law; and

WHEREAS, during the Special Meeting, the Planning Board and Applicant conducted an extensive discussion about the number and location of public parking spaces on the west side of the Project; and

WHEREAS, the Planning Board questioned whether there was sufficient public parking spaces on the west side of the Project in adequate proximity to the public amenities and open spaces, including, the Garvies Point Park, the restaurant, and the beach; and

WHEREAS, the Applicant believed that adequate public parking spaces were provided based upon the parking ratios set forth in the SEQRA Findings Statement as applied to the amended development program under the Amended Master Plan; and

WHEREAS, to increase the likelihood that there would be adequate public parking, the Planning Board requested that the Applicant provide 60 spaces of “land banked” parking dispersed throughout the west side of the Project, which the Planning Board could require to be installed if needed in the future once the public amenities and open spaces are built and operational, and actual parking demands are known; and

WHEREAS, “land banking” parking spaces is a common planning tool to avoid unnecessarily eliminating sensitive green space by paving and installing parking spaces that may never be utilized; and

WHEREAS, on or about September 3, 2015, the Applicant made a second supplemental submission to the Planning Board regarding the Amended Applications in response to the Planning Board’s comments made at the prior Public Hearing and the July 29th Special Meeting, including with respect to the location of Building A1/A2, the location and number of public parking spaces, including a total of 69 land banked parking spaces, and boat trailer spaces (the “September 3rd Submission”); and

WHEREAS, the Planning Board, its independent consultants, and its special counsel reviewed the September 3rd Submission; and

WHEREAS, given the changes in the Amended Master Plan since the close of the Public Hearing, the Planning Board, in an excess of caution, conducted another Public Hearing on the Amended Applications on September 16, 2015, at 7:30 p.m. in City Hall, Council Chambers, 9 Glen Street, Glen Cove, New York, 11542, at which time additional public comments were heard regarding the aforementioned Amended Applications; and

WHEREAS, the Notice for the September 16, 2015 Public Hearing 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 throughout the Property; and

WHEREAS, during the Public Hearing, the Applicant presented the improvements to the design of Block A1/A2, including that the building “steps back” at the upper levels, and that the northern tower was shifted to the east approximately 60 feet; and

WHEREAS, the Applicant also presented updated visual renderings, showing anticipated views of Block A1/A2 from Hempstead Harbor and Cliff Way in Sea Cliff, and comparing such views to both existing conditions and under the 2011 approved PUD Master Development Plan; and

WHEREAS, the Applicant also presented updated public parking and boat trailer parking plans for the Project; and

WHEREAS, the Applicant described that the Amended Master Plan, as originally submitted, contained a total of 178 public parking spaces (Dickson St. = 35 spaces; Herb Hill Road = 17 spaces; Garvies Point Road = 126 spaces); and

WHEREAS, the Applicant further described that an additional 82 off-street public parking spaces have been added to the Amended Master Plan since the original submission in response to the Planning Board’s parking comments, bringing the total number of public parking spaces to 260 spaces; and

WHEREAS, these 82 additional off-street public parking spaces are located along Road A (24 spaces + 6 restaurant valet-staging spaces), in the parking lot next to Garvies Point Park (33 spaces), and along Road D (19 spaces); and

WHEREAS, the 6 valet-staging spaces provided on Road A will be dedicated for the restaurant as set forth in the SEQRA Findings Statement; and

WHEREAS, in response to the Planning Board’s request for 60 land banked parking spaces on the west side, the Applicant showed during the Public Hearing that it would provide a total of 69 land banked parking spaces, bringing the total maximum available public parking spaces to 329 (including the valet-staging spaces); and

WHEREAS, the 69 land banked parking spaces would be dispersed throughout the west side, specifically 11 spaces along Road A, 39 spaces in the parking lot next to Garvies Point Park, and 20 spaces along Road D; and

WHEREAS, the Applicant also presented 3 new large trailer spaces (60’ x 7’) along Block A1/A2, which would be in addition to the previously proposed 14 boat trailer spaces; and

WHEREAS, the Applicant also addressed the Planning Board’s comments regarding restaurant parking by describing that there would be an allocation for 117 valet cars within the garage in Block A1/A2, which, in addition to the 6 valet-staging spaces along Road A, brings the total number of parking spaces for the restaurant to 123; and

WHEREAS, the Applicant also presented the “Hempstead Harbor Club Con-O-Lift Maneuver Sketch 1,” prepared by PS&S, dated February 3, 2009, referenced above, which again

demonstrated the ability of boat trailers and a con-o-lift device to maneuver in the vicinity of the boat ramp; and

WHEREAS, the Planning Board has carefully considered all of the comments and questions raised at the Public Hearing, including, but not limited to, those relating to public parking spaces, resident parking spaces within the private residential buildings, public transportation/shuttle bus, increase to 111 workforce units in Amended Master Plan, massing of Block A1/A2 and related potential visual impacts, potential impacts associated with an increase in nitrogen runoff from additional lawn areas, traffic, clarifying the number of buildings and residential units in the Project, potential fiscal impacts associated with providing increased community services, suitability of the Glen Cove Volunteer Fire Department's equipment and vehicles to service the Project's taller buildings, as well as the Applicant's responses provided at the Public Hearing; and

WHEREAS, all of these issues have been addressed either as part of the prior SEQRA review and SEQRA Findings Statement, or during the Planning Board's current review of the Amended Applications, including Part 3 of the EAF; and

WHEREAS, the Planning Board also carefully considered the comments by Vision Long Island, which, among other things, supported the idea of land banking a certain amount of parking spaces to avoid the creation of unnecessary impervious surfaces; and

WHEREAS, while some commenters raised questions and concerns about a potential issuance of tax increment financing bonds and a PILOT agreement for the Project, those matters are within the exclusive jurisdiction of the City Council and IDA, respectively, and are not relevant to the Planning Board's current review of the Amended Applications; and

WHEREAS, immediately before the second Public Hearing began on September 16, 2015, the Mayor of the Village of Sea Cliff (the "Village") hand delivered to the Planning Board a 3-page letter from the Village's Attorney, together with a Memorandum of Understanding, dated October 5, 2000, between the City, IDA, Village and North Shore Environmental Alliance, Inc. (the "MOU"), setting forth the Village's comments with respect to the Amended Master Plan; and

WHEREAS, the Village claimed (both in its comment letter and during the Mayor's testimony at the Public Hearing), in summary, that (i) a Supplemental Environmental Impact Statement ("SEIS") is required to study the environmental impacts associated with the Amended Master Plan, (ii) the massing of the most westerly building, and its visual impact, must be addressed in an SEIS, including by floating balloons, (iii) an SEIS is required to study the cumulative impacts of the Amended Master Plan and the Glen Cove Piazza and other developments that were proposed following the prior SEQRA review, (iv) the prior SEQRA analysis relating to the anticipated roadway improvements at the intersection of Sea Cliff Avenue and Glen Cove Avenue has been rendered moot since Nassau County is no longer pursuing such improvements, (v) the Applicant shall address the sewage capacity of the sewer facility in Glen Cove to receive increased sewage flows from the Project and the Village's new sewer system in its downtown business district, (vi) the Planning Board should address the impacts to roadway

traffic should the ferry not be available as a means of transportation for the Project, (vii) traffic impacts associated with the Amended Master Plan should be explored in more detail given the elimination of the hotel, (viii) the prior FEIS did not adequately address the potential impact of storm surge for waterfront properties, such as what occurred during Superstorm Sandy, (ix) the “various development parameters” in the MOU, in particular the ferry and height of the westernmost building, are ignored under the Amended Master Plan, and (x) the Village was unable to obtain a copy of the SEQRA Findings Statement; and

WHEREAS, the Planning Board notes that the Village participated in the prior SEQRA review of the approved 2011 PUD Master Development Plan – which contained a 12-story building on Block A at the Project’s westernmost end, and an up to 12-story hotel on Block C also on the west side – including by submitting a comment letter to the Board dated July 17, 2009, signed by the same Village Mayor, which raised, among other things, certain transportation and aesthetic concerns, all of which were fully studied and addressed during the prior SEQRA review; and

WHEREAS, the Village did not previously submit the 2000 MOU to the Planning Board, or otherwise cite the MOU throughout the entire PUD Master Development Plan and PUD Site Plan/Subdivision reviews, which together spanned from approximately 2008-2014; and

WHEREAS, the Planning Board, its independent consultants, and its special counsel have given careful consideration to the Village’s recent comment letter and the Village Mayor’s comments made during the September 16, 2015 Public Hearing; and

WHEREAS, the Planning Board voted unanimously to close the Public Hearing on September 16, 2015; and

WHEREAS, the Planning Board has reviewed the Amended Applications in accordance with the standards, requirements and procedures governing a PUD as set forth in the MW-3 District regulations (City Zoning Ordinance Section 280-73.2), as well as Glen Cove City Code Chapter 245 (“Subdivision of Land”); and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that the project modifications as reflected in the Amended Master Plan and Amended Subdivision Plan will not result in any new potential significant adverse environmental impacts that were not previously studied during the prior full SEQRA review of the approved 2011 PUD Master Development Plan, or which were not fully studied as part of the current review of the Amended Applications, including the EAF Part 3, Parking Study, and visual simulations; and

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

BE IT FURTHER RESOLVED, that the Planning Board finds that the Application for Amended PUD Master Development Plan Approval meets the criteria set forth Section 280-73.2(C)(3)(b) of the Zoning Ordinance, including, but not limited to, the following:

- Amended Master Plan complies with the maximum residential density requirement of 20 units per acre, and the requirement that a minimum of ten percent (10%) of the dwelling units shall be workforce housing as defined by the City of Glen Cove;
- Amended Master Plan complies with the objectives set forth in the Zoning Ordinance regarding the maximum height permissible within a PUD, including, but not limited to, a variation of building heights and scales (building height shall be finalized during each individual PUD Site Plan application);
- Minimum distances between principal structures have been determined by the Planning Board to maximize the creation of view corridors and open space;
- Amended Master Plan conceptually shows an acceptable number of planned off-street parking spaces for the overall Project Site, provided that the specific parking requirement of each individual block shall be determined at the time of each PUD Site Plan Application;
- No structure or parking area shall be located within thirty feet (30') of the mean high water line or bulkhead line, except as may be shown on the Amended Master Plan;
- Amended Master Plan contains ample public open space (i.e., approximately 29.2 acres, or 52% of the Property), consisting of not less than twenty-five percent (25%) of the overall Site;
- Amended Master Plan contains a connected network of pedestrian and bicycle access ways, and automobile traffic shall be accommodated in ways that respect the safe and comfortable movement of pedestrians throughout the Project Site;
- Amended Master Plan includes an intermodal transportation system, which includes shuttle bus service to the LIRR, downtown Glen Cove, the Glen Cove bus stop for service to New York City, and other forms of public transportation; and
- Amended Master Development Plan uses an interconnected street system; and

BE IT FURTHER RESOLVED, that the Planning Board has reviewed the factors to consider in determining whether to approve a PUD Master Development Plan set forth in Section 280-73.2(C)(3)(c)[8] of the Zoning Ordinance, and makes the following findings:

a) Amended PUD Application serves to implement the legislative intent, purposes and goals set forth in Section 280-73.2(A)(1) of the Zoning Ordinance, as well as in the Master Plan of the City, including, but not limited to:

i. encouraging “a range of water-dependent and water-enhanced uses and other related uses within the Glen Cove Creek corridor so that the City’s valuable

waterfront resources are utilized properly and in a manner that will ensure an attractive waterfront setting for a variety of appropriate uses that are beneficial to the City’s residents, waterfront property owners and business community;”

ii. creating an “attractive mixed-use community with residential/retail/commercial business/recreation/tourist/entertainment and cultural components [and] a marketable and sustainable development that will benefit the City and the surrounding environment;” and

iii. eliminating “blight and blighting influences” in and around the Glen Cove Creek area;

b) Amended PUD Application conforms to the most recent Conceptual Site Plan approved by the IDA/CDA on June 23, 2015, pursuant to the LDA;

c) Amended Master Plan includes an appropriate mix of land uses in a well-planned design and arrangement on the Project Site, which properly takes into account environmental conditions, neighboring sites and land uses;

d) Amended Master Plan will have a positive impact upon the area in which it will be located, and upon the City of Glen Cove and the region as a whole, because, among other things, the Project will revitalize the underutilized, blighted, former industrial and contaminated lands along the north shore of Glen Cove Creek as a vibrant, mixed-use, waterfront community; and

e) Amended Master Plan has an adequate phasing plan relative to the uses in each phase; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Amended Master Plan is an improved and favorable design as compared to the previously approved 2011 PUD Master Development Plan, including, but not limited to, by significantly reducing the gross square footage of total private development for the Project, from 2,225,680 GSF to 1,719,932 GSF (with an allowance to increase to 1,828,128 GSF for changes in unit geometry for development blocks not yet fully designed), and by creating approximately 2.5 acres of additional open space on the west side of the Project; and

BE IT FURTHER RESOLVED, that the Planning Board finds that while Block A1/A2 is larger under the Amended Master Plan as compared to Block A under the prior approved Plan, consolidating the density into just 2 development Blocks on the west side has numerous design advantages for the City and public, such as with respect to additional programmable parks and open space, and enhanced visual corridors, including improved views from Hempstead Harbor and Sea Cliff; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the proposed Amended Master Plan is an aesthetic improvement to the previously approved continuous row of

buildings, with 12-story “bookends” on the west side, under the 2011 PUD Master Development Plan containing a hotel; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the visual renderings submitted by the Applicant show that the Amended Master Plan improves the view sheds from Hempstead Harbor and Sea Cliff, as compared to the prior approved PUD Master Development Plan, including due to consolidating the condominium buildings and opening up the center of the west side of the Project for Garvies Point Park, as well as splitting Block A into two separate towers to break up the massing when viewed from the Harbor; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the overall revised footprint of the west side of the Project, as depicted under the Amended Master Plan, will help unify and provide strong visual continuity of the Project’s open spaces along the entire waterfront area; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the heights of the proposed buildings on Blocks A1/A2 and B2 would be comparable to the heights of the buildings previously approved under the 2011 PUD Master Development Plan, including the 12-story buildings on prior Blocks A and C; and

BE IT FURTHER RESOLVED, that the Planning Board finds that, based on the advice of the Board’s professional engineering consultants from Nelson & Pope, who reviewed the relevant elevation and survey information, the height of the buildings on Block A1/A2 would not exceed the treetop elevation of the ridgeline of the Garvies Point Preserve in compliance with the MW-3 regulations; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Amended Master Plan, as revised throughout this review process, satisfactorily addresses the Planning Board’s concerns about the design, scale and massing of the building on Block A1/A2, including by, among other things, (i) shifting the northern tower of Block A1/A2 approximately 60 feet to the east, which resulted in approximately 4,000 square feet of new additional public open green space on the northwest corner of Block A, (ii) reducing the building on Block A1/A2 from 12 stories to 11 stories, and (iii) “stepping back” the upper floor plates of the building on Block A1/A2, which opens the upper stories and reduces the bulk of the building, thereby creating a more appealing aesthetic from Sea Cliff and Hempstead Harbor; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the revised configuration of Block A1/A2 will have the ability to incorporate significant architectural articulation during the more detailed PUD Site Plan review, which will enhance the building’s visual appeal, and will create a sense of scale and visual relief in accordance with the MW-3 regulations; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Amended Master Plan, as revised throughout this review process, satisfactorily addresses the Planning Board’s concerns about ensuring that the west side of the Project serves as an inviting destination for the general public, including by, among other things, relocating the restaurant to the western

point of the Project Site, and providing suitable locations for other retail space and casual eateries on the west side of the Project; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the revised Amended Master Plan shows an improved palette of spaces that will be programmed in greater detail for active and passive uses during the individual PUD Site Plan reviews for these areas (just like the Planning Board did for Renaissance Park during the Phase One PUD Site Plan review); and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Amended Master Plan, as revised throughout this review process, satisfactorily addresses the Planning Board's concerns about parking, including ensuring adequate public parking within reasonable walking distances to the west side public amenities and open spaces; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the 69 land banked parking spaces are not required to meet the parking demand of the Amended Master Plan based on the analytic evidence set forth in the Walker Parking Study, including specifically the application of the parking ratios approved in the SEQRA Findings Statement to the amended development program in the Amended Master Plan; and

BE IT FURTHER RESOLVED, that the Planning Board is requiring such land banked parking spaces as a protective measure to ensure that extra parking spaces are readily available if needed in the future based on actual utilization of the Project's parking spaces once the Project, including the public amenities and open spaces, is built and operational; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the 123 restaurant parking spaces are sufficient for the current proposed restaurant, which conceptually would contain approximately 3,000 square feet, because utilizing the parking ratio in the SEQRA Findings Statement for a restaurant of 19 spaces per 1,000 square feet (plus 6 restaurant staging spaces), the 123 parking spaces would support a restaurant of approximately 6,000 square feet; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Amended Master Plan, as revised throughout this review process, satisfactorily addresses the Board's concerns about sufficient boat trailer parking, including by increasing the boat trailer parking spaces to 17 in total (including 3 spaces that can accommodate up to a 60-foot boat-trailer combination); and

BE IT FURTHER RESOLVED, that the Planning Board finds that boat trailers and a con-o-lift device will be able to maneuver adequately in the vicinity of the boat ramp, based on the "Hempstead Harbor Club Con-O-Lift Maneuver Sketch 1," prepared by PS&S, dated February 3, 2009, which was included in the Final Environmental Impact Statement for the Project, and reviewed and analyzed by the Planning Board and its consultants during the prior SEQRA review; and

BE IT FURTHER RESOLVED, that the Planning Board finds that, based on the Report submitted by Land Use Ecological Services, Inc., the proposed conversion of the Large Vessel

Marina to a Small Vessel Marina Report will result in several environmental benefits, including, (i) reduces marina footprint and associated impacts to wetlands on Captain's Cove, (ii) reduces the dredging footprint and depth, and (iii) allows for construction of a low-sill wavebreak, which would facilitate water and sediment transport along Glen Cove Creek; and

BE IT FURTHER RESOLVED, that the (i) Amended PUD Master Development Plan, as shown on a 6-page set of Drawings (C-1 through C-6), prepared by PS&S Engineering, P.C. (Drawings C1 through C4), M. Paul Friedberg & Partners LLC (Drawing C5), and Minno & Wasko Architects and Planners (Drawing C6), last revised October 1, 2015 (except Drawing C-6, which was last revised on September 1, 2015), and (ii) Amended PUD Subdivision Plan, as shown on a 2-page set of Drawings (FM-1 & FM-2), prepared by PS&S Engineering, P.C., dated June 10, 2015, 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. Revision of the Amended PUD Master Development Plan and Amended PUD Subdivision Plan to the satisfaction of the Planning Board Consultants in order to make clarifying, non-material modifications, which are consistent with the intent and substance of this Resolution. All plans and other documents submitted in support of the Amended Applications shall continue to be reviewed for consistency with each other, and with the previously approved PUD Site Plan for Phase One of the Project. Any additional non-material 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 Consultants, as the case may be.
3. The future potential installation of land banked parking spaces shall be subject to the following requirements and conditions, which shall be memorialized in a Declaration in recordable form satisfactory to the Planning Board's Special Counsel (and attaching a drawing accurately showing the land banked parking spaces), and recorded in the Nassau County Clerk's Office prior to the issuance of a Building Permit for Phase Two of construction for the Project:
 - a. Applicant shall reserve the land depicted as land banked parking on the Amended Master Plan for the future potential use of 69 surface parking spaces.
 - b. Until such time as the land banked parking spaces may be needed, such reserved lands may be used as shown on the Amended Master Plan.
 - c. If the Planning Board, at any time, has reason to believe that the Project needs additional public parking spaces, including based on the Board's own personal observations and experiences, or written complaints submitted to the Board by the City Council, IDA, CDA, and/or general public, then the Planning Board shall notify the Applicant of same in writing and shall provide the Applicant with an

opportunity to be heard prior to making its final determination on whether land banked spaces shall be constructed. Upon a determination that land banked spaces are needed for additional public parking, the Planning Board shall notify the Applicant of its decision through a Resolution adopted by the Board at a duly noticed meeting, and sent to the Applicant by certified mail. The Planning Board shall also determine in its reasonable discretion how best to allocate the additional parking spaces among the three (3) land banked parking areas shown on the Amended Master Plan.

- d. The stormwater management facilities constructed as part of the Project shall be designed to support the land banked parking areas shown on the Amended Master Plan so that such facilities are adequately sized to handle run-off from the land banked parking spaces.
- e. The Applicant shall promptly apply for and diligently pursue all necessary approvals for the construction of the land banked parking spaces within 30 days of its receipt of the Planning Board's written determination, and shall promptly commence construction of the land banked parking spaces within 30 days of its receipt of all necessary approvals from every agency having jurisdiction, subject to reasonable extensions granted by the Planning Board for good cause shown. Construction of the land banked spaces shall be in accordance with applicable City of Glen Cove codes and regulations. The Applicant shall diligently pursue construction of the additional parking spaces until completion. The Applicant shall complete such construction not later than six (6) months after its receipt of all necessary approvals to construct the land banked parking spaces, subject to reasonable extensions granted by the Planning Board for good cause shown.
- f. In the event that the Planning Board determines that the construction of any required land banked parking spaces has not been completed or diligently pursued as required hereunder, then the Planning Board shall notify the Applicant of such determination in writing, through a resolution adopted by the Board at a duly noticed meeting and sent to the Applicant by certified mail. Under such circumstance, the Applicant shall not receive a building permit, certificate of occupancy, or any other approval from the Planning Board or City of Glen Cove until such time as the City Building Department certifies that construction of the land banked parking spaces has been completed, and/or the City may declare a default of the security agreement referenced in paragraph 3(h) below, pursuant to Sections 27-a and 33 of the General City Law.
- g. Applicant shall file with the City Clerk a renewable security, such as a letter of credit, in an amount to be determined upon the advice of the GCDPW Director, to cover the full cost of the improvements relating to construction of the 69 land banked parking spaces, which security shall be satisfactory to the City Attorney as to form, sufficiency, manner of execution and surety, pursuant to Sections 27-a and 33 of the General City Law.

- h. The authority of the Planning Board to require the Applicant to install all or a portion of the 69 land banked parking spaces as provided herein shall expire at the end of the fifth (5th) year following the issuance of the Certificate of Occupancy for the last primary building, together with completion of associated public amenities and open spaces, constructed on and adjacent to Block A1/A2 or Block B, whichever is later.
4. Applicant shall submit final details regarding the design and operation of the restaurant, including any outdoor/deck space, during the relevant PUD Site Plan review. The Planning Board shall review and address the sufficiency of supporting parking for the restaurant, including, but not limited to, finalizing the parking requirements for both indoor and outdoor/deck space, and the operation and functionality of the valet service, during the relevant PUD Site Plan review.
5. Final parking requirements and details, including for ADA parking, shall be addressed and reviewed during the respective PUD Site Plan Applications. Applicant shall provide paved parking to meet the required parking computations, as confirmed during the PUD Site Plan Review. The Planning Board notes that following the September 16th Public Hearing, the Applicant added one parking space along Road A to compensate for the loss of one space along Garvies Point Road due to providing an additional handicapped parking space near the beach, resulting in a total amount of parking spaces along Garvies Point Road of 125, and along Road A of 31 (*i.e.*, 25 spaces + 6 staging spaces).
6. Notwithstanding anything to the contrary in this Resolution or as shown on the Amended Master Plan, upon written request by the Applicant, the Planning Board shall not unreasonably withhold approval for the Applicant to utilize up to 8 of the land banked parking spaces along Road A to satisfy the initial parking demand for the restaurant, in which case the total amount of land banked parking spaces for potential future use would be reduced to a number not to fall below 61.
7. Applicant shall coordinate and cooperate with the City of Glen Cove with respect to the implementation of a potential “Beach Parking Permit” program, together with the installation of accompanying signage, or some other similar permit/signage program, to ensure that public parking spaces are available for beachgoers.
8. Final architectural details of Block A1/A2 and Block B (as well as for all other buildings) shall be submitted for the Planning Board’s review and approval in accordance with the MW-3 District regulations, during the relevant PUD Site Plan Approval. The architectural design of such buildings shall be suitable for the waterfront area, and shall promote a harmonious character of the waterfront community.
9. Applicant shall analyze the potential impacts associated with increased nitrogen runoff during the PUD Site Plan review of Garvies Point Park and other lawn areas, and provide any necessary mitigation measures to the satisfaction of the Planning Board Consultants.
10. Applicant shall conduct discussions with Nassau County to seek permission to connect recreational trails on the Project Site with existing trails within the County’s Garvies

Point Preserve. Applicant shall update the Planning Board regarding the status of such discussions during the relevant PUD Site Plan review.

11. The exact programming and details of the new Garvies Point Park, and all the other open spaces shown on the Amended Master Plan, shall be programmed during the respective PUD Site Plan reviews of the individual phases of the Project.
12. Applicant shall coordinate with the Glen Cove Fire Department and any other agency having jurisdiction during each PUD Site Plan review to ensure adequate fire protection services.
13. All of the conditions required to be satisfied prior to the Chairman signing the Subdivision Plat, as set forth in the Resolution conditionally approving the PUD Subdivision, dated November 18, 2014, shall apply to the Amended Subdivision Plan approved in this Resolution, and are incorporated herein by reference.

BE IT FURTHER RESOLVED, that except as otherwise shown on the Amended Master Plan and the Amended Subdivision Plan, or referenced in this Resolution, all other terms, provisions, requirements, conditions, and mitigation measures set forth in the Planning Board's SEQRA Findings Statement and Special Use Permit Approval, issued on December 19, 2011, and the Planning Board's Resolution granting PUD Site Plan Approval (Phase One) and PUD Subdivision Approval, issued on November 18, 2014, 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 Planning Board's responses to the Village of Sea Cliff's comments are, as follows (in the same order that the comments are listed above):

1. An SEIS is not legally required every time there is a change in a project. It is within the Lead Agency's discretion to decide whether an SEIS is necessary. The Board understands from its special counsel that a Lead Agency has the discretion to weigh and evaluate the technical information submitted to it, and must assess environmental concerns together with other economic and social planning goals. Here, the Planning Board fully evaluated the changes to the west side of the Project. The Board required, among other things, an expanded EAF Part 3, a Parking Study, and visual impact studies from the same vantage points that were studied in the prior FEIS, including from Cliff Way in the Village. The Planning Board conducted two Public Hearings and several other meetings, during which the Board thoroughly studied the Amended Master Plan, and required various revisions in order to mitigate the potential visual and other impacts to the greatest extent practicable. An SEIS would have contained the same substantive information, and would have followed a comparable review process, including Public Hearings. For the reasons stated in this Resolution, reallocating the overall massing of the four previously approved buildings that covered the entire west side to two buildings located on Blocks A1/A2 and B only would result in a much improved Project, including the creation of new open space and enhanced view corridors. In exercising its discretion, and in balancing the environmental concerns together with the economic and social

planning goal of advancing this long-awaited waterfront revitalization Project, the Planning Board does not believe that an SEIS is required under these circumstances.

2. The massing of Block A1/A2 has been fully evaluated as part of this review process, including by requiring visual impact studies, and modifications to the building to mitigate any potential visual impacts. Indeed, the Planning Board required the Applicant to provide visual renderings of the west side of the Project from Cliff Way, which is the same vantage point required by the Planning Board in the prior SEQRA review in response to the Village's July 17, 2009 comment letter. The Board finds that it is not necessary to float balloons because such exercise would simply depict the same height as the two 12-story buildings that were previously approved, including the 12-story building approved on Block A. Moreover, balloons would fail to accurately represent the mass and scale of the proposed buildings, which is critical to the Board's analysis. In contrast, the photo-simulations required by the Planning Board accurately depict the mass and scale of the proposed buildings, including their heights relative to the Garvies Point Preserve, by factoring the precise elevations and locations of the buildings. The photo-simulations are a standard and widely acceptable tool for analyzing potential visual impacts of a project.
3. The Amended Master Plan was already studied under SEQRA as Alternative 3 in the prior FEIS. Any development project that was proposed following the prior SEQRA review should have taken the Waterfront Project into account when establishing baseline conditions. SEQRA does not require the Applicant to continuously update SEQRA information based on new projects that are proposed following the completion of the SEQRA process. Further, with respect to traffic, for example, the Planning Board considered this issue in its SEQRA Findings Statement, and found that an updated traffic study would be warranted in 2025 to account for changes in the then-existing traffic volumes in the event construction of the Project has not been completed.
4. The Planning Board assumes that the Village meant to refer to the intersection of Glen Cove Road and Northern Boulevard (not Sea Cliff Avenue and Glen Cove Avenue, for which the EIS found that there would be no adverse impact, and thus no mitigation was required). The Village raised a concern about this intersection in its July 17, 2009 comment letter, and it was fully addressed by the Board during its prior SEQRA review. In sum, as explained in the SEQRA Findings Statement, in the event the County does not implement a planned third through lane at the intersection of Glen Cove Road and Northern Boulevard, there would be an increase in average delay times of approximately 10-15 seconds. The Planning Board found that this is an unavoidable impact, which cannot be further mitigated by this private Applicant in light of the necessary property acquisitions. The Planning Board further found that, on balance, the anticipated increases in delay time at this intersection does not outweigh the overall expected benefits of this long-awaited waterfront revitalization Project.
5. As part of the prior SEQRA review, Nassau County DPW issued an availability letter stating that there is available capacity at the wastewater treatment plant to accommodate sewer flows from the complete Project build-out. As determined during the prior

SEQRA, a development program of no hotel/1,110 units, as proposed under the Amended Master Plan, would not adversely impact the County's sewer system. The Village would need to separately verify with the County whether the treatment plant could handle increased sewer flows from the Village's new system, which was constructed after the SEQRA review of the Project.

6. For purposes of evaluating potential traffic impacts from the development program in the Amended PUD Master Plan, the Planning Board reviewed the trip generation numbers that were used to analyze the traffic impacts from the previously approved PUD Master Development Plan. That review revealed that the traffic impacts were evaluated assuming an overall 5% transit credit on weekdays only for the residential and hotel uses that covers all forms of public transportation, including shuttle service to the LIRR and downtown, the ferry and the existing public bus service in the area. This equated to a total credit of approximately 24 vehicle trips in the morning, 29 vehicle trips in the evening and no transit credits on Saturday. Since the traffic analysis contemplated that the ferry itself would generate 162 weekday a.m. trips, 159 weekday p.m. trips and 78 Saturday trips, should the ferry not be available as a means of public transportation, the number of vehicle trips from the Project would actually decrease, and traffic conditions would be better than indicated by the traffic study.
7. The prior SEQRA review adequately analyzed the potential traffic impacts associated with converting the hotel to residences. The SEQRA Findings Statement concludes that such change "would result in a decrease in the generation of peak hour traffic," and that the "difference in vehicle trips is minimal compared to the overall proposal." This issue was resolved during the prior SEQRA review.
8. Regarding potential impacts associated with storm surges, the Project has been designed to elevate the proposed buildings at least two feet higher than the current adopted 100 year flood levels provided by FEMA on their Map Number 36059C0107G, last revised September 11, 2009. The area of development of the Project is not affected by delineated Velocity Zones or Limited to Moderate Wave Action Areas. The Project's stormwater management infrastructure provisions have been designed to contend with the FEMA identified flood impacts. Accordingly, the Project does account for the potential flood effects predicted for Glen Cove Creek and Long Island Sound.
9. While the Planning Board questions whether the 2000 MOU is a legally binding and enforceable agreement given that it has never before been raised or submitted to the Board, the Board is not required to definitively answer this question since the Planning Board is not a party to the MOU. In any event, the primary substantive issue in the MOU has been addressed, as the ferry site was relocated from the western end of the Project to a central location. Further, the height of the westernmost building was previously established to be up to 12 stories, and a maximum of 125', in the approved SEQRA Findings Statement. Any questions regarding the MOU and the height of the westernmost building should have been raised during the prior SEQRA review, including when the Village submitted its July 17, 2009 comment letter. The prior review

culminated in the SEQRA Findings Statement and approved PUD Master Development Plan, which approved not one, but two, 12-story buildings on the west side of the Project.

10. The SEQRA Findings Statement could have been obtained by the Village (or anyone else) at any time since it was approved on December 19, 2011. The Board's Special Counsel emailed the Findings to the Village Attorney the morning after the September 16, 2015 Public Hearing, as the Village requested; and

BE IT FURTHER RESOLVED, that the Planning Board's approval of the Amended PUD Master Development Application shall expire on October 6, 2016, unless the Applicant has submitted an application for PUD Site Plan Approval for the entire PUD Master Development Plan, or a phase or section thereof within such time frame, and is pursuing said application in good faith pursuant to Section 280-73.2(C)(3)(c)[9][d] of the Zoning Ordinance; and

BE IT FURTHER RESOLVED, that the Planning Board may also extend for good cause shown the duration of Amended PUD Master Development Plan Approval for additional six-month periods, without limitation, pursuant to Section 280-73.2(C)(3)(c)[9][d] of the Zoning Ordinance; and

BE IT FURTHER RESOLVED, that the Planning Board's approval of the Amended PUD Subdivision 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 Amended 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 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:
October 6, 2015

DRAFT