

Resolution offered by Mayor Suozzi and seconded by _____

RESOLUTION OF THE GLEN COVE CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF GLEN COVE TO ENTER INTO A LETTER AGREEMENT WITH RXR GLEN ISLE PARTNERS LLC

WHEREAS, the Glen Cove Industrial Development Agency, the Glen Cove Community Development Agency, and RXR Glen Isle Partners LLC (successor-by-assignment to Glen Isle Partners, LLC) are parties to a Contract for Sale of Land for Private Redevelopment dated as of May 14, 2003, as amended by Amendment No. 1 to Contract for Sale of Land for Private Redevelopment, dated April 12, 2005, Amendment No. 2 to Contract for Sale of Land for Private Redevelopment, dated September 9, 2008, Amendment No. 3 to Contract for Sale of Land for Private Redevelopment, dated October 14, 2009, and Amendment No. 4 to Contract for Sale of Land for Private Redevelopment, dated June 29, 2012 (as amended, the “Agreement”), with respect to approximately fifty-six (56) acres of real property located along the north side of Glen Cove Creek, more particularly set forth in the Agreement and commonly known as the Glen Cove Waterfront (the “Property”); and

WHEREAS, although the City of Glen Cove is not a party to the Agreement, the Agreement sets forth certain actions and responsibilities to be performed by the City with respect to the redevelopment of the Property for the RXR Glen Isle Mixed-Use Waterfront Redevelopment Project (the “Project”); and

WHEREAS, the City of Glen Cove and RXR Glen Isle Partners LLC believe that the significance of the City Obligations contemplated in the Agreement to the successful execution of the redevelopment of the Project is such that an affirmative obligation on the City’s behalf should be set forth in a letter agreement; and

WHEREAS, a form of a letter agreement, dated July 5, 2012, was presented to the members of the Glen Cove City Council for their consideration at the Council’s July 10, 2012 Special Meeting (the “Letter Agreement”); and

WHEREAS, the City of Glen Cove Planning Board, serving as Lead Agency under the State Environmental Quality Review Act (“SEQRA”), undertook a coordinated environmental review of a Special Use Permit Application for PUD Master Development Plan Approval for the Project under the MW-3 District regulations of the City Zoning Ordinance; and

WHEREAS, the City Council was an Involved Agency in the coordinated SEQRA review of the Project; and

WHEREAS, by Resolution adopted December 19, 2011, the Planning Board adopted SEQRA Findings and approved a Special Use Permit for a PUD Master Development Plan for the Project; and

WHEREAS, the City Council has reviewed the FEIS and the SEQRA Findings adopted by the Planning Board; and

WHEREAS, the City Council has seriously considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS; and

WHEREAS, the City Council has weighed and balanced the relevant environmental impacts with social, economic and other considerations; and

WHEREAS, the City Council is satisfied that the terms, conditions, and mitigation measures set forth in the Planning Board's Findings Statement for the Project ensure that the actions the City Council is considering in this Resolution, from among the reasonable alternatives, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the City Council finds that the PUD Master Development Plan, including the flexibility scenarios thereunder, is one that appropriately balances potential adverse impacts against potential beneficial impacts in the forms of creation of additional housing opportunities, additional public active and passive recreation opportunities along the Glen Cove Creek waterfront, generation of tax revenues, protection and preservation of the water quality of the Creek and Hempstead Harbor, continued remediation of the Glen Cove Waterfront, and the overall redevelopment of a blighted, former industrial and contaminated site as a vibrant, mixed-use waterfront community consistent with the City's MW-3 District regulations, Master Plan, and other public policy and planning documents; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GLEN COVE CITY COUNCIL, AS FOLLOWS:

Section 1. The Letter Agreement, in the form presented to the members of the Glen Cove City Council at the Council's July 10, 2012 Special Meeting, together with such non-material changes as the Mayor may hereafter deem necessary or appropriate, is hereby approved.

Section 2. The Mayor of the City of Glen Cove is hereby authorized, on behalf of the City of Glen Cove, to execute the Letter Agreement and deliver any documentation necessary to effectuate the acts authorized by this resolution.

Section 3. The execution of the Letter Agreement by the Mayor shall evidence the Council's approval of the terms thereof.

Section 4. The City Council certifies and finds that the requirements of 6 N.Y.C.R.R. Part 617 have been met. The City Council further certifies and finds that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the actions taken by the City Council herein avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by the incorporation of those mitigation measures that were identified as practicable through the Project's coordinated SEQRA review.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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The foregoing Resolution was thereupon declared duly adopted.