

**THOMAS V. PANTELIS, ESQ.**

*ATTORNEY-AT-LAW*

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June 2, 2020

Inc. Village of Roslyn  
1200 Old Northern Blvd.  
Roslyn, NY 11576

Attention: Mayor John Durkin and  
Members of the Board of Trustees

Re: 45 Lumber Road LLC  
45 Lumber Road  
Roslyn, New York

Dear Mayor Durkin and Members of the Board:

Enclosed is a revised amenities letter, dated June 2, 2020, which supersedes the amenities letter, dated February 18, 2020, previously submitted.

The only revision is set forth in Item 1 on Page 2.

Your consideration of this matter is greatly appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas V. Pantelis", with a stylized flourish at the end.

Thomas V. Pantelis

TVP:mgf

cc: John Gibbons, Esq.  
45 Lumber Road LLC

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February 18, 2020 (*Revised June 2, 2020*)

Inc. Village of Roslyn  
1200 Old Northern Blvd.  
Roslyn, NY 11576

Attention: Mayor John Durkin and  
Members of the Board of Trustees

Re: 45 Lumber Road LLC  
45 Lumber Road  
Roslyn, New York

Dear Mayor Durkin and Members of the Board:

45 Lumber Road LLC (the "Applicant") has submitted revised plans dated January 15, 2020 to the Village for development of the property located at 45 Lumber Road, and identified as Section 6, Block 53, Lot 1031 on the Nassau County Land and Tax Map. These plans supercede the plans previously submitted to the Village in June 2020.

J. Scott Grupp, Superintendent of Buildings, reviewed these plans and has issued a Notice of Disapproval, dated February 7, 2020, to Ian Zwerdling, a principal of 45 Lumber Road LLC, the owner of the property.

The subject property is improved with a one-story building most recently used for the storage of vehicles and maintenance equipment. The subject property is approximately 60,617.6 square feet or 1.39 acres in area.

The subject property is presently zoned W-MU-Waterfront Mixed Use District. It is also located in the WD-O (Waterfront Development Overlay/District B).

The proposed new building for 45 Lumber Road does not meet the requirements of the W-MU zone, as indicated in the Notice of Disapproval.

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However, the applicant believes that the project merits consideration under the WD-O Overlay District.

The WD-O District is intended to encourage development within certain districts to promote waterfront development and to connect waterfront properties to the Village downtown.

The WD-O District Section 470-20 C (2) permits the Board of Trustees to grant incentive bonuses to projects which provide community benefits and amenities that are outlined in Section 420-C (6) a. Among the suggested amenities are the creation of public pedestrian access to the waterfront and downtown areas, and the construction or restoration of bulkheads.

The WD-O Zone permits a maximum of twelve (12) units per acre including a density bonus. Thus, including a maximum density bonus up to thirty-three residential units could be approved for development on the property.

The Applicant is proposing to construct thirty-three (33) two-bedroom apartments and is providing sixty seven parking spaces in connection with the use.

In accordance with the guidelines for amenities outlined in Section 470-20 C(6), the Applicant is proposing the following amenities with the development of the property:

1. The Applicant offers to contribute to the Village the sum of \$10,000.00 per unit above the 16 units permitted. The requested number of units is 33, which would result in a total contribution of \$170,000.00
2. Repair or replace as needed the two hundred fifty (250) feet of bulkhead replacing existing bulkhead.
3. Construct two hundred fifty (250) feet of waterfront walkway with brick pavers, benches and lighting, which is intended for public use at an approximate cost of Two Hundred Fifty Thousand (\$250,000.00) Dollars.
4. Obtain approvals from Nassau County to make the road improvements to the intersection of Lumber Road and Old Northern Boulevard.
5. Applicant shall, prior to issuance of a certificate of occupancy for the Project, deliver to the Village a perpetual and unobstructed easement over and across the boardwalk referenced in Paragraph 3 above. The purpose of the easement shall be for perpetual and unobstructed public use throughout the entire easement area and shall include, *inter alia*, a ten and a half foot (10 ½') wide public way upon a walkway of pavers (to be approved by the Board of Trustees) along the waterfront and to be constructed by Applicant as set forth in the Plan. The public use of the easement shall be subject to regulation by the Board of Trustees. The maintenance

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of the improvements in the easement, including, inter alia, all walkways of pavers, lighting fixtures, rip rap, bulkhead and landscaping shall be in accordance with the directives from time to time of the Board of Trustees and shall be the responsibility of Applicant, its successors and assigns and any transferee of the Property. The maintenance obligation herein shall also include repair and replacement of the improvements and amenities within the easement area. Applicant shall be required to provide liability insurance covering the easement in the minimum amount of One Million (\$1,000,000.00) Dollars and shall name the Village as an additional insured on the policy. The policy shall additionally provide that notice to the Village must be given not less than sixty (60) days prior to cancellation. The terms and conditions of the easement and the maintenance obligations of Applicant, its successors and assigns will be incorporated in a written instrument to be drafted by Applicant (the "Easement with Covenants") in form acceptable to the Village Attorney, which instrument will be recorded in the office of the Nassau County Clerk.

6. Applicant shall, prior to the issuance of a certificate of occupancy for the Project, deposit with the Village the sum of Fifty Thousand (\$50,000.00) Dollars to insure the maintenance of the easement property and the improvements and amenities as set forth in this Decision, which sum may be used by the Village to provide maintenance of the said easement property, improvements and amenities in the event that Applicant or any successors or assigns shall, after thirty (30) days written notice to cure delivered by the Village, fail to correct a condition complained of. Additionally, any further funds expended by the Village for the maintenance of the easement, improvements or other amenities located therein shall be paid to the Village within ten (10) days of written demand therefor and the failure of Applicant, its successor and assigns to make such payment shall entitle the Village to declare such sum to be a lien upon the Property and to assess same against the Property as additional real estate taxes. The amount of the deposit as stated above shall in no way be deemed to place a limitation or cap upon the obligations of Applicant with respect to its obligations hereunder. The amount of Fifty Thousand (\$50,000.00) Dollars shall remain on deposit at all times and shall be replenished upon demand in the event that any of the funds shall have been utilized by the Village in accordance with this decision.
7. Applicant shall repair any damage to any other Village roads caused by Applicant during the course of construction.
8. Applicant shall comply with the Village's Stormwater Management Plan and in the event that its construction activities shall cause the redirection of underground water flow such that it impacts any adjoining property, Applicant shall be responsible for remedying such condition.

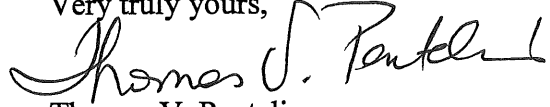
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9. Applicant shall acknowledge that the conditions set forth in this decision are reasonable, fair and equitable. In the event that any legal action or proceeding shall be instituted by the Village in order to enforce any condition herein, the Village shall be entitled to an award of attorney's fees in the event that it shall prevail in any such action or proceeding.

During the review of the application, the Applicant is willing to engage in discussion with the Board and residents to develop other ways to provide community benefit in connection with the project.

Your consideration of this matter is greatly appreciated.

Very truly yours,  
  
Thomas V. Pantelis

TVP:mgf

cc: 45 Lumber Road LLC  
John Gibbons, Esq.