

*Agenda #7E*

**RESOLUTION OF THE GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY  
AUTHORIZING THE IDA TO TAKE CERTAIN ACTIONS REGARDING THE  
GARVIES POINT BREWERY WITHIN THE GARVIES POINT PROJECT**

**WHEREAS**, the Glen Cove Industrial Development Agency (“IDA”) is a public benefit corporation created pursuant to Section 919 of the New York General Municipal Law (“GML”) to accomplish any and all of the purposes and powers set forth in GML Article 18-A, Title 1; and

**WHEREAS**, the IDA is authorized and empowered under the GML to acquire, use and dispose of property in furtherance of its corporate purposes; and

**WHEREAS**, on or about September 13, 2016, the IDA passed a resolution (“Resolution”) granting certain approvals with respect to the Garvies Point Project (“Project”); and

**WHEREAS**, pursuant to the Resolution, the IDA entered into various agreements (“Agreements”) with the Glen Cove Local Economic Assistance Corporation (“GCLEAC”) and/or RXR Glen Isle Partners LLC (“Company”) with respect to the Project; and

**WHEREAS**, the Company has been constructing the Private Use Improvements and Public Use Improvements for the Project, as those capitalized terms are defined in the Resolution, pursuant to the Resolution and the Agreements; and

**WHEREAS**, on or about November 25, 2019, the Company submitted to the Glen Cove Planning Board (“Planning Board”) an Application for Amended PUD Site Plan (Phase One) and Subdivision (Lot Line Modification) (“Amended Application”) to permit the construction of a modified and expanded Marina Support Building within the Project to accommodate the proposed Garvies Point Brewery and Restaurant, together with a 33-space parking lot, as well as public bathrooms, warehouse and office space (collectively, “Garvies Point Brewery”); and

**WHEREAS**, the IDA desires to facilitate construction of the Garvies Point Brewery to help activate the parks, playgrounds, esplanade, and other public areas on the east side of the Project with a year-round destination, while also providing connectivity to the Glen Cove downtown, as well as incorporating the key public functions of the previously approved Marina Support Building; and

**WHEREAS**, the IDA will require that the Garvies Point Brewery be constructed within an area of the Project Site shown on the Nassau County Land & Tax Map as Section 21, Block A, Lot 18, as modified by the Amended Application (“Garvies Point Brewery Site”); and

**WHEREAS**, the Amended Application proposed minor lot line adjustments to Tax Lots 16 and 18, which will allow the Garvies Point Brewery building to be located outside the Project’s

delineated Public Use Easement Areas, and the associated 33-space parking lot to be located within the Public Use Easement Areas (“Tax Lot Line Change”); and

**WHEREAS**, by Resolution adopted on February 18, 2020, the Planning Board approved the Amended Application, subject to certain conditions (“Planning Board Resolution”); and

**WHEREAS**, the IDA has reviewed the Planning Board Resolution adopted by the Planning Board; and

**WHEREAS**, the Planning Board, in its continuing role as Lead Agency for the Project under SEQRA, found, among other things, that no additional or supplemental environmental review was required under SEQRA for the Amended Application; and

**WHEREAS**, as a result of the approved Tax Lot Line Change, certain documents are required to be executed to modify the property descriptions that are annexed to the Agreements to reflect the new descriptions for Tax Lots 16 and 18; and

**WHEREAS**, Condition #16 in the Planning Board Resolution provided that “[the Company] shall coordinate with the [IDA] and enter into and/or amend any agreements and/or undertake any other actions with respect to the Garvies Point Brewery that may be deemed necessary or appropriate by IDA to accomplish the purposes and requirements of all financial, tax, maintenance, real estate and any other existing agreements involving [the Company] and IDA”; and

**WHEREAS**, the IDA is desirous of amending certain of the Agreements and undertaking any other action that is necessary or appropriate with respect to facilitating the construction of the Garvies Point Brewery, and implementing the Planning Board Resolution; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:**

Section 1. The IDA authorizes and directs the Chairman and the Executive Director of the IDA, acting individually or jointly, to negotiate and enter into any amendments to the existing Agreements, and to negotiate and enter into any new agreements and/or undertake any other actions with respect to the Garvies Point Brewery, together with such other documents, instruments and agreements as such officer(s) may deem advisable or necessary, to effectuate the construction of the Garvies Point Brewery and the Planning Board Resolution (collectively, the “Brewery Documents”), the execution and delivery of such Brewery Documents by the IDA being subject to the satisfaction of such terms and conditions as such officer(s) shall deem necessary or advisable. The execution and delivery of the Brewery Documents by any one of said officers shall be conclusive evidence of due authorization and approval.

Section 2. The Chairman and the Executive Director, acting individually or jointly, are hereby authorized to do all things necessary, convenient or appropriate for the accomplishment of the purposes of this Resolution. All acts heretofore taken by the IDA with respect to the foregoing are hereby ratified and confirmed.

Section 3. The IDA determines that the proposed action for a previously approved project is a Type II Action pursuant to SEQRA, involving “continuing agency administration,” which does not involve “new programs or major reordering of priorities that may affect the environment” (6 N.Y.C.R.R. §617.5(c)(26)), and therefore no findings or determination of significance are required under SEQRA.

Section 4. This Resolution shall take effect as of the date of its adoption.

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

	<b><u>VOTING</u></b>
Timothy Tenke, Chairman	AYE
Vincent Hartley, Vice Chairman	AYE
James Cappiello, Member	AYE
Joseph Gioino, Member	AYE
John Tetta, Member	Absent

The foregoing Resolution was thereupon declared duly adopted 4/28/20.

Camille Byrne, Board Secretary  
Glen Cove Industrial Development Agency