

**BOARD OF TRUSTEES: INCORPORATED
VILLAGE OF LYNBROOK
COUNTY OF NASSAU: STATE OF NEW YORK**

In The Matter Of The Application Of:

**AMENDED VERIFIED
PETITION**

**43-47 BROADWAY REALTY LLC (formerly the
application of Retail Store Construction Co., Inc.
And Seacliff Jaz, LLC)**

Lynbrook Petition No. 003

For inclusion of Premises known as 47 Broadway, 90-96 Station Plaza and 17-21 Langdon Place in the Village of Lynbrook, known on the Nassau County Tax Map as Section 37, Block 519, Lots 13-14, 117-118, 119-124 and 213 within the Arts and Cultural Overlay District in accordance with Article VIIA of the Village of Lynbrook Zoning Ordinance and to permit redevelopment of the Premises with a new, transit-oriented, mixed-use development.

TO THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF LYNBROOK:

THIS AMENDED VERIFIED PETITION OF 43-47 BROADWAY REALTY, LLC

respectfully alleges and shows to this Board as follows:

THE PETITIONER

1. Petitioner, 43-47 BROADWAY REALTY, LLC, is a duly formed Delaware Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530.
2. 43-47 BROADWAY DEVELOPMENT LLC, is a duly formed Delaware Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530 and is the sole member of 43-47 BROADWAY REALTY, LLC.
3. 43-47 BROADWAY DEVELOPMENT LLC is owned by RCR LYNBROOK LLC a New Jersey Limited Liability Company and SEACLIFF JAZ, LLC a New York Limited Liability Company.

4. Petitioner, 43-47 BROADWAY REALTY, LLC is the contract vendee of the premises which form the subject of this application via a series of Assignments of Contract of Sale whereas the former petitioners, RETAIL STORE CONSTRUCTION CO. INC. and SEACLIFF JAZ, LLC, are the assignors and 43-47 BROADWAY REALTY, LLC is the assignee.

5. Accordingly, Petitioner is the contract vendee of multiple, contiguous parcels of real property which form a development assemblage of approximately 1.11 acres in size and which is the basis for the instant application for inclusion in the Arts and Cultural Overlay District.

6. Specifically, Petitioner is now contract vendee on the following parcels (hereinafter the "Premises"):

- a. 47 Broadway, Lynbrook - .43 acres (S/B/L: 37 / 519 / 119-124)
- b. 90-96 Station Plaza, Lynbrook - .37 acres (S/B/L: 37 / 519 / 14, 117, 118)
- c. 17 Langdon Place, Lynbrook - .11 acres (S/B/L: 37 / 519 / 13)
- d. 21 Langdon Place, Lynbrook - .20 acres (S/B/L: 37 / 519 / 213)

7. Petitioner brings this application with the consent of each of the individual owners of the Premises.

THE PREMISES

8. As explained above, the Premises is an assemblage of multiple parcels which total 1.11 acres in the aggregate and is located adjacent to the Lynbrook LIRR station.

9. The Premises is located in the Village's Commercial Zoning District and is eligible for inclusion within the Village's Arts and Cultural Overlay Zone as it is larger than 35,000 square feet and is situated within the heart of the Village's Commercial District, as defined in Village Code §252-46.2.

10. The Premises is an irregularly shaped parcel with frontage on three (3) different public rights-of-way, to wit:

- a. 91 feet of frontage along Broadway;
- b. 283 feet of frontage along Station Plaza; and
- c. 300 feet of frontage along Langdon Place.

11. The 47 Broadway parcel is located adjacent to the LIRR tracks and is improved with a vacant three-story industrial building formerly used as the “Mangrove Feather” factory.

12. The 90 Station Plaza parcel is currently improved with a one-story warehouse structure and is also located adjacent to the LIRR tracks.

13. 96 Station Plaza is improved with a one-story storage and distribution center and is also adjacent to the LIRR tracks.

14. 17 Langdon Place is currently improved with a single-family dwelling.

15. 21 Langdon Place is a vacant, undeveloped parcel.

16. Collectively, these contiguous parcels comprise the Premises which the Petitioner proposes to develop into a transformative, multi-family, transit-oriented development in the Village’s commercial downtown.

17. As further explained herein, Petitioner intends to develop the project in full conformance with the Village’s Art and Cultural Overlay District criteria.

18. A metes and bonds description of the Premises is annexed hereto as Schedule “A”.

19. A short form description of the Premises for advertising purposes is annexed hereto as Schedule “B”.

THE SURROUNDING NEIGHBORHOOD

20. The Premises is located in the Village's commercial downtown, one block west of Atlantic Avenue, one block south of Village Hall and is ideally situated for a transit-oriented development being located adjacent to the Lynbrook LIRR station.

21. To the north of the Premises are a mix of commercial uses, a large municipal parking field (Village Field #3) and Lynbrook Village Hall.

22. Northwest of the Premises is an additional municipal parking lot for commuters (Village Parking Field #2).

23. To the east of the Premises are more mixed commercial uses with some attendant parking lots.

24. Immediately to the the west of the Premises is Temple Am Echad, which is an assemblage of properties which includes a place of worship, a children's learning center, and a caretaker's residence which are all associated with the temple. Further west is a military memorial public park along Ross Plaza.

THE APPLICATION

25. Petitioner is requesting that the Village Board of Trustees include the Premises within the already adopted Arts and Cultural Overlay District pursuant to Article VIIA of the Village Code in order to facilitate development of a seven (7) story, transit-oriented, multi-family building with 201 units.

26. The project will call for a majority of studio and one-bedroom units, to wit: 55 studios, 111 one-bedroom units and 35 two-bedroom units.

27. The project will include two levels of parking to deliver a total of 205 off-street parking spaces on site. As further explained in the parking analysis prepared by VHB Engineering submitted in support of this application, this project includes adequate parking at rates consistent with residential transit-oriented development standards and principles.

28. Furthermore, the redevelopment of this assemblage as a multi-family building with sophisticated architectural features and first-class amenities will turn a partially vacant and underutilized site into a high performing asset for the Village that will attract feet-on-the-street to frequent local business in the Villages downtown.

29. Proposed amenities for the residents use and enjoyment will include, but are not limited to, a fitness center, dog spa, dog run, water features, chef's room, rooftop sundeck, barbecue and fire pit areas, interior green courtyard with balconies, motor court for passenger pick-up and drop off, a fully amenitized lobby with attendant and secure access, package and mail room and a lobby café.

30. The development assemblage includes the now shuttered Mangrove Feather Factory, which has been vacant for over a decade and has become an unproductive property despite its prominent location adjacent to the Village of Lynbrook LIRR and the downtown corridor.

31. The Petitioner is committed to developing this project in a manner that would not only honor the Village's history, but also replace a long dormant and derelict structure. The proposed re-development will add a new and significant asset to the tax rolls and serve to anchor a further revitalization of the Village's downtown with a newly re-developed, pivotally located, first-class, transit-oriented development.

32. This project has been conceived to help satisfy the burgeoning demand for rental housing in the Lynbrook community, Nassau County and Long Island at large. The project has

been specifically designed to appeal to empty-nesters and millennials who seek to take advantage of the project's proximity to the Village downtown and the convenience of the LIRR and will provide additional housing options for Lynbrook.

33. As further explained in VHB's school age children analysis submitted in support of this application, the project as proposed will introduce a negligible number of school age children due in large part to the vast majority of units being one-bedrooms and studios.

34. The proposed redevelopment of the Premises will provide numerous other economic benefits to the Village, its residents and to local business owners. These will include generating a healthy number of construction jobs, permanent building support, maintenance and operation jobs, and delivering a sustainable boost to local commerce, especially the nearby village downtown.

35. In considering the entirety of the proposed redevelopment, this project fulfills the Board's legislative intent in adopting the Arts and Cultural Overlay District, inasmuch as it will "eliminate substandard conditions in the heart of the Village's commercial district, enhance the aesthetics and overall image of the Village's downtown and generate economic activity with increased foot traffic by adding multiple dwelling units." *See* Village Code §252-46.1.

36. Upon information and belief, the Premises is not located within 500 feet of the boundary line of the incorporated village, or any other city or town.

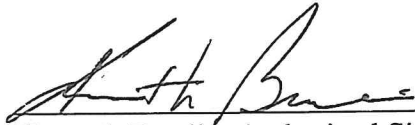
37. Further information and testimony in support of the project will be provided to the Village at the time of a public hearing before the Board.

WHEREFORE, Petitioner respectfully requests that this Amended Verified Petition be granted pursuant to Article VIIA of the Village of Lynbrook Zoning Ordinance and that the Zoning Map of the Incorporated Village of Lynbrook be amended to include the Premises within the Arts and Cultural Overlay District and to permit the redevelopment of the Premises with the proposed multi-family, transit-oriented development project.

Dated: February 2, 2020
Garden City, New York

43-47 BROADWAY REALTY LLC

By: 43-47 BROADWAY DEVELOPMENT LLC



Kenneth Breslin, Authorized Signatory
SEACLIFF, JAZ LLC



Greg Russo, Authorized Signatory
RCR LYNBROOK, LLC

VERIFICATION

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

I, **KENNETH BRESLIN**, being duly sworn, depose and affirm as follows:

1. I am the authorized representative and signatory of **SEACLIFF JAZ, LLC**, Member of **43-47 BROADWAY DEVELOPMENT LLC**, the sole member of **43-47 BROADWAY REALTY LLC**, Petitioner in the within matter.

2. **43-47 BROADWAY REALTY LLC** is a Delaware Limited Liability Company with its principal place of business at 500 Old Country Road, Suite 200, Garden City, New York 11530.

3. **43-47 BROADWAY DEVELOPMENT LLC** is a Delaware Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530.

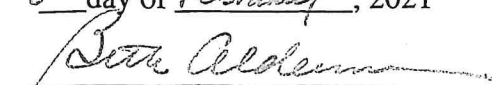
4. **SEACLIFF JAZ, LLC**, is a New York Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530.

5. I have read the foregoing Amended Verified Petition and know the contents thereof; the same is true to my own knowledge except as to those matters said to be upon information and belief and as to those matters, I believe same to be true based on the books and records of the Village of Lynbrook.

6. This Verification is made by me because I am one of the authorized representatives of **43-47 BROADWAY DEVELOPMENT LLC**, the sole member of **43-47 BROADWAY REALTY LLC**.



KENNETH BRESLIN

Sworn to before me this
8th day of February, 2021


Notary Public

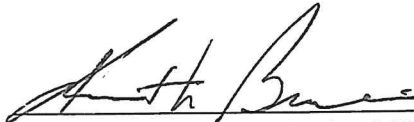
BETH ALDERMAN
Notary Public, State of New York
No. 01-AL4787312
Qualified in Nassau County
Commission Expires Jan. 31, 2022

WHEREFORE, Petitioner respectfully requests that this Amended Verified Petition be granted pursuant to Article VIIA of the Village of Lynbrook Zoning Ordinance and that the Zoning Map of the Incorporated Village of Lynbrook be amended to include the Premises within the Arts and Cultural Overlay District and to permit the redevelopment of the Premises with the proposed multi-family, transit-oriented development project.


Dated: February 2, 2020
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43-47 BROADWAY REALTY LLC

By: 43-47 BROADWAY DEVELOPMENT LLC



Kenneth Breslin, Authorized Signatory
SEACLIFF, JAZ LLC



Greg Russo, Authorized Signatory
RCR LYNBROOK, LLC

VERIFICATION

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

I, **KENNETH BRESLIN**, being duly sworn, depose and affirm as follows:

1. I am the authorized representative and signatory of **SEACLIFF JAZ, LLC**, Member of **43-47 BROADWAY DEVELOPMENT LLC**, the sole member of **43-47 BROADWAY REALTY LLC**, Petitioner in the within matter.

2. **43-47 BROADWAY REALTY LLC** is a Delaware Limited Liability Company with its principal place of business at 500 Old Country Road, Suite 200, Garden City, New York 11530.

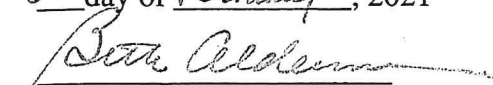
3. **43-47 BROADWAY DEVELOPMENT LLC** is a Delaware Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530.

4. **SEACLIFF JAZ, LLC**, is a New York Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530.

5. I have read the foregoing Amended Verified Petition and know the contents thereof; the same is true to my own knowledge except as to those matters said to be upon information and belief and as to those matters, I believe same to be true based on the books and records of the Village of Lynbrook.

6. This Verification is made by me because I am one of the authorized representatives of **43-47 BROADWAY DEVELOPMENT LLC**, the sole member of **43-47 BROADWAY REALTY LLC**.


KENNETH BRESLIN

Sworn to before me this
8th day of February, 2021

Notary Public

BETH ALDERMAN
Notary Public, State of New York
No. 01-AL4787312
Qualified in Nassau County
Commission Expires Jan. 31, 2022

VERIFICATION

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

I, **GREG RUSSO**, being duly sworn, depose and affirm as follows:

7. I am the authorized representative of **RCR LYNBROOK, LLC**, Member of **43-47 BROADWAY DEVELOPMENT LLC**, the sole member of **43-47 BROADWAY REALTY LLC**, and the Petitioner in the within matter.

8. **43-47 BROADWAY REALTY LLC** is a Delaware Limited Liability Company with its principal place of business at 500 Old Country Road, Suite 200, Garden City, New York 11530.

9. **43-47 BROADWAY DEVELOPMENT LLC** is a Delaware Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530.

10. **SEACLIFF JAZ, LLC**, is a New York Limited Liability Company with an office at 500 Old Country Road, Garden City, New York 11530.

11. I have read the foregoing Amended Verified Petition and know the contents thereof; the same is true to my own knowledge except as to those matters said to be upon information and belief and as to those matters, I believe same to be true based on the books and records of the Village of Lynbrook.

12. This Verification is made by me because I am an authorized representative and signatory of **43-47 BROADWAY DEVELOPMENT LLC**, the sole member of **43-47 BROADWAY REALTY LLC**.



GREG RUSSO

Sworn to before me this
4th day of February, 2021



Notary Public

VINCENZA PANSINI
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES AUGUST 28, 2025

SCHEDULE "A"



December 15, 2020

Ref: 20546.00

DESCRIPTION

Block Section 37 Block 519 Lot 213 and a portion of 276 (21 Langdon Place), Lot 13 (17 Langdon Place), Lots 117 and 118 (90 Station Plaza), Lots 119 thru 124 (47 Broadway) and Lot 14 (96 Station Plaza) Village of Lynbrook, Town of Hempstead, Nassau County, New York

All the certain plot, piece or parcel of land, situate, lying and being in the Incorporated Village of Lynbrook in the Town of Hempstead, County of Nassau and State of New York, consisting of lots numbered 15 through 24 and the northeasterly 144.22 feet of lots 13 and 14 on a certain map entitled, "Map of Property At Lynbrook, In The Town of Hempstead, Nassau County, New York, Belonging to Andrew F. Wilson, Surveyed by D.S. Denton Jr. in November 1905.", and filed in the Office of the Clerk of the County of Nassau as Map No 1246 being known as Section 37 Block 519 Lot 213 Lots 13, 14, 117 thru 124, Lot and a portion of lot 276 and more particularly described as:

COMMENCING at the point of TRUE BEGINNING on the southwesterly intersection of Langdon Place and Broadway (aka Rockaway Ave) and running:

1. Along the northwesterly line of Broadway, S 45° 19' 56" W, 91.33' to the northerly line of Saperstein Plaza (aka Station Plaza), thence;
2. Along the northerly line of Saperstein Plaza, N77° 25' 06" W, 282.84" to a point on the westerly lot; thence;
3. Along the westerly lot line, N 45° 18' 11" E, 100.00' to a point on the southerly lot line, thence;
4. Along the southerly lot line, N 44° 41' 49" W, 62.00' to a point on the westerly lot line, thence;
5. Along the westerly lot line, N 45° 18' 11" E, 144.22' to the southerly line of Langdon Place, thence;
6. Along the southerly line of Langdon Place, S 44° 41' 49" E, 300.00' to the point of TRUE BEGINNING.

Said lot containing 48,886 Sq. Ft. 1.12182 Acres more or less. All bearings, distances, references, monuments found or set are noted in a survey dated December 15, 2020, job number 20546.

VHB Engineering, Surveying, Landscape Architecture & Geology, PC

100 Motor Parkway
 Suite 350
 Hauppauge, New York 11788
 P 631.787.3400
 F 631.813.2545

Engineers | Scientists | Planners | Designers

SCHEDULE "B"

RETAIL STORE CONSTRUCTION CO., INC. and SEACLIFF JAZ, LLC

Preliminary Application to Village of Lynbrook

Property Description (for Advertising Purposes)

The subject 1.11 acre site is an irregular parcel with frontage on three (3) different public rights-of-way, to wit: 91 feet of frontage along Broadway; 283 feet of frontage along Station Plaza; and 300 feet of frontage along Langdon Place and is located adjacent to the Lynbrook LIRR Station in the Village of Lynbrook, New York. The site is comprised of four (4) tax parcels as follows: Section 37, Block 519, Lots 119-124; Section 37, Block 519 Lots 14, 117-118; Section 37, Block 519, Lot 13 and Section 37, Block 519, Lots 519 and 213.

The premises is currently in the Village's Commercial District. The site is improved with a vacant three-story industrial building formerly used as the "Mangrove Feather Factory"; a one-story warehouse; a one-story storage and distribution center; and a single-family dwelling. Surrounding uses to the North are a mix of commercial uses; a large municipal parking field (Village Field #3) and Lynbrook Village Hall. An additional municipal parking lot (Village Parking Field #2) for commuters is located to the Northwest of the premises. Temple Ann Echad is located to the west of the premises and there are various other commercial uses with some attendant parking lots to the east of the premises.