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# Suit dismissed against Glen Cove's Garvies Point waterfront project

October 18, 2017 By David Olson [david.olson@newsday.com](mailto:david.olson@newsday.com)



A lawsuit that sought to annul the March 2017 Glen Cove planning board approval of the Garvies Point project's second phase, seen on March 24, 2016, was dismissed by a state Supreme Court judge in Nassau County. (Credit: Barry Sloan)

A state Supreme Court judge in Nassau County has dismissed a lawsuit against the Garvies Point waterfront project in Glen Cove, a year after another judge dismissed two other Garvies Point suits.

The latest lawsuit, which sought to annul the March 2017 city planning board approval of the project's second phase, was based largely on an assertion that the city did not conduct a thorough enough review of the environmental impacts of the project, also a central argument in the other two lawsuits. The second phase of the 1,110-unit residential project includes a 167-unit condominium building, three parks, an esplanade and a boardwalk.

"Two different courts have now found that their arguments are meritless and have dismissed all of their complaints in their entirety," Michael Zarin, an attorney for the city in the case, said Tuesday. "... The city did everything right."

Glen Cove resident Amy Peters, a plaintiff in the case, said she is "utterly disappointed" in the decision and is discussing with fellow plaintiffs — Glen Cove resident David Berg, Sea Cliff resident Roger Friedman and Sea Cliff-based Committee for a Sustainable Waterfront, formed to oppose the project — whether to appeal. Friedman is president of the committee.

Peters is one of 105 area residents appealing an August 2016 ruling dismissing another lawsuit seeking annulment of the 2015 planning board approval of a special use permit for the project.

Judge James P. McCormack wrote in Monday's decision that changes in the project in the past few years did not require a new environmental study. The project's environmental impact statement is from 2011.

Peters said "that information is very stale."

The state's recent discovery of elevated levels of contaminants on and near the formerly industrial Garvies Point construction site underlines plaintiffs' contention that a new study is necessary, she said.

McCormack also determined the plaintiffs did not have legal standing. But Peters said the committee, of which she is a board member, is "representing all the people who use the

waterfront.”

Glen Cove Mayor Reginald Spinello said the three legal defeats for opponents of the project indicate “the suits never should have been initiated” and are “a waste of everyone’s money,” including the city’s.

Amy Marion, an attorney for the plaintiffs, said the legal losses don’t prove the city is right.

“That’s why we have appellate courts,” she said.

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