

LONG ISLAND / NASSAU

Judge orders Long Beach to schedule a public hearing on Superblock

The ruling forces the city zoning board to have a hearing in 90 days to determine whether to extend or nullify a permit for proposed apartment buildings.



The proposed Long Beach Superblock lot between Long Beach and Riverside Boulevard is pictured Friday, Jan. 1, 2016. Photo Credit: Barry Sloan

By John Asbury

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A Nassau County Supreme Court judge ordered the Long Beach Zoning Board of Appeals on Monday to hold a public hearing that could determine the future of the embattled Superblock property.

Judge Stephen Bucaria ruled in a case brought by Long Beach residents and former Sen. Alfonse D'Amato that the city's zoning board must hold a hearing to review whether the building permit granted to Manhattan developers iStar Financial should be nullified or extended.

If the zoning board rules the permit or variance invalid, it could kill the project on key beachfront property that has been tied up in litigation for nearly 40 years.

Developers with iStar threatened the city with a \$100 million lawsuit last year if city officials did not issue a letter to support their latest application.

Long Beach officials said they would schedule a public hearing in the next 90 days for the zoning board to review the permits.

“We’re cognizant of the court’s directive to schedule a hearing and intend on fully complying with the court order,” zoning board attorney Gregory Kalnitsky said.

D’Amato and attorneys for iStar and the Shore Road LLC did not respond to calls for comment Monday.

D’Amato filed the lawsuit in August with eight Long Beach residents against the Long Beach Zoning Board of Appeals, Building Commissioner Scott Kemins and developers behind Shore Road Long Beach Superblock LLC.

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Residents were asking the court to force a hearing on the building permit and a variance granted to build two 15-story oceanfront apartment towers planned along the Long Beach boardwalk.

The zoning board in 2014 granted variances and density to build the pair of 160-foot buildings with 522 units along Shore Road between Long Beach and Riverside boulevards.

The variances were granted and extended to May 2015, contingent that “all necessary permits be obtained within nine months and construction to commence within 12 months” or “the variances will be deemed revoked.”

The city granted a building permit in May 2015 for the foundation and extended it for the following two years. The permit is set to expire on May 28. No permits were granted for plumbing or electrical.

The court ruled “it is for the zoning board of appeals, rather than this court” to determine if the variance should be extended.

Bucaria said that the express terms of the variances “and the over three-year delay in obtaining the permits and performing substantial construction, the board was required to treat Shore Road’s most recent request for an extension as a new application.”

The original project was planned following a 2014 settlement with the city. Long Beach officials received \$5.25 million, including \$2.5 million in escrow, to cover legal expenses for the city in an unrelated legal case involving the Superblock property. The city also agreed to support a payment-in-lieu-of-taxes, or PILOT, application for the project.

The Nassau County Industrial Development Agency has twice rejected tax breaks for iStar, which was seeking up to \$129 million in relief. Representatives of the developer have said they cannot proceed with their plans without tax breaks.

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