



HOWARD SCHNAPP

**Alfonse D'Amato, center, with co-counsels Steve Cohn, left, and Christian Browne announce action against the Superblock plan.**

## LONG BEACH

# Lawsuit targets Superblock

BY JOHN ASBURY

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A group of eight Long Beach residents, represented by former U.S. Sen. Alfonse D'Amato, filed a lawsuit yesterday against the City of Long Beach, seeking to overturn building permits for the contested Superblock property.

The lawsuit was filed in Nassau Supreme Court by James Kirklin, Boguslaw Pawlowicz, Michael and Rianna Goldshall and Mona Goodman, and the current Long Beach Republican City Council ticket: Leah Tozer, Christopher Jones and William Haas. It is aimed at forcing the city to hold a new zoning board hearing on the six-acre oceanfront property between Riverside and Long Beach boulevards.

The suit names the city zoning board of appeals, Long Beach Building Commissioner Scott Kemins and Shore Road Long Beach Superblock LLC, a subsidiary of iStar that is handling the proposed Superblock development. Officials with iStar did not respond to requests for comment.

"We've been trying to uncover the mystery of how this came about," D'Amato said. "These would be the highest buildings in the history of Long Beach, because the city manager and his colleagues on the board entered into a settlement."

The settlement, which Long Beach officials approved with Manhattan developer iStar Financial in January 2014, allowed developers to submit

plans to the city's Zoning Board of Appeals for two 160-foot, 15-story buildings along the boardwalk with underground parking and 11,000 square feet of boardwalk-level retail space.

The zoning board approved variances to allow iStar to build the two towers, exceeding the city's original zoning limit of 10 stories and adding about 100 more apartments.

Under the settlement, 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 application for the project.

In response to the suit, the city zoning board issued a statement saying it is reviewing a request made by Kirklin in June to reopen the case before the zoning board.

"In June 2017, a resident submitted an application asking the ZBA to rescind iStar's zoning variance, which was originally issued in February 2014. This triggered a due diligence review, which is still underway. All calendaring determinations will be announced shortly thereafter," the statement read.

D'Amato said the building permit should be ruled invalid and the variances deemed expired because iStar failed to get permits in time. City officials have said the building permit has been extended, but hold the variances do not have to be amended unless the plans change.