



60 2023 00054360

Nassau County  
Maureen OConnell  
County Clerk  
Mineola, NY 11501

Instrument Number: 2023- 00054360

As

D06 - AGREEMENT

Recorded On:

September 13, 2023

Parties:

TO 1285 NORTHERN BOULEVARD LLC

Billable Pages: 16

Num Of Pages: 17

Recorded By: FORCEHELLI DEEGAN TERRANA

Comment:

**\*\* Examined and Charged as Follows: \*\***

D06 - AGREEMENT 125.00 Blocks - Deeds - \$300 300.00

Recording Charge: 425.00

**Property Description:**

| Line | Section | Block | Lot | Unit | Town Name    |
|------|---------|-------|-----|------|--------------|
| 1    | 3       | 53    | 38  |      | N. HEMPSTEAD |
| 2    | 3       | 53    | 53  |      | N. HEMPSTEAD |
| 3    | 3       | 53    | 54  |      | N. HEMPSTEAD |
| 4    | 3       | 53    | 942 |      | N. HEMPSTEAD |

**\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\***

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Nassau County, NY

**File Information:****Record and Return To:**

Document Number: 2023- 00054360

Receipt Number: 2982958

Recorded Date/Time: September 13, 2023 12:42:15P

Book-Vol/Pg: Bk-D VI-14417 Pg-817

Cashier / Station: 0 LLS / NCCL-1HZ3182

ATTN KATHLEEN DEEGAN DICKSON ESQ

FORCHELLI DEEGAN TERRANA LLP

333 EARLE OVINGTON BLVD STE 1010

UNIONDALE NY 11553



County Clerk Maureen O'Connell

1206  
16

## DECLARATION OF COVENANTS AND RESTRICTIONS

THIS DECLARATION of covenants and restrictions dated this 3<sup>rd</sup> day of August, 2023, by 1285 NORTHERN BOULEVARD LLC, c/o Forchelli Deegan Terrana LLP, maintaining offices located at 333 Earle Ovington Boulevard, Suite 1010, Uniondale, Nassau County, New York, hereby rescinds and replaces a Declaration of Covenants and Restrictions dated February 27, 1951, recorded in the office of the Nassau County Clerk on March 5, 1951, at Liber 4458, Page 96, as amended by a Declaration of Modification of Covenants and Restrictions dated August 13, 1958, recorded in the office of the Nassau County Clerk on October 1, 1958, at Liber 6436, Page 567 ("Declaration #1"), and a Declaration of Covenants and Restrictions dated February 5, 1954, recorded in the office of the Nassau County Clerk on February 15, 1954, at Liber 5477, Page 315 ("Declaration #2"; collectively with Declaration #1, the "Original Declarations") as they pertain to Section 3, Block 53, Lots 38, 53, 54 and 942 on the Nassau County Land and Tax Map, more particularly described on Schedule "A" annexed hereto ("Premises").

Sec 3  
Blk 53  
Lots 38,  
53, 54 &  
942

### WITNESSETH:

WHEREAS, 1285 NORTHERN BOULEVARD LLC ("Declarant") is the current owner of the Premises known as 1285 Northern Boulevard, Manhasset, Town of North Hempstead, New York, consisting of tax lots 38, 53, 54 and 942 in Section 3, Block 53 on the Nassau County Land and Tax Map, more particularly described on Schedule "A" annexed hereto; and

WHEREAS, a portion of the Premises, consisting of tax lots 38, 54 and 942 ("Business Lots"), is zoned as Business A pursuant to the Building Zone Ordinance of the Town of North Hempstead ("Code"), County of Nassau, and State of New York, and is proposed by Declarant to be developed and utilized as an automobile dealership ("Automobile Dealership"); and

WHEREAS, a portion of the Premises, consisting of tax lot 53 (“Lot 53”), is zoned Residence C, pursuant to said Building Zone Ordinance; and

WHEREAS, Declaration #1 covers a portion of the Premises and more, and required, among other things, that a “marginal landscape area” 10-feet in depth be maintained along the northerly and westerly boundaries of the Premises where said Premises adjoins a Residence District in the Town of North Hempstead; and

WHEREAS, on the 15<sup>th</sup> day of December 1953, an application was made to the Town Board of the Town of North Hempstead by the former owner of Lot 54 of the Premises, Dante Donno (“Donno”), for a change of zone of that lot, requesting a rezoning to Business A; and

WHEREAS, the Town Board of the Town of North Hempstead granted such application and rezoned the property known as Section 3, Block 53, Lot 54 to Business A; and

WHEREAS, as a condition of said rezoning, Donno was required to record Declaration #2, which imposed certain restrictions on the use of Lot 54 and required certain landscaping, fencing and other improvements to Lot 54; and

WHEREAS, Declaration #1 provided that it or any portion thereof may be modified, altered, or rescinded by the written consent of the Town of North Hempstead, and Declaration #2 provided that it or any portion thereof may be modified, altered, or rescinded by the written consent of the Town of North Hempstead or its successors, and the Norgate Civic Association or its successors; and

WHEREAS, on January 11, 2023, the Declarant made an application to the Board of Zoning and Appeals of the Town of North Hempstead (“BZA”) for, among other things, variances from certain provisions of the Code affecting the Premises, and for relief from the Original Declarations; and

WHEREAS, by Resolution under appeal # 21348 dated March 22, 2023, the BZA granted the relief requested, subject to the modification of the Original Declarations and certain conditions contained in said Resolution; and

WHEREAS, Declarant, as the successor in interest to the declarants in the Original Declarations, is now desirous of rescinding and replacing the Original Declarations, with the written consent of the Town of North Hempstead and the Norgate Civic Association, as provided herein.

**NOW THEREFORE**, Declarant hereby declares and covenants as follows:

1. The Original Declarations are hereby rescinded and replaced by this Declaration, and shall be of no further force or effect, insofar as they affect the Premises.

2. The westerly boundary line of that portion of the Premises known as Lot 54, commencing at a point eighteen (18) feet north of the corner formed by the intersection of the easterly side of Norgate Road and the northerly side of Northern Boulevard and continuing northerly along said westerly boundary line for one hundred and four and thirty-four one-hundredths (104.34) feet shall be enclosed by a privacy fence, five (5) feet in height, which fence is to be erected on the westerly boundary line of Lot 54, the finished side to be exposed on the west side of the fence.

3. A privacy fence, six (6) feet in height, connected to and running continuously with the fence described in the preceding paragraph, shall be erected and maintained as follows:

- a. Commencing at a point approximately one hundred and twenty-two and thirty-four hundredths (122.34) feet from the corner formed by the intersection of the easterly side of Norgate Road and the northerly side of Northern Boulevard and

continuing northerly along the westerly boundary line of Lot 54 for thirty-five (35) feet to the northwest corner of Lot 54,

- b. Running thence easterly along the northern boundary of Lot 54 a distance of approximately sixty (60) feet, the finished side to be exposed on the north side of the fence,
- c. Running thence northerly across the lands of Lot 53, parallel to and fifteen (15) feet from the easterly boundary of Lot 53 to a point marked by the intersection of the line of the said fence and the northerly boundary of Lot 53, approximately thirty-five and twenty-nine one-hundredths (35.29) feet easterly from the northwest corner of Lot 53, the finished side to be exposed on the west side of the fence,
- d. Running thence easterly along the northern boundaries of Lots 53 and 38 a distance of approximately one hundred and fifteen and three hundredths (115.03) feet to the corner formed by the intersection of the northern boundary of Lot 38 with the western boundary of Lot 942, the finished side to be exposed on the north side of the fence,
- e. Running thence northerly along the western boundary of Lot 942 a distance of approximately two hundred and thirty-eight and eighty-nine hundredths (238.89) feet to the northwest corner of Lot 942, the finished side to be exposed on the west side of the fence, and
- f. Running thence easterly along the northern boundary of Lot 942 a distance of approximately one hundred eighty-three and seventy-four hundredths (183.74)

feet to an end at the northeast corner of Lot 942, the finished side to be exposed on the north side of the fence.

4. The portions of Lots 38, 54, and 942 running along the northerly boundaries of those lots to a width of fifteen (15) feet, and the portion of Lot 942 running northerly along the western boundary of that lot from its intersection with the northern boundary of Lot 38 to a width of fifteen (15) feet shall be maintained as landscaped buffers as required by §70-203(G) of the Code and shall be landscaped in accordance with the landscape plan (Sheet SP-7, Rev. 10, dated March 20, 2023) approved by the Town Board of the Town of North Hempstead on June 6, 2023, as part of the site plan review of the Automobile Dealership, a copy of which is attached hereto as Schedule "B" and made a part hereof.

5. That portion of the Town right of way known as Norgate Road between the western boundary of Lot 54 and the easterly curb of the paved portion of Norgate Road shall be landscaped and screened in accordance with the said landscape plan approved by the Town Board of the Town of North Hempstead as part of the site plan review of the Automobile Dealership and by the Town of North Hempstead Highway Department.

6. The 15-foot landscape buffer and fence provided on Lot 53 as depicted on the said landscape plan approved by the Town Board of the Town of North Hempstead as part of the site plan review of the Automobile Dealership and the alignment plan (Sheet SP-2, Rev. 10, dated March 20, 2023) approved by the Town Board of the Town of North Hempstead on June 6, 2023, as part of the site plan review of the Automobile Dealership, a copy of which is attached hereto as Schedule "C" and made a part hereof, shall remain and apply until and unless the Declarant or its successors or assigns make an application that is granted by the Town of North Hempstead to redevelop the portion of the business-zoned Lot 38 in a manner which complies with the buffer

requirements of §70-203(G) of the Code, as from time to time amended, but in no event less than fifteen (15) feet.

7. The portion of Lot 53 lying west of the fence described in paragraph b of section 3 hereof shall also be deemed a landscaped buffer area and shall be landscaped and screened in accordance with the said landscape plan approved by the Town Board of the Town of North Hempstead as part of the site plan review of the Automobile Dealership. These restrictions on Lot 53 shall apply until and unless the Declarant or its successors or assigns make an application that is granted by the Town of North Hempstead to redevelop the portion of the business-zoned Lot 38 in a manner which complies with the buffer requirements of §70-203(G) of the Code, as from time to time amended, but in no event less than fifteen (15) feet.

8. The fences specified herein shall be privacy fences of uniform make, design, and color, and shall be constructed of sturdy vinyl, wood, composite or other like material. Damaged or missing fencing shall be repaired or replaced promptly, in kind.

9. For as long as Lot 53 is utilized as part of the Premises, it shall remain zoned residential and no buildings or structures, other than fencing, shall be erected thereon. These restrictions on Lot 53 shall apply until and unless the Declarant or its successors or assigns make an application that is granted by the Town of North Hempstead to redevelop the portion of the business-zoned Lot 38 in a manner which complies with the buffer requirements of §70-203(G) of the Code, as from time to time amended, but in no event less than fifteen (15) feet.

10. No driveway entrance or exit, or pedestrian path or way, shall now or any time hereafter be constructed, opened, maintained, suffered, or permitted so as to provide for access to or from Norgate Road, Lot 53, or other adjoining residential lots to or from the Automobile Dealership.

11. Lot 54 shall be used for parking and display of motor vehicles only, and no structures other than curbing, lighting, retaining walls, fencing, or signage, as required or permitted by the Town of North Hempstead Code shall be erected thereon.

12. The landscaping specified herein shall be maintained in good order, and diseased, dying, or dead plants shall be replaced promptly, in kind.

13. This Declaration shall be enforceable by the Town of North Hempstead, or its successors, and the Norgate Civic Association or its successors.

14. This Declaration or any portion hereof may be modified, altered, or rescinded with the written consent of the Town of North Hempstead, or its successors, and the Norgate Civic Association or its successors.

15. This Declaration shall run with the land, the Premises are to be held and conveyed subject to the same, and its provisions shall be binding upon the Declarant, its successors and assigns.

**IN WITNESS WHEREOF**, this Declaration is executed on the day and year first above written.

**[End of Text – Signatures on Next Page]**



Schedule A

Description of Premises

**NASSAU  
COUNTY  
CLERK**

**NASSAU  
COUNTY  
CLERK**

**NASSAU  
COUNTY  
CLERK**

By: John Burns  
John Burns, Manager

**Description of Property**

**Nassau County Tax Map No.  
Section 03, Block 53, Lots 38, 53, 54 & 942**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of North Hempstead, County of Nassau and State of New York, known and designated as and by Lots 38, 53, 54 and 942 in Block 53, Section 3 on the Nassau County Land and Tax Map as prepared by Empire State Land Surveyor P.C., Dated May 9, 2019 and more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Northern Boulevard (North Hempstead Turnpike) (NYS Rte. 25) and the easterly side of Norgate Road;

RUNNING THENCE along the easterly side of Norgate Road, North 01 degree 25 minutes 56 seconds East, 162.93 feet to a point;

THENCE along a curve on the easterly side of Norgate Road bearing to the right having a Radius of 140.21 feet and a Length of 84.52 feet to a point;

RUNNING THENCE the following six (6) courses and distances:

1. South 88 degrees 46 minutes 30 seconds East, 150.32 feet;
2. North 00 degrees 50 minutes 30 seconds East, 238.89 feet;
3. South 86 degrees 40 minutes 29 seconds East, 183.74 feet;
4. South 08 degrees 52 minutes 50 seconds East, 30.87 feet;
5. South 80 degrees 07 minutes 25 seconds West, 110.00 feet;
6. South 08 degrees 52 minutes 50 seconds East, 307.00 feet to a point on the northerly line of Northern Boulevard (North Hempstead Turnpike) (NYS Rte. 25),

RUNNING THENCE along the northerly side of Northern Boulevard the following six (6) courses and distances:

1. South 80 degrees 07 minutes 25 seconds West, 19.90 feet;
2. South 73 degrees 57 minutes 50 seconds West, 63.10 feet;
3. South 89 degrees 50 minutes 30 seconds West, 44.15 feet;
4. South 62 degrees 59 minutes 10 seconds West, 107.01 feet;
5. South 69 degrees 40 minutes 00 seconds West, 17.12 feet;
6. South 63 degrees 07 minutes 21 seconds West, 85.19 feet to the corner aforesaid, at the point or place of BEGINNING.

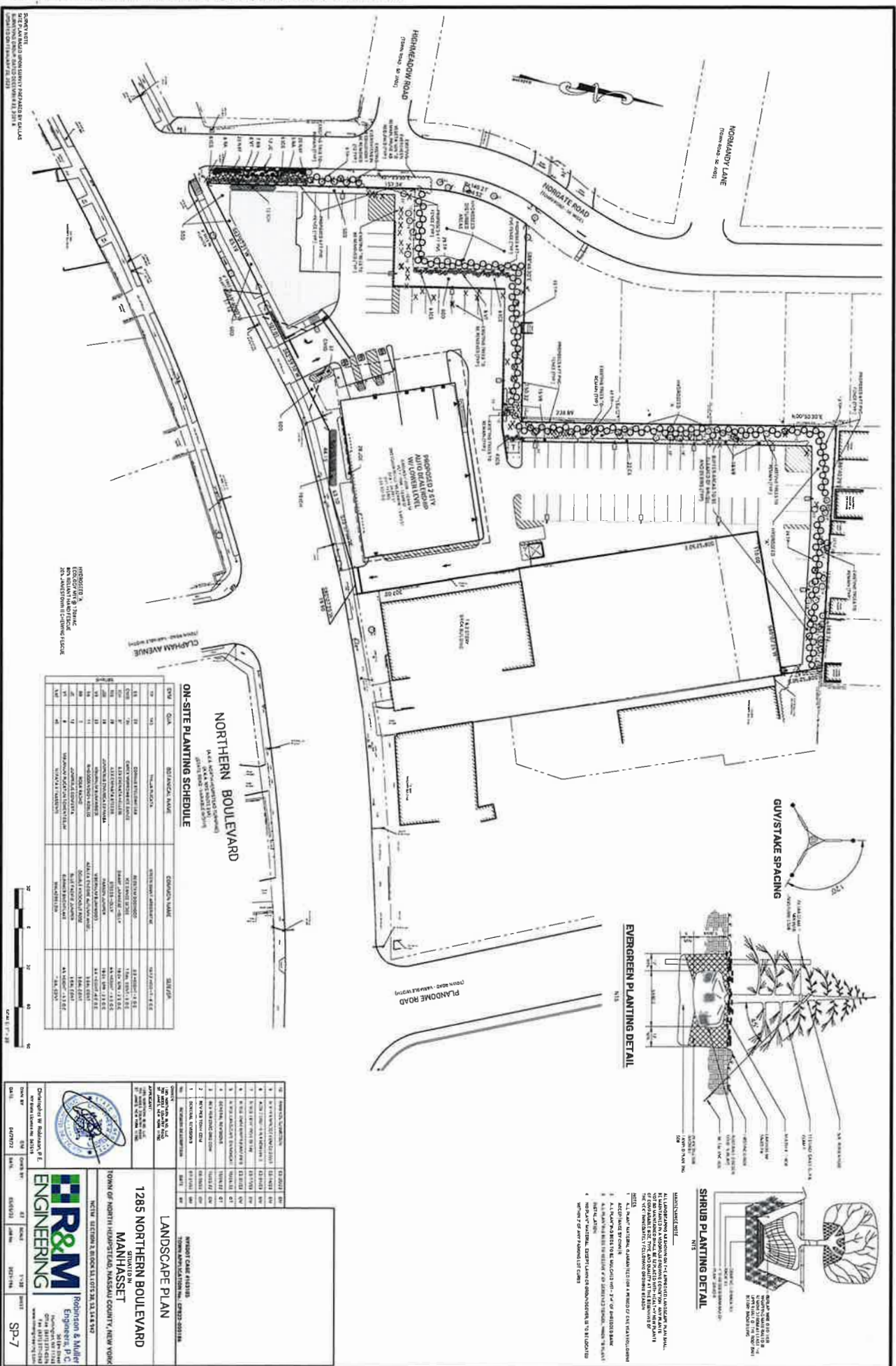
Containing within said bounds 77,327 square feet (1.7752 acres)

Schedule B  
Landscape Plan

**NASSAU  
COUNTY  
CLERK**

**NASSAU  
COUNTY  
CLERK**

**NASSAU  
COUNTY  
CLERK**



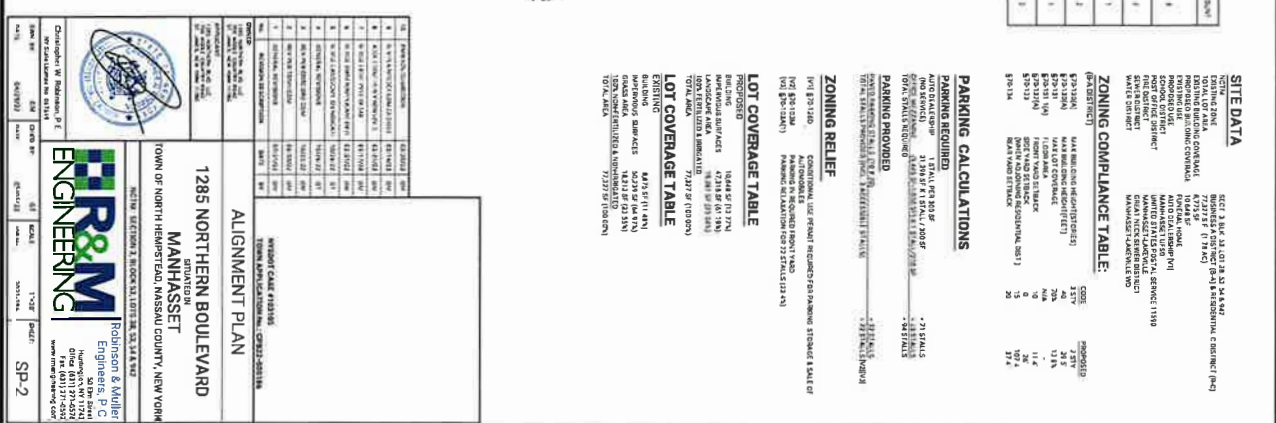
Schedule C  
Alignment Plan

**NASSAU  
COUNTY  
CLERK**

**NASSAU  
COUNTY  
CLERK**

**NASSAU  
COUNTY  
CLERK**





**Declaration of Covenants and Restrictions**

Dated: August 3<sup>rd</sup>, 2023

1285 NORTHERN BOULEVARD LLC, Declarant

Premises: 1285 Northern Boulevard, Manhasset, New York

Section 3, Block 53, Lots 38, 53, 54 and 942

Record and Return to:

Kathleen Deegan Dickson  
Forchelli Deegan Terrana LLP  
333 Earle Ovington Boulevard  
Suite 1010  
Uniondale, New York 11553