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NASSAU COUNTY LEGISLATURE

PETER SCHMITT,
Presiding Officer

PLANNING, DEVELOPMENT AND THE
ENVIRONMENT COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, November 14, 2011
1:56 P.M

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A P P E A R A N C E S:

NORMA GONSALVES,
Chairwoman

DAVID DUNNE,
Vice Chairman

RICHARD NICOLELLO

DENISE FORD (Substituted by
Rosemarie Walker)

DAVID DENENBERG,
Ranking

JUDY JACOBS

KEVAN ABRAHAMS

WILLIAM J. MULLER,
Clerk of the Legislature

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LIST OF SPEAKERS

MARTIN KATZ, Division of Planning, Department of Public Works.....	5
CARL SCHROEDER, Director of Office of Real Estate Services.....	7
KEVIN WALSH, Nassau County Attorney's Office, Deputy County Attorney.....	12

Planning & Development Committee/11-14-11

2 CHAIRWOMAN GONSALVES: Would the
3 Planning, Development and Environment
4 Committee please join us in the chamber? At
5 this time, will the clerk please call the
6 roll?

7 CLERK MULLER: Legislator
8 Abrahams?

9 LEGISLATOR ABRAHAMS: Here.

10 CLERK MULLER: Legislator Jacobs?

11 LEGISLATOR JACOBS: Here.

12 CLERK MULLER: Ranking Member
13 Denenberg?

14 LEGISLATOR DENENBERG: Here.

15 CLERK MULLER: Legislator Walker
16 substituting for Legislator Ford?

17 LEGISLATOR WALKER: Here.

18 CLERK MULLER: Legislator

19 Nicolello?

20 LEGISLATOR NICOLELLO: Here.

21 CLERK MULLER: Vice-Chairman

22 Dunne?

23 LEGISLATOR DUNNE: Here.

24 CLERK MULLER: Chairwoman

25 Gonsalves?

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2 CHAIRWOMAN GONSALVES: Present.

3 CLERK MULLER: We have a quorum.

4 CHAIRWOMAN GONSALVES: Thank you
5 very much. We have two items before us on
6 the agenda. The first item is Item 572-11,
7 a resolution authorizing the release of a
8 surety bond and cash escrow monies for map
9 of the Oaks at Broadlawn Manor Subdivison.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Walker. Who do we have before us?

15 MR. KATZ: Martin Katz, I'm with
16 the Division of Planning, Department of
17 Public Works. This is a bond release for an
18 escrow release for a 308 unit senior town
19 house development known as the Oaks at
20 Broadlawn Manor located at the Northwest
21 corner of Sunrise Highway and County Line
22 Road. This is -- the site was given final
23 inspection several times during the year
24 2011, 7-28, 7-29, 8-4, 8-5 by county DPW
25 inspectors and an inspection report was

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2 issued. At the 9-15 2011 commission hearing
3 after testimony by the county, the owners
4 cooperative, and the developer, it was
5 determined that all issues relating to the
6 public improvements were resolved to the
7 satisfaction of all parties and the full
8 bond amount and escrow can be released and
9 the planning commission recommended release
10 of the entire bond at its 9-15, 2011 hearing
11 and the amount was \$1,506,829.18 for the
12 bond.

13 CHAIRWOMAN GONSALVES: Any
14 legislators have any questions?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The motion carries. The next
24 item is Item 575-11, an ordinance making
25 certain determinations pursuant to the State

Planning & Development Committee/11-14-11
2 Environmental Quality Review Act and
3 authorizing the county executive on behalf
4 of the County of Nassau to execute an
5 amendment to lease between the County of
6 Nassau, as landlord, and RA 55 CLB LLC as
7 tenant in connection with the lease of real
8 property known as 51 and 55 Charles
9 Lindbergh Boulevard, located in Uniondale,
10 Town of Hempstead, County of Nassau, State
11 of New York, said real property known as
12 Section 44, Block F, Lot 377 on the land and
13 tax map of the County of Nassau. May I have
14 a motion, please?

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR DUNNE: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Walker, seconded by Legislator
19 Dunne. Who do we have here? How do you do,
20 Mr. Schroeder?

21 MR. SCHROEDER: Good afternoon.
22 Carl Schroeder, director of Office of Real
23 Estate Services. What you have before you
24 is an amendment to a 1981 ground lease over
25 at Mitchell Field. This is one of the

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2 unique Mitchel Field ground leases where
3 there are two buildings on it. A provision
4 in the original lease does not allow for tax
5 exemptions, and the county attorney's office
6 has interpreted that to mean that there
7 could not be pilot agreement for the
8 property.

9 One of the new subtenants that's
10 moving in there is a local medical
11 pharmaceutical company called Angion
12 Biomedics headed by Dr. Goldberg. He
13 purchased the building with a pilot from the
14 Hempstead IDA and he cannot close on his
15 construction mortgage until this
16 technicality is straightened out.

17 The underlying tenant has agreed
18 to the amendment to the ground lease and
19 this is what is before you today. In
20 effect, the bottom line is that Dr.
21 Goldberg's company will remain in Nassau
22 County. It will keep jobs here. These are
23 good research and development jobs that will
24 be moving from Garden City -- staying in
25 Garden City, from Garden City to the

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2 Mitchell Field area, and if this does not go
3 through, he will sell this and move his 150
4 employees to New Jersey.

5 CHAIRWOMAN GONSALVES: Any
6 questions of Mr. Schroeder? Legislator
7 Jacobs.

8 LEGISLATOR JACOBS: I mean, I
9 received an education on this company really
10 within the last couple of days, but I also
11 understand and I'm trying to find it now in
12 my notes here, but, of course, I won't be
13 able to. Okay. OSI's employees. A lot of
14 OSI employees that were being forced to
15 leave Long Island or, if not, be unemployed,
16 were picked up by this company, I think it's
17 Angion, right?

18 MR. SCHROEDER: Correct.

19 LEGISLATOR JACOBS: Because, I
20 mean, it was unusual. I don't why they
21 reached out to me but they did send me some
22 information but reading it happened to be
23 extremely interesting because they seemed to
24 be pretty solid employers for us and Long
25 Island. That's the only thing I wanted to

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2 say.

3 I wouldn't know them if I saw
4 them but I received in writing and it
5 appeared to me that these are the kind of
6 things we have to do is to encourage
7 companies that at least are committed to
8 hiring from within our borders, so to speak,
9 and to have them bring up our workforce and
10 keep it viable on Long Island. I think it's
11 pretty good.

12 MR. SCHROEDER: The approval of
13 this will today save the type of company
14 that we do want to keep in Nassau County.

15 LEGISLATOR JACOBS: I agree with
16 you. I wish I had taken shorter positive
17 bullet points to talk about, but I agree.

18 CHAIRWOMAN GONSALVES: Any other
19 legislator have any questions? Legislator
20 Denenberg.

21 LEGISLATOR DENENBERG: So, what
22 we're getting over here is, instead of what
23 they were paying as an incentive, it's going
24 to be a pilot in place of the straight lease
25 or tax payment? What's the incentive, in

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2 other words?

3 MR. SCHROEDER: The incentive for
4 Angion to remain here is that they will be
5 getting a pilot on a portion of the
6 building. The portion is going to be
7 prorated by the assessor, the existing
8 building will keep their taxes, and this is
9 a subtenant of the underlying tenant, and
10 that there will be a pass-through to Angion
11 of the pilot program that was approved by
12 the Town of Hempstead IDA.

13 LEGISLATOR DENENBERG: Okay. So
14 they end up getting a pilot for the county
15 portion as well?

16 MR. SCHROEDER: Right, both the
17 building and the ground are on the tax
18 rolls, so they'll be getting the pilot for
19 both.

20 LEGISLATOR DENENBERG: What's the
21 commitment in return aside from obviously
22 that they'll stay here, but the commitment
23 is the lease term; that they will stay here,
24 in other words?

25 MR. SCHROEDER: Correct. Their

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2 commitment is that they will remain for the
3 life of their lease with a prime tenant
4 there. Kevin Walsh is here from the county
5 attorney's office. I believe it's a 20 year
6 deal? The bio is 10 years, with the lease
7 is 20 years? This is Kevin Walsh from the
8 county attorney's office.

9 MR. WALSH: Yes, Kevin Walsh,
10 deputy county attorney. I believe that the
11 Town of Hempstead IDA did approve I believe
12 a ten year pilot just this past summer. It
13 will have to close by the end of the year in
14 order to get the pilot into effect for next
15 year. We conditioned the lease change that
16 it can only be a pilot allowed with
17 application to the Town of Hempstead or
18 Nassau County IDA. It really was a
19 technicality because many of the Mitchell
20 Field leases already had the provision
21 allowing IDA financial assistance. This
22 made it clear.

23 LEGISLATOR DENENBERG: Okay.

24 CHAIRWOMAN GONSALVES: I have a
25 question, Mr. Walsh. I think Mr. Schroeder

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2 said something to the effect that they had a
3 20 year lease, is that correct?

4 MR. WALSH: I'm not exactly sure
5 of the term of the sublease. I do know that
6 one of the companies that's also a part of
7 it is Lab Corp. I think Lab Corp., another
8 local employer that's going to be able to
9 benefit with Angion in this, and their lease
10 was going to expire in 2014. They were
11 willing to commit to extend if this pilot
12 was going to be available.

13 And our ground lease goes on
14 obviously for a long period of time, but the
15 pilot structure that I think Angion is
16 looking for with respect to their
17 commitment, it's a ten year from the Town of
18 Hempstead IDA I believe that was approved.

19 CHAIRWOMAN GONSALVES: Does it
20 have to come back to us for the additional
21 ten years?

22 MR. WALSH: No. Because this is
23 a permanent change to the lease we are
24 making.

25 CHAIRWOMAN GONSALVES: Thank you

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2 very much, Mr. Walsh. Legislator Abrahams.

3 MR. ABRAHAMS: I have a quick
4 question. It was my understanding that
5 Deputy Speak Hooper had proposed legislation
6 that would require kind of like a moratorium
7 on pilots. Does that legislation have any
8 impact on your decision today?

9 MR. WALSH: No, because there are
10 many different pilots. This particular
11 pilot is an IDA pilot which is allowed by
12 law. If you meet the criteria, the IDA will
13 actually have to take like a momentary
14 position in the sublease in the closing, and
15 by law every IDA in the state has to have a
16 uniform tax exemption policy and they can do
17 it under the state law and General Municipal
18 Law give pilots, but they have to have a
19 formula and the Town of Hempstead IDA board
20 has to approve it which it did, and they are
21 under a lot of pressure. If they don't
22 close with the IDA by the end of the year, I
23 think Carl might have mentioned this
24 already, they may lose this deal and lose
25 the jobs.

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2 LEGISLATOR ABRAHAMS: I
3 understand that. What I'm asking is is more
4 tied into the actual legislation itself.
5 Are you familiar with the legislation?

6 MR. WALSH: I've heard of the
7 legislation, I haven't seen the legislation.
8 This didn't impact us at all because this
9 was strictly at the IDA's behest to do this.

10 LEGISLATOR ABRAHAMS: I
11 understand that, but payments in lieu of
12 taxes, doesn't that fall under the state's
13 jurisdiction?

14 MR. WALSH: The payment in lieu
15 of taxes for the IDA falls under the state
16 General Municipal Law. It's allowed by law.

17 LEGISLATOR ABRAHAMS: So I'm
18 saying if there was a proposal that was to
19 change that on the state level, wouldn't we
20 want to be cognizant of it?

21 MR. WALSH: Absolutely.

22 LEGISLATOR ABRAHAMS: I believe,
23 and I can't speak to the state senate, but I
24 believe it passed in the assembly.

25 MR. WALSH: Okay. I'm going to

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2 look at that. I've worked on some of the
3 other pilots that we deal with, affordable
4 housing and some of the others that will
5 certainly be impacted.

6 LEGISLATOR ABRAHAMS: The greater
7 issue is, I believe it's tied to the fact
8 that she was seeking a moratorium on pilots
9 because it seemed to be the way pilots are
10 distributed throughout the county, they seem
11 to be disproportionately in others areas
12 versus some areas. It seemed to be
13 impacting primarily the areas of Hempstead
14 and Uniondale, there seems to be pilots
15 going out very quickly and I know she was
16 proposing that a concern, as a change, but I
17 thought it passed in the assembly. And I'm
18 not too sure about the state senate. I
19 think we should take a look at that.

20 MR. WALSH: Okay. We'll take a
21 look.

22 LEGISLATOR ABRAHAMS: Thank you.

23 CHAIRWOMAN GONSALVES: Any
24 legislators have any other questions?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor say aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The motion carries. There being
10 no other business, may I have a motion to
11 adjourn?

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR WALKER: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Walker.

17 All those in favor of adjourning?

18 (Aye.)

19 Any against?

20 (No verbal response.)

21 We are adjourned.

22 (Whereupon, the Planning,
23 Development and Environment Committee
24 adjourned at 2:09 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New
York, do hereby stated:

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 29th day of November, 2011.

FRANK GRAY