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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

PLANNING, DEVELOPMENT AND THE
ENVIRONMENT COMMITTEE

LAURA SCHAEFER, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, November 13, 2017
3:23 P.M

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

3

4 LAURA SCHAEFER,
Chairwoman

5

STEVE RHOADS
Vice Chairman

6

DENISE FORD

7

JAMES KENNEDY

8

9 ARNOLD DRUCKER,
Ranking

10 DELIA DERIGGI-WHITTON

11 LAURA CURRAN

12 MICHAEL PULITZER,
Clerk of the Legislature

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LIST OF SPEAKERS

EILEEN KRIEB..... 5

KEVIN WALSH..... 8

JANE HODAK..... 13

JOHN PERRAKIS..... 21

NICK SERANDIS..... 23

1 Planning & Development/11-13-17

2 CHAIRWOMAN SCHAEFER: At this
3 time I will call the Planning, Development
4 and Environment Committee to order. I'll
5 ask the clerk to please call the roll.

6 CLERK PULITZER: Thank you,
7 Madam. Planning, Development and
8 Environmental Committee roll call.

9 Legislator Delia DeRiggi-Whitton?

10 LEGISLATOR DERIGGI-WHITTON: Here.

11 CLERK PULITZER: Legislator Laura
12 Curran?

13 LEGISLATOR CURRAN: Here.

14 CLERK PULITZER: Ranking Member
15 Arnold Drucker?

16 LEGISLATOR DRUCKER: Here.

17 CLERK PULITZER: Legislator James
18 Kennedy?

19 LEGISLATOR KENNEDY: Present.

20 CLERK PULITZER: Legislator
21 Denise Ford?

22 LEGISLATOR FORD: Here.

23 CLERK PULITZER: Vice Chairman
24 Steven Rhoads?

25 LEGISLATOR RHOADS: Present.

1 Planning & Development/11-13-17

2 CLERK PULITZER: Chairwoman Laura
3 Schaefer?

4 CHAIRWOMAN SCHAEFER: Here.

5 CLERK PULITZER: We have a
6 quorum, ma'am.

7 CHAIRWOMAN SCHAEFER: Thank you.
8 We are going to start with Clerk Item
9 336-17, a resolution authorizing the County
10 Executive to execute an agreement with the
11 State of New York Office of Parks,
12 Recreation and Historic Preservation for a
13 further 10 year license of property in the
14 vicinity of Massapequa, Town of Oyster Bay,
15 to be used for Park purposes.

16 Motion, please.

17 LEGISLATOR RHOADS: So moved.

18 LEGISLATOR KENNEDY: Second.

19 CHAIRWOMAN SCHAEFER: Motion by
20 Legislator Rhoads, seconded by Legislator
21 Kennedy. Anyone here to speak on this item?

22 MS. KRIEB: Eileen Krieb,
23 Department of Parks. This is a parcel of
24 land adjacent to Massapequa Preserve. It
25 had a license for the past 20 years with the

1 Planning & Development/11-13-17
2 state and it expired in February 2017. It's
3 an area that we picked up because of neglect
4 and it's revenue neutral for us. It doesn't
5 cost us anything to take care of it, but
6 many of the constituents used to complain of
7 the condition of it so Nassau County had
8 agreed two previous ten year terms to take
9 care of this piece of property.

10 CHAIRWOMAN SCHAEFER: Is there
11 anything different about the new lease?

12 MS. KRIEB: No, it's identical to
13 the last lease. It doesn't cost us anything
14 to take care of it because we -- to care for
15 the rest of the preserve itself.

16 CHAIRWOMAN SCHAEFER: Legislator
17 Rhoads.

18 LEGISLATOR RHOADS: Ms. Krieb,
19 out of curiosity, is it operated in
20 conjunction with the preserve?

21 MS. KRIEB: Yes, it's pretty much
22 just a parcel adjacent to it. It's passive.
23 There's nothing really happening there. The
24 trails do go through there but it's nothing
25 -- so it is part of the trail.

1 Planning & Development/11-13-17

2 LEGISLATOR RHOADS: Was it
3 presented to OSPAC as well?

4 MS. KRIEB: It didn't go to
5 OSPAC.

6 LEGISLATOR RHOADS: Okay, thanks.

7 CHAIRWOMAN SCHAEFER: Any
8 questions from any other legislators?

9 (No verbal response.)

10 Is there any public comment on
11 this item?

12 (No verbal response.)

13 There being none, all those in
14 favor of Clerk Item 336-17 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes.

20 Next we have Clerk Item 380-17, a
21 resolution making certain determinations
22 pursuant to the State Environmental Quality
23 Review Act and authorizing the County
24 Executive on behalf of the County of Nassau
25 to execute a contract of sale between the

1 Planning & Development/11-13-17
2 County of Nassau and North Shore Land
3 Alliance, Incorporated and to execute all
4 pertinent documents therewith to consummate
5 the acquisition by the county of certain
6 premises located in the Village of Mill
7 Neck, Town of Oyster Bay, County of Nassau,
8 State of New York, said property known as
9 Section 29, Block R3, Lot 305 on the land
10 and tax map of the County of Nassau.

11 Motion, please, to open the
12 hearing.

13 LEGISLATOR FORD: So moved.

14 LEGISLATOR KENNEDY: Second.

15 CHAIRWOMAN SCHAEFER: Moved by
16 Legislator Ford, seconded by Legislator
17 Kennedy.

18 MR. WALSH: Good afternoon, Kevin
19 Walsh from the office the real estate
20 services. This is a contract of sale for
21 acquisition of open space property in the
22 Village of Mill Neck. This is approximately
23 a five acre piece of open space property
24 that is adjacent to other property acquired
25 by the county in open space in approximately

1 Planning & Development/11-13-17
2 2007, 2008.

3 Also it is adjacent to a parcel
4 known as the Sushuan Preserve. This
5 property we are acquiring will be made part
6 of the open space program. It will be open
7 to the public and used as a preserve.

8 The reason we are acquiring this
9 is also in connection with a consent order
10 with EPA unrelated to this property, but the
11 nature of that consent order is that the
12 county needs to acquire a piece of property
13 in the critical aquifer protection area.

14 This particular piece of property
15 is acceptable to the EPA. Also, it needed
16 to be subdivided from another parcel owned
17 by the North Shore Land Alliance and that
18 subdivision was necessary to go through not
19 only the County Planning Commission but also
20 the villages of Mill Neck and Pattenicock
21 which have approved this subdivision. That
22 is basically it.

23 CHAIRWOMAN SCHAEFER: Are there
24 any questions from any legislators?
25 Legislator Drucker.

1 Planning & Development/11-13-17

2 LEGISLATOR DRUCKER: Thank you,
3 Madam Chairwoman. Good afternoon, Mr.
4 Walsh.

5 MR. WALSH: Good afternoon.

6 LEGISLATOR DRUCKER: For purposes
7 of clarification, can you tell us if the
8 appraised value was disclosed at all?

9 MR. WALSH: The appraisal for
10 this property, it was not disclosed,
11 however, we actually knew we had \$700,000
12 that we had to spend as part of the consent
13 order. We identified property initially and
14 a half acres and we were able to acquire
15 more property of approximately five acres.

16 We did work with the North Shore
17 Land Alliance but this specific appraisal
18 was not disclosed to the sellers if that's
19 the question you are asking:

20 LEGISLATOR DRUCKER: Thank you
21 very much.

22 CHAIRWOMAN SCHAEFER: Legislator
23 DeRiggi-Whitton.

24 LEGISLATOR DERIGGI-WHITTON: Just
25 a quick question. Is this the property

1 Planning & Development/11-13-17

2 that's with the Smither's Foundation or is
3 that a different parcel?

4 MR. WALSH: I'm sorry, what
5 foundation?

6 LEGISLATOR DERIGGI-WHITTON: The
7 Smither's Foundation.

8 MR. WALSH: No. This is a
9 different piece. It's in the vicinity of
10 the Smither's Foundation parcel. This is
11 actually a part of the former parcel, called
12 the Yumes Estate parcel. So it's in the
13 same area, on Frost Mill Road and Oyster Bay
14 Road, and the thing to point out is that we
15 will have access to this property from both
16 Oyster Bay Road and Frost Mill Road through
17 an easement.

18 LEGISLATOR DERIGGI-WHITTON: Is
19 there another piece of property in that area
20 that's pending; do you know about that,
21 maybe connected with the foundation?

22 MR. WALSH: With the Smither's
23 Foundation? Not that I'm aware of.

24 CHAIRWOMAN SCHAEFER: Legislator
25 Ford.

1 Planning & Development/11-13-17

2 LEGISLATOR FORD: Thank you. So
3 exactly how did we settle on this particular
4 piece of property? Did you go out and look
5 for it, consider it with the EPA?

6 MR. WALSH: I actually have some
7 counsel here, Jane Hodak from Department of
8 Public Works actually worked with EPA
9 looking at various properties throughout the
10 county and obviously it had to be in an
11 aquifer re-charge area. This is an area
12 where the groundwater obviously very
13 concerned for the entire county and after
14 going back and forth with EPA, they settled
15 that this property does meet that critical
16 aquifer protection program.

17 What will happen when we purchase
18 this property from the North Shore Land
19 Alliance they'll be able to use the proceeds
20 to acquire other property, use for other
21 North Shore Land Alliance programs so it
22 really is a win win for the county and the
23 Alliance.

24 LEGISLATOR FORD: But the
25 Alliance will get the \$700,000?

1 Planning & Development/11-13-17

2 MR. WALSH: That's correct.

3 LEGISLATOR FORD: Did the EPA
4 require us only to purchase property in the
5 north shore or was it anywhere in the county
6 that had the Lloyd aquifer?

7 MS. HODAK: Good afternoon,
8 Legislator Ford. The consent order had some
9 constraints on it, first of all, we had to
10 buy property for approximately \$700,000 and
11 that amount could not be coupled with any
12 other monies. It had to be a stand-alone
13 purchase.

14 You can imagine trying to find a
15 parcel of vacant land in Nassau County for
16 that money was very difficult.

17 It also had to be property that
18 had augmented the protection of groundwater.
19 It had to be in an area that had the
20 protection of ground water and so -- and one
21 of the things we had approached EPA about
22 after Super Storm Sandy was a number of
23 properties and could those properties
24 fulfill that requirement.

25 Their position was no because

1 Planning & Development/11-13-17

2 those properties in that south shore area in
3 those Sandy inundated areas didn't have the
4 necessary hydro-geological connection to the
5 augmentation of groundwater protection.

6 So this property came up -- the
7 North Shore Land Alliance had purchased this
8 property and there was a mortgage on the
9 property and they were needing to satisfy
10 that mortgage and so we became aware of that
11 need and the nexus of that property with the
12 property that we already owned.

13 So just magnifying the aquifer
14 protection potential of the property that we
15 already owned that was acquired and approved
16 by the Legislature for the Bond Act for
17 Aquifer protection was only enhanced by the
18 addition of this additional five acres.

19 LEGISLATOR FORD: Then how much
20 acreage was there that you subdivided from
21 that's owned by the North Shore Land
22 Alliance?

23 MS. HODAK: 28. So we said to
24 them, we want to acquire \$700,000 worth of
25 property and Kevin worked with the appraiser

1 Planning & Development/11-13-17

2 and we maximized the amount of land we could
3 acquire.

4 So, to be able to spend \$700,000
5 and acquire five acres is a very significant
6 benefit to the county. It's part of that
7 preserve. It's a passive preserve. People
8 will be able to go and walk through it,
9 there are trails. It approximate to other
10 preserves and the trails will be connected
11 but the idea is that it be maintained in its
12 natural habitat so as to get the benefit of
13 the aquifer protection.

14 LEGISLATOR FORD: Thank you very
15 much.

16 CHAIRWOMAN SCHAEFER: Can I ask
17 you, Ms. Hodak, the consent order requires
18 that you purchase property every year; is
19 that correct?

20 MS. HODAK: No, this is a one
21 time. It's called a supplemental
22 environmental benefit program and rather
23 than paying a penalty to the EPA, it's an
24 enhanced amount of money. But you get to do
25 something environmental protective for the

1 Planning & Development/11-13-17
2 area that is part of the consent order and
3 the consent order covered the entire county.

4 CHAIRWOMAN SCHAEFER: Are we
5 required to buy any more in the future?

6 MS. HODAK: Not under this
7 existing order, no.

8 CHAIRWOMAN SCHAEFER: Any other
9 questions from the legislators?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Clerk Item 380-17 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes.

20 The next item is Clerk Item
21 384-17, this is an ordinance making certain
22 determinations pursuant to the State
23 Environmental Quality Review Act and
24 authorizing the County Executive of the
25 County of Nassau to accept on behalf of the

1 Planning & Development/11-13-17
2 County of Nassau an offer of purchase from
3 Jobco Realty & Construction, Incorporated of
4 certain premises located in the Town of
5 North Hempstead, County of Nassau, State of
6 New York, said property known as Section 20,
7 Block A, Lot 204 on the land and tax map of
8 the County of Nassau and authorizing the
9 County Executive to execute a deed contract
10 of sale and all pertinent documents in
11 connection therewith to consummate the sale.

12 May I have a motion?

13 LEGISLATOR KENNEDY: So moved.

14 LEGISLATOR RHOADS: Second.

15 CHAIRWOMAN SCHAEFER: Moved by
16 Legislator Kennedy, seconded by Legislator
17 Rhoads. Who is here to speak on this item?

18 MR. WALSH: Kevin Walsh again,
19 Office of Real Estate Services.

20 This is an ordinance for a sale
21 of property. This property was known as the
22 former Roslyn Senior Center in Roslyn. We
23 had a contract of sale for \$800,000.
24 Several RFPs have been issued for this
25 property over the years. The property has

1 Planning & Development/11-13-17
2 been abandoned and vacant for several years.
3 It's had some water intrusion, some mold and
4 some other problems. It was difficult to
5 get this property marketed.

6 There was an RFP -- the most
7 recent RFP was issued January of this year.
8 There were four proposals through a list --
9 through a series of best and final offer
10 letters issued to the finalist. The final
11 sale was for \$800,000. The sale has been
12 unanimously approved by both the Planning
13 Commission and OSPAC.

14 CHAIRWOMAN SCHAEFER: Can you
15 tell me where the proceed of this sale will
16 go?

17 MR. WALSH: The proceeds of this,
18 just like any sale, will go into -- 95
19 percent will go to the county's general fund
20 and five percent to the open space fund.

21 CHAIRWOMAN SCHAEFER: Any
22 questions from the legislators? Legislator
23 Drucker.

24 LEGISLATOR DRUCKER: Thank you,
25 Chairwoman Schaefer. Mr. Walsh, sorry, my

1 Planning & Development/11-13-17
2 concerns before were related to this
3 property so I apologize. This was the
4 property I was interested in because the
5 best and final offer was the \$800,000 offer
6 that was from the very beginning?

7 MR. WALSH: No. I believe the
8 first offer of the highest bidder was
9 probably \$760,000 and then we will typically
10 ask for a best and final offers from the
11 proposers. The proposer who was successful
12 raised his offer to \$800,000 which was
13 consistent with the appraisal.

14 LEGISLATOR DRUCKER: It's just
15 coincidental that the appraised value and
16 the best and final offer was the exact
17 amount of the appraised value?

18 MR. WALSH: That's just the way
19 it turned out. We had other offers on this
20 property but really just nothing in that
21 range.

22 LEGISLATOR DRUCKER: One final
23 question. The OSPAC approvals, they go back
24 to 2009, correct, do they have an expiration
25 date?

1 Planning & Development/11-13-17

2 MR. WALSH: That's correct. They
3 don't have an expiration date and in light
4 of the fact that conditions have not changed
5 for this property, or the building, they're
6 still valid. I confirmed that with the
7 Planning Department. They don't expire. I
8 know subdivision approvals sometimes do have
9 expiration dates, but these do not.

10 CHAIRWOMAN SCHAEFER: Thank you.
11 Any other questions from the legislators?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 There being none, all those in
16 favor of Item 384-17 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes.

21 The next item we have is Clerk
22 Item 408-17, this is a resolution to
23 authorize the release of the surety bond and
24 escrow deposit covering improvements on the
25 map of the Seasons at Seaford Condominium

1 Planning & Development/11-13-17
2 situated in the Hamlet of Seaford, Town of
3 Hempstead, County of Nassau, State of New
4 York.

5 Can I have a motion?

6 LEGISLATOR RHOADS: So moved.

7 LEGISLATOR FORD: Second.

8 CHAIRWOMAN SCHAEFER: Moved by
9 Legislator Rhoads, seconded by Legislator
10 Ford. Who is here to speak on this item?

11 MR. PERRAKIS: John Perrakis,
12 Nassau County Planning. On July 30, 2015,
13 the Planning Commission conditionally
14 approved the final subdivision approval of a
15 subdivision entitled Seasons at Seaford
16 Condominium.

17 One condition was to submit a
18 performance bond in escrow to ensure all
19 public improvements are installed correctly.
20 Since then, there was a change in ownership
21 and we have a rider transferring the bond in
22 escrow to the new owner's name.

23 Final inspection of all bonded
24 public improvements was made by the Nassau
25 County DPW Chief Inspector in an inspection

1 Planning & Development/11-13-17
2 report dated August 3, 2017. It was
3 determined that all public improvements
4 covered under the bond have been complete
5 and found to be in compliance with the
6 applicable codes and standards.

7 At its duly noticed public
8 hearing by the Planning Commission on
9 September 28th, 2017, the commission
10 recommended release of the surety bond in
11 the amount of \$2,565,450.61, and cash escrow
12 in the amount of \$81,405. 69.

13 CHAIRWOMAN SCHAEFER: Thank you.
14 Are there any questions from the legislators
15 on this item?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of Clerk Item 408-17 signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes.

1 Planning & Development/11-13-17

2 The last item we have is Clerk
3 Item 423-17, this is an ordinance making
4 certain determinations pursuant to the State
5 Environmental Quality Review Act and
6 authorizing the County Executive of the
7 County of Nassau to accept on behalf of the
8 County of Nassau an offer of purchase from
9 JMDH Real Estate of Garden City of certain
10 premises located in Uniondale, Town of North
11 Hempstead, County of Nassau, State of New
12 York, said property known as Section 44,
13 Block D, Lot 133 on the land and tax map of
14 the County of Nassau and authorizing the
15 County Executive to execute a deed and all
16 pertinent documents in connection therewith
17 to consummate the sale.

18 May I have a motion?

19 LEGISLATOR FORD: So moved.

20 LEGISLATOR KENNEDY: Second.

21 CHAIRWOMAN SCHAEFER: Moved by
22 Legislator Ford, seconded by Legislator
23 Kennedy. Who is here to speak?

24 MR. SERANDIS: Nicholas Serandis,
25 Deputy County Attorney. This is a sale of a

1 Planning & Development/11-13-17
2 five -- 10 foot wide strip of property
3 located adjacent to the Restaurant Depot on
4 Stewart Avenue in Uniondale. The person who
5 owns the Restaurant Depot property as well
6 as the property adjacent to it had made a
7 request of the county to purchase the
8 intervening strip.

9 The person who is buying the
10 property had previously obtained an easement
11 from a prior owner of this property and
12 maintained an easement on the site and
13 they're looking to purchase it.

14 The county, after appraisals by
15 both, an appraiser hired by the purchaser as
16 well as the appraiser hired by the county,
17 it was determined that a fair market value
18 of the property would be \$175,000.

19 As in all real estate sales, 95
20 percent of the property goes into the
21 general fund and five percent is reserved
22 for open space fund.

23 There were no other adjoining
24 owners to the property so that there was no
25 other interested parties to the property.

1 Planning & Development/11-13-17

2 The Department of Public Works
3 after some issue as to whether or not the
4 property was encumbered by some type of
5 drainage purpose for the County of Nassau,
6 made a determination that there was no such
7 drainage purpose for the property, that such
8 purpose being to a different property in the
9 area.

10 So DPW approved the property to
11 be marketed to be sold to the adjoining
12 owners.

13 It was approved by the Planning
14 Commission and went through all the
15 necessary processes.

16 CHAIRWOMAN SCHAEFER: Thank you.
17 Can I ask you, was the appraisal price more
18 than the sale price?

19 MR. SERANDIS: Yes, the original
20 appraisal by the county appraiser was
21 \$190,000, but then at the time he evaluated
22 it, if it was free and clear, and because of
23 the fact that they already had the existing
24 easements on the property and the appraisers
25 by the purchaser obviously ended up in a

1 Planning & Development/11-13-17
2 totally different situation was about
3 \$50,000, given the fact that the property
4 was not a buildable piece and it was being
5 appraised as vacant land, commercial vacant
6 land in the area based on acreage and that
7 is the way it was appraised even though it
8 had no functionality as a separate piece of
9 property.

10 So after discussions and after
11 determination with our appraiser, it was
12 determined that 175 was a good -- we had
13 asked them to up their offer. They had
14 offered somewhere in the low six figures,
15 and at some point we determined that 175
16 would be a fair market value price for the
17 property.

18 CHAIRWOMAN SCHAEFER: So you're
19 saying that when he appraised it, he didn't
20 appraise with the easements considered and
21 all other things you mentioned?

22 MR. SERANDIS: Basically that the
23 appraisers were different, doing different
24 appraisal philosophies and it was determined
25 the \$175,000 would be a fair market value

1 Planning & Development/11-13-17
2 within the range of the appraisal properties
3 being less than -- less than ten percent of
4 the differential of the property.

5 CHAIRWOMAN SCHAEFER: Any other
6 legislators have questions?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of Clerk Item 423-17 signify by saying
12 aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item passes. Can I have a
17 motion to close?

18 LEGISLATOR FORD: So moved.

19 LEGISLATOR RHOADS: Second.

20 CHAIRWOMAN SCHAEFER: Moved by
21 Legislator Ford, seconded by Legislator
22 Rhoads. All those in favor signify by
23 saying aye.

24 (Aye.)

25 Next up is Health.

1 Planning & Development/11-13-17
2 (Whereupon, the Planning,
3 Development and Environment Committee
4 adjourned at 3:45 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 30th day of November, 2017.

FRANK GRAY