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NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO,
Presiding Officer

PLANNING, DEVELOPMENT AND THE
ENVIRONMENT COMMITTEE

LAURA SCHAEFER, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, September 9, 2019
5:20 P.M

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

LAURA SCHAEFER,
Chairwoman

THOMAS MCKEVITT,
Vice Chairman

STEVEN RHOADS

DENISE FORD

ARNOLD DRUCKER,
Ranking

SIELA BYNOE (Substituted by Debra Mule)

CARRIE SOLAGES

MICHAEL PULITZER,
Clerk of the Legislature

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LIST OF SPEAKERS

CRAIG PAVELL	6
KEVIN WALSH	7
PATRICK GALLAGHER	11
MIKE FLAHERTY	16

1 Planning & Development/9-9-19

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

6 CLERK PULITZER: Yes, thank you.
7 Legislator Carrie Solages?

8 LEGISLATOR SOLAGES: Here.

9 CLERK PULITZER: Legislator Debra
10 Mule substituting?

11 LEGISLATOR MULE: Here.

12 CLERK PULITZER: Ranking Member
13 Arnold Drucker?

14 LEGISLATOR DRUCKER: Here.

15 CLERK PULITZER: Legislator
16 Denise Ford?

17 LEGISLATOR FORD: Here.

18 CLERK PULITZER: Legislator
19 Steven Rhoads?

20 LEGISLATOR RHOADS: Present.

21 CLERK PULITZER: Vice Chairman
22 Thomas McKeivitt?

23 LEGISLATOR MCKEVITT: Here.

24 CLERK PULITZER: Chairwoman
25 Laura Schaefer?

1 Planning & Development/9-9-19

2 CHAIRWOMAN SCHAEFER: Here.

3 CLERK PULITZER: We have a
4 quorum.

5 CHAIRWOMAN SCHAEFER: Thank you.

6 We have three items on the agenda today,
7 Clerk Items 285-19, 286-19, 287-19.

8 Item 285-19 is an ordinance
9 making certain determinations pursuant to
10 the State Environmental Quality Review Act
11 and authorizing the County Executive of the
12 County of Nassau to accept on behalf of the
13 County of Nassau an offer of purchase from
14 Pasquale Morena and Tina Morena of certain
15 premises located in Farmingdale, Town of
16 Oyster Bay, County of Nassau, State of New
17 York, said property known as Section 49,
18 Block 15, Lots 12 and 41 on the land and tax
19 map of the County of Nassau and authorizing
20 the County Executive to execute a deed,
21 contract of sale and all pertinent documents
22 in connection therewith to consummate the
23 sale.

24 May I have a motion, please?

25 LEGISLATOR RHOADS: So moved.

1 Planning & Development/9-9-19

2 LEGISLATOR MULE: Second.

3 CLERK PULITZER: So moved by
4 Legislator Rhoads, seconded by Legislator
5 Mule.

6 MR. PAVELL: Good afternoon,
7 Craig Pavell, County Attorney's Office.
8 This is a land sale to Pasquale Marina and
9 Tina Marina. They are residents of the
10 county. It's for a small strip next to
11 their house they were the only bidders on
12 this. The other neighbor did not bid. That
13 payment would be for \$17,500. This is a
14 simple land transaction deal. Any
15 questions?

16 CHAIRWOMAN SCHAEFER: You said
17 the other neighbor didn't want to bid on it?

18 MR. PAVELL: They did not put in
19 a bid,

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

23 LEGISLATOR DRUCKER: Thank you,
24 Madam Chair. Do we have something that
25 shows, that confirms that the appraisal was

1 Planning & Development/9-9-19

2 \$17,500?

3 MR. PAVELL: The appraisal was
4 not for \$17,500. The appraisal was for I
5 believe \$23,000 including fees, but the
6 report valued at 21-5. So it's just
7 slightly below. Unfortunately, as I said,
8 the other neighbor did not put in a bid
9 there would be no other interested purchases
10 for something like this. Just a vacant land
11 small strip next to a house, not commercial
12 property or anything like that.

13 LEGISLATOR DRUCKER: Will they be
14 able to develop it?

15 MR. PAVELL: I do not, but
16 perhaps Kevin Walsh can answer that.

17 MR. WALSH: Kevin Walsh, Nassau
18 County Attorney's Office.

19 As Craig mentioned, this is a
20 small strip. I believe the bidder bid
21 approximately \$12,500. It took some time to
22 get it to an increased bid so we did settle
23 and negotiate at 17-5 which is the range,
24 and we also -- that will also be applied
25 towards the appraisal fee.

1 Planning & Development/9-9-19

2 LEGISLATOR DRUCKER: So with
3 zoning variance they couldn't build on that
4 at all?

5 MR. WALSH: It's difficult to
6 say. It's a very small strip. It has not
7 purpose to the county. It's an excess
8 property. It's on West Walnut in
9 Farmingdale in the Town of Oyster Bay, in
10 the range of Seaford Oyster Bay. It's a
11 completely in a residential neighborhood.

12 LEGISLATOR DRUCKER: Thank you.

13 CHAIRWOMAN SCHAEFER: Any of the
14 legislators have any questions?

15 (No verbal response.)

16 Can you tell me who is
17 responsible for the maintenance of that
18 property? Is it going to be theirs once they
19 buy it?

20 MR. WALSH: Correct. And it will
21 be back on the tax rolls as well. Another
22 reason where possible sell a small sliver
23 piece to an adjourning owner.

24 CHAIRWOMAN SCHAEFER: Do you know
25 by how much it increases the taxes?

1 Planning & Development/9-9-19

2 MR. WALSH: I don't know.

3 CHAIRWOMAN SCHAEFER: Is it
4 maintained right now by the county?

5 MR. WALSH: Right now it's kind
6 of sitting as a vacant piece. It's not
7 really overgrown with anything. I think one
8 of the fence lines encroaches slightly upon
9 it so this will also enable it to be
10 separated correctly between neighbors and
11 take away any potential liability the county
12 would have.

13 Years ago it could have been
14 needed for some drainage purpose but not any
15 longer. We have to go through the process
16 of review before we even get to this point,
17 and we've also gone through the open space
18 committee and the planning commission.

19 CHAIRWOMAN SCHAEFER: Is there
20 any public comment on this item?

21 (No verbal response.)

22 There being none, all those in
23 favor signify by saying aye.

24 (Aye.)

25 Those opposed?

1 Planning & Development/9-9-19

2 (No verbal response.)

3 Item passes unanimously.

4 Clerk Item 286-19 is an ordinance
5 making certain determinations pursuant to
6 the State Environmental Quality Review Act
7 and authorizing the County Executive of the
8 County of Nassau to accept on behalf of the
9 County of Nassau an offer of purchase from
10 Long Island Railroad of certain real
11 property located in Carle Place, Town of
12 North Hempstead, County of Nassau, State of
13 New York, said real property known as
14 Section 10, Block 34, Lots 40, 41, and 42 on
15 the land and tax map of the County of Nassau
16 and authorizing the County Executive to
17 execute a deed, contract of sale and all
18 pertinent documents in connection therewith
19 to consummate the sale.

20 And Legislator McKeivitt is
21 recusing himself.

22 So now we are going to have a
23 motion?

24 LEGISLATOR FORD: So moved.

25 LEGISLATOR DRUCKER: Second.

1 Planning & Development/9-9-19

2 CHAIRWOMAN SCHAEFER: Moved by
3 Legislator Ford, seconded by Legislator
4 Drucker. All those in favor on the motion?

5 (Aye.)

6 MR. GALLAGHER: Good afternoon.
7 I'm Patrick Gallagher from the County
8 Attorney's Office. I represent the
9 department of real estate in this
10 transaction.

11 This is a sale involving the main
12 line expansion of the Long Island Railroad.
13 It involves three lots of approximately
14 7,500 square feet and the Long Island
15 Railroad will be constructing a new
16 substation on this land to power both the
17 existing lines, the main line, and part of
18 the Oyster Bay line.

19 We are receiving \$105,000 for the
20 sale from the railroad and, in addition to
21 that, the design builder, 3TC will be
22 providing us with a \$10,000 gift that will
23 be applied towards an open space acquisition
24 that we are going to be receiving in
25 Wantagh. Does anybody have any questions?

1 Planning & Development/9-9-19

2 CHAIRWOMAN SCHAEFER: Any
3 questions? Legislator Drucker.

4 LEGISLATOR DRUCKER: Can you
5 explain that additional consideration; is
6 the contract sale price on the contract
7 going to say 105 or 115?

8 MR. GALLAGHER: Well, it says 105
9 and then there is a separate section that
10 has additional consideration of \$10,000.

11 LEGISLATOR DRUCKER: As far as
12 the state of New York goes, the transfer tax
13 is being paid on 105?

14 MR. GALLAGHER: Yes, but they're
15 exempt. That would be true because the gift
16 is from 3TC which is the design builder not
17 New York State.

18 LEGISLATOR DRUCKER: So it's a
19 separate contract or it's just an additional
20 clause?

21 MR. GALLAGHER: It's included in
22 the direct sales letter.

23 LEGISLATOR DRUCKER: How did you
24 arrive at the \$10,000 when the appraised
25 value was 105, how did you arrive at a

1 Planning & Development/9-9-19

2 \$10,000 additional consideration?

3 MR. GALLAGHER: It was a
4 voluntary gift from 3TC to compensate us for
5 the lack over for taking away some open
6 space from the county by the building of
7 this substation.

8 LEGISLATOR DRUCKER: That's
9 great. I'm just curious. Is there some
10 sort of mathematical formula that you
11 arrived at to get to \$10,000 or that's just
12 a number voluntarily given?

13 MR. GALLAGHER: Just a number
14 voluntarily given. They didn't have to do
15 that.

16 LEGISLATOR DRUCKER: Could you
17 have held out for more?

18 MR. GALLAGHER: I don't know,
19 maybe.

20 LEGISLATOR DRUCKER: Nothing
21 further.

22 CHAIRWOMAN SCHAEFER: Any other
23 questions from the legislators?

24 (No verbal response.)

25 Is there any public comment?

1 Planning & Development/9-9-19

2 (No verbal response.)

3 There being none, all those in
4 favor of passing Clerk Item 286-19 signify
5 by saying aye.

6 (Aye.)

7 Those opposed?

8 (No verbal response.)

9 The item passes unanimously.

10 Thank you.

11 The last item clerk item 287-19
12 is an ordinance making certain
13 determinations pursuant to the State
14 Environmental Quality Review Act and
15 authorizing the grant of an environmental
16 easement to the New York State Department of
17 Environmental Conservation over parcels of
18 county owned real property situated in
19 Uniondale, Town of Hempstead, County of
20 Nassau, State of New York, said real
21 property known as Section 44, Block F, part
22 of Lot 338 and Section 44, Block 56, parts
23 of lots 20, 21, 22, 23 and 25 on the land
24 and tax map of the County of Nassau and
25 authorizing the County Executive to execute

1 Planning & Development/9-9-19
2 an environmental easement agreement and all
3 pertinent documents in connection therewith
4 to grant such environmental easement.

5 Can I have a motion?

6 LEGISLATOR FORD: So moved.

7 LEGISLATOR DRUCKER: Second.

8 CHAIRWOMAN SCHAEFER: Moved by
9 Legislator Ford, seconded by Legislator
10 Drucker.

11 MR. PAVELL: Craig Pavell, Deputy
12 County Attorney. This DPW item is an
13 environmental easement required by the New
14 York State Department of Environmental
15 Conservation under Article 71, Title 36 of
16 the New York State environmental
17 conservation law. This easement will run
18 over an area of land currently used as paved
19 parking at 700 Commercial Avenue, the Nassau
20 County NICE bus facility premises.

21 The easement will be signed and
22 executed by the New York State Department of
23 Environmental Conservation if this item
24 passes today and if the easement is executed
25 by the county thereafter.

1 Planning & Development/9-9-19

2 Again, this is a New York stay
3 DEC item. It's to grant a small easement
4 over a single level paved parking lot area.

5 Lastly, this easement is simply
6 required for closure of the site in terms of
7 environmental consideration. Happy to
8 answer any questions.

9 CHAIRWOMAN SCHAEFER: Is it
10 pursuant to a consent order?

11 MR. PAVELL: I have Mike Flaherty
12 here to answer environmental conservation
13 questions regarding the history of the site.
14 He's from DPW.

15 MR. FLAHERTY: Mike Flaherty,
16 Nassau County Public Works. It's to
17 complete the requirements that the state has
18 for the Purex site. That's to finish
19 basically to close a containment area, seal
20 it and make sure the area is not going to be
21 used to be developed in the future.

22 CHAIRWOMAN SCHAEFER: It's
23 obviously an area that needed clean up?

24 MR. FLAHERTY: Yes. And the
25 county has already met groundwater criteria

1 Planning & Development/9-9-19
2 for clean up. The treatment system is
3 turned off. These are the last steps and
4 that's why this is required.

5 CHAIRWOMAN SCHAEFER: How long
6 ago did that whole situation take place
7 where they had to clean it up when it was
8 discovered?

9 MR. FLAHERTY: It started I'm
10 going to say 1985 and it was operated by the
11 responsible party.

12 The county took it over in 2003
13 and operated the treatment system from 2003
14 to 2011.

15 After that, this is just
16 completing the last requirements for closure
17 for the site.

18 CHAIRWOMAN SCHAEFER: Thank you.
19 Any other Legislators?

20 LEGISLATOR DRUCKER: Just one
21 question. Has the DEC provided you with any
22 potential uses of the property?

23 MR. FLAHERTY: Yes. Right now
24 the area that's going to be covered by the
25 easement is part of the parking area and

1 Planning & Development/9-9-19
2 part of the driveway for the bus garage
3 facility.

4 LEGISLATOR DRUCKER: So that's
5 the only use it will have?

6 MR. FLAHERTY: The other
7 remaining part of the lot would be again to
8 expand for the parking.

9 That is part of the easement
10 requirement is that it can't be developed
11 for -- you can have a building there, you
12 can have an occupied space, it's just going
13 to be capped.

14 LEGISLATOR DRUCKER: Thank you.

15 CHAIRWOMAN SCHAEFER: No other
16 questions from the legislators?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 All those in favor of Clerk Item
21 287-19 signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 The item passes unanimously.

1 Planning & Development/9-9-19

2 Thank you.

3 Motion to adjourn?

4 LEGISLATOR RHOADS: So moved.

5 LEGISLATOR DRUCKER: Second.

6 CHAIRWOMAN SCHAEFER: Moved by
7 Legislator Rhoads, seconded by Legislator
8 Drucker. All in favor?

9 (Aye.)

10 We are adjourned.

11 (Whereupon, the Planning,
12 Development and Environment Committee
13 adjourned at 5:32 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 September, 2019.

FRANK GRAY