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VIA FAX (516-571-3839),
EMAIL (ssood@nassaucountyny.gov),
AND REGULAR MAIL

Jeffrey H. Greenfield, Chairman
Nassau County Planning Commission
100 County Seat Drive
Mineola, NY 11501

Re: Draft 2010 Nassau County Master Plan

Dear Chairman Greenfield:

Cashin Spinelli and Ferretti, LLC (CSF) provides environmental and planning consulting assistance to the Town of Oyster Bay. In this capacity, we have been asked by the Town to review the above referenced document.

CSF is in the process of completing our review and preparing detailed comments concerning the Draft Master Plan, which will be forwarded separately in subsequent correspondence. The present commentary is provided to highlight two important issues which it is believed merit special attention: the timing and schedule for public review and completion of the Master Plan; and the implications of discussion with respect to the Cerro Wire property in Syosset that occurred during the Planning Commission's November 18 public hearing on the Draft Master Plan.

Timing and Schedule for Review and Completion of Master Plan

While CSF is working diligently to complete our review of the Draft Master Plan on behalf of the Town of Oyster Bay, we find that because of the subject document's expansive scope and content, it is problematic to properly undertake the necessary close examination and careful consideration within the allotted time before today's specified deadline for comments. This is especially true from the perspective of the Town of Oyster Bay in regard to certain far-reaching recommendations for significant modifications to land use patterns. Particular concern pertains to the recommendation for concentrated growth in the downtown areas of Hicksville and Syosset, whereby the Draft Master Plan calls for a substantial increase in development density and a change in use versus the current condition and what is permitted under the existing zoning, engendering potentially significant environmental impacts which are not addressed in the Draft Master Plan. We trust that the Planning Commission would wish to ensure that any major recommendations of this nature are formulated in full cooperation with the affected municipalities, consistent with statements in the Draft Master Plan recognizing the local land-use and planning authority of the County's towns, cities and villages and acknowledging that the

Draft Master Plan's overriding goal of community revitalization can only be achieved with their participation and support.

Despite the Draft Master Plan's declaration of intent to follow well-established planning practice to produce a cooperative, consensus-driven framework for future development, some discussion at the Planning Commission's November 18 hearing indicated an apparent impetus to adhere to an arbitrary schedule for adoption of the final Master Plan before the end of this year. In light of the complexity and critical importance of the issues at hand, as well as the level of effort entailed in completing a comprehensive review of this type of major programmatic action, we believe that a condensed time frame is unreasonable and would be counterproductive to the stated goals of the Draft Master Plan. Accordingly, we respectfully request that the comment period be extended – an additional two weeks, to December 15, should provide sufficient opportunity for the necessary perusal and analyses – and that any consideration of adoption of the Master Plan by the Planning Commission, including appropriate amendments to the current Draft version to thoroughly address any and all comments, correspondingly be deferred to the new year. Based on a telephone discussion earlier this week with staff of the County Planning Department, it is our understanding that the intent is to afford such flexibility in order to ensure that all involved parties can participate fully and meaningfully in the planning process.

Cerro Wire Property, Syosset

During the Planning Commission's November 18 hearing, a representative of The Taubman Company spoke on the record with a request that the Master Plan make specific mention of the suitability of the former Cerro Wire property in Syosset for Taubman's proposal to construct a regional mall at that location; and certain statements made in reply by the Commission suggested that amendments would be incorporated into the Plan in concurrence with that request. From the perspective of the Town of Oyster Bay, the inclusion of this type of statement in the Master Plan would be extremely troubling because it could be construed as asserting an agency imprimatur on an application that is under review. This type of endorsement on behalf of a specific, pending proposal for private development would be patently inappropriate within the context of the Master Plan, and would be prejudicial to the decision-making process.

The indication expressed at the November 18 hearing that the Master Plan would accommodate the Taubman mall proposal in Syosset appears to ignore or indicate unawareness of the current status of this application. In fact, the Oyster Bay Town Board denied an earlier version of the application for a somewhat larger mall than is presently being proposed. Furthermore, the prevailing Court decision in the litigation which ensued on this matter unequivocally upheld the Town Board's authority to require the preparation of a Supplemental Environmental Impact Statement (SEIS) to address numerous issues that were not fully or satisfactorily analyzed during the prior EIS process. In other words, the Court found that the applicant had not satisfied the fundamental requirement of the State Environmental Quality Review Act (SEQRA) to demonstrate that the proposed project is approvable.

More than a year has passed without any action by the applicant to complete the first step in the SEIS process, which involves the preparation of a draft scope outlining the requisite content of the draft SEIS. Thus, even beyond the evident impropriety that would pertain to any statement in the Master Plan which could be interpreted or plausibly misinterpreted as expressing the County's advocacy for a particular private developer, this type of statement would serve to advance an

application that has lain fallow for an extended period of time through the applicant's own neglect. On this basis, although it may be fitting for the Master Plan to acknowledge the Cerro Wire site as a vacant parcel which is available for suitable development, it is respectfully submitted that any statement relating to the matter of the pending mall application, especially in regard to the purported merit of said application, would not be appropriate and should be wholly omitted from the Master Plan.

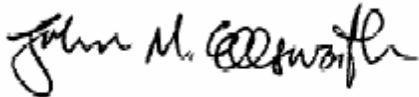
Conclusion

In summary, in light of the foregoing, we hope that the Planning Commission is amenable to a reasonable extension of the comment period for the Draft Master Plan, deferral of any consideration of action on the Master Plan until the new year at the earliest, and exclusion from the Master Plan of any statement regarding the pending Taubman mall application at the Cerro Wire site in Syosset.

We look forward to the Planning Commission's favorable consideration and response regarding these important issues, and to a continuing cooperative interaction between the County and Town of Oyster Bay in completing the Master Plan and other joint planning initiatives for the benefit of the Town's residents.

Very truly yours,

CASHIN SPINELLI & FERRETTI, LLC



John Ellsworth
Director of Planning and Environmental Services

cc: Honorable Edward P. Mangano, Nassau County Executive
Attention: Rob Walker, Chief Deputy County Executive
Satish Sood, Deputy Commissioner, Nassau County Planning Department
Honorable John Venditto, Town Supervisor
Leonard Genova, Town Attorney
Neil O. Bergin, Commissioner, Department of Environmental Resources