

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

PLANNING, DEVELOPMENT AND
THE ENVIRONMENT COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

June 25, 2012
5:21 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

DENNIS DUNNE (Not Present)
Chair

JOSEPH BELESI
Vice-Chair

VINCENT MUSCARELLA (Sitting in for Dennis Dunne)

NORMA GONSALVES

DENISE FORD (Not Present)

ROSE MARIE WALKER (Sitting in for Denise Ford)

JOSEPH SCANNELL
Ranking

DAVID DENENBERG

WAYNE WINK

WILLIAM J. MULLER III, Clerk

LIST OF SPEAKERS

MICHAEL KELLY. 6
JOHN BUTLER. 10

2 CHAIRWOMAN GONSALVES: Would the members
3 of the Planning, Development and Environment
4 Committee join the chamber.

5 Mr. Clerk, please call the roll.

6 CLERK MULLER: Legislator Abrahams?

7 LEGISLATOR ABRAHAMS: Here.

8 CLERK MULLER: Legislator Denenberg?

9 LEGISLATOR DENENBERG: Here.

10 CLERK MULLER: Ranking Member Jacobs?

11 LEGISLATOR JACOBS: Here.

12 CLERK MULLER: Legislator Walker,
13 substituting for Legislator Ford?

14 LEGISLATOR WALKER: Here.

15 CLERK MULLER: Legislator Nicoletto?

16 LEGISLATOR NICOLELLO: Here.

17 CLERK MULLER: Legislator Muscarella,
18 substituting for Legislator Dunne?

19 LEGISLATOR MUSCARELLA: Here.

20 CLERK MULLER: Chairwoman Gonsalves?

21 CHAIRWOMAN GONSALVES: Thank you.

22 Present.

23 CLERK MULLER: We have a quorum.

24 We don't have a regular agenda. However,
25 we have an addendum which requires a motion to

2 suspend the rules.

3 LEGISLATOR MUSCARELLA: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Muscarella, seconded by Legislator
7 Nicolello.

8 All those in favor of suspending the
9 rules say aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The rules are suspended.

14 The first item is 461-12, an ordinance
15 making certain determinations pursuant to the
16 State Environmental Quality Review Act and
17 authorizing the county executive of the County of
18 Nassau to accept, on behalf of the County of
19 Nassau, an offer of purchase from William Stross
20 of certain premises located in Port Washington,
21 Town of North Hempstead, County of Nassau, State
22 of New York, said property known as Section 5,
23 Block A, Lot 313 on the land and tax map of the
24 County of Nassau, and authorizing the county
25 executive to execute a deed, contract of sale and

2 all pertinent documents in connection therewith
3 to consummate the sale.

4 Motion, please?

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Walker, seconded by Legislator
9 Muscarella.

10 How are you, Michael?

11 MR. KELLY: Hi. How are you? Michael
12 Kelly, Acting Director, Nassau County Office of
13 Real Estate Services.

14 Item 461-12 is to authorize the sale of
15 county owned property at Section 5, Block A, Lot
16 313 to William Stross. The purchase price is
17 \$801, which was the winning bid for the property.

18 The property was reviewed at public
19 hearing on March 1 of this year, and OSPAC voted
20 to release the property on March 14 and Planning
21 followed suit on March 15, and recommended that
22 the sale of this property be classified as an
23 unlisted action and that this legislature issue a
24 negative declaration and determination of non-
25 significance.

2 CHAIRWOMAN GONSALVES: Legislators, any
3 questions of Mr. Kelly?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 Yes, Mr. Denenberg.

8 LEGISLATOR DENENBERG: At OSPAC and the
9 Planning Commission, was there any opposition at
10 all?

11 CHAIRWOMAN GONSALVES: He just said no.

12 MR. KELLY: No, there was none.

13 CHAIRWOMAN GONSALVES: You weren't
14 listening.

15 LEGISLATOR DENENBERG: I couldn't hear
16 over the noise.

17 CHAIRWOMAN GONSALVES: Oh, okay.

18 All those in favor of Item 461 moving on
19 to Finance say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The motion carries unanimously.

24 Item 462-12, a resolution making certain
25 determinations pursuant to the State

1 Planning, Development & Environment Committee - 6-25-12 8
2 Environmental Quality Review Act and authorizing
3 the county executive, on behalf of the County of
4 Nassau to acquire a certain premises located in
5 Uniondale, Town of Hempstead, County of Nassau,
6 State of New York, said property known as Section
7 44, Block F, adjacent to lots 338 and 391 on the
8 land and tax map of the County of Nassau from the
9 Long Island Rail Road Company, and to execute all
10 pertinent documents to consummate the
11 acquisition.

12 Motion, please?

13 LEGISLATOR MUSCARELLA: So moved.

14 LEGISLATOR WALKER: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Muscarella, seconded by Legislator
17 Walker.

18 Mr. Kelly.

19 MR. KELLY: Clerk Item 462-12 is to
20 authorize the county executive to accept a deed
21 to real property known as Section 44, Block F,
22 adjacent to lots 338 and 391 on the land and tax
23 map of Nassau County. The property is a former
24 Long Island Rail Road track siding that is
25 sandwiched between county property and runs from

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2 Commercial Avenue to Oak Street in Uniondale.
3 This property is needed by the county for an
4 expansion of the compressed natural gas
5 facilities currently serving the county's bus
6 system. The facility is actually too large for
7 the piece of property that it sits on now. The
8 new facility would have to encroach onto this
9 siding.

10 The Long Island Rail Road is transferring
11 the property to us without cost. This office
12 recommends that this be classified as unlisted
13 action and that this legislature issue a
14 determination of non-significance and negative
15 declaration.

16 CHAIRWOMAN GONSALVES: Any questions of
17 Mr. Kelly?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 There being none. All those in favor say
22 aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 Motion carries unanimously.
3 Thank you, Mr. Kelly.
4 MR. KELLY: Thank you.
5 CHAIRWOMAN GONSALVES: Item 469-12, an
6 ordinance supplemental to the annual
7 appropriation ordinance in connection with the
8 Department of Public Works.
9 Who do we have?
10 MR. BUTLER: Good afternoon.
11 CHAIRWOMAN GONSALVES: Hold on. Motion,
12 please?
13 LEGISLATOR WALKER: So moved.
14 LEGISLATOR MUSCARELLA: Second.
15 CHAIRWOMAN GONSALVES: Motion by
16 Legislator Walker, seconded by Legislator
17 Muscarella.
18 MR. BUTLER: Good afternoon. John
19 Butler, Department of Public Works.
20 CHAIRWOMAN GONSALVES: I didn't hear
21 you.
22 MR. BUTLER: John Butler, Department of
23 Public Works.
24 CHAIRWOMAN GONSALVES: Okay.
25 MR. BUTLER: This appropriates \$63,897

1 Planning, Development & Environment Committee - 6-25-12 11
2 in funds from the U.S. HUD Sustainable Community
3 Planning's Grant, to undertake regional planning
4 efforts in the tri-state area.

5 The Regional Plan Association, RPA, will
6 serve as the lead agency and fiduciary of a
7 consortium. Nassau County, a member of this
8 consortium, will use its allocation of the grant
9 funding to conduct an infield redevelopment study
10 to promote redevelopment around up to three Long
11 Island Rail Road Stations.

12 HUD grant funding will be passed down to
13 the county from the RPA and will be used to
14 reimburse county staff time spent on this
15 project. The county is also required to provide
16 a 20 percent in-kind contribution in the form of
17 staff time only.

18 CHAIRWOMAN GONSALVES: Any questions
19 from the legislators?

20 (No verbal response.)

21 There being none. Any public comment?

22 (No verbal response.)

23 All those in favor of the motion please
24 say aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 The motion carries unanimously.

5 Next item is Item 470-12, an ordinance
6 supplemental to the annual appropriation
7 ordinance in connection with the Planning
8 Department.

9 I guess you're on again.

10 Motion please?

11 LEGISLATOR MUSCARELLA: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Motion by
14 Legislator Muscarella, seconded by Legislator
15 Nicolello.

16 You're on.

17 MR. BUTLER: John Butler from the
18 Planning Department again.

19 This item appropriates \$231,547 in funds
20 from the Nassau County Open Space Five Percent
21 Fund.

22 The 2006 Environmental Bond Act selected
23 the Friendly Farm in East Meadow as the location
24 of a new farm style building to replace an
25 existing structure for the purpose of supporting

1 Planning, Development & Environment Committee - 6-25-12 13
2 farming. In addition to the Nassau County open
3 space five percent fund, funding comes for this
4 contract will be from Capital Project Number
5 98200, subprojects 004, Frugies Farm Support
6 Structure and OT1, Frugies Farm East Meadow for
7 \$224,253.

8 Once a DE budget line is established in
9 the open space fund, this can be encumbered along
10 with the amount noted from Capital Project 98200
11 for the full amount.

12 CHAIRWOMAN GONSALVES: Any questions?
13 Legislator Denenberg.

14 LEGISLATOR DENENBERG: The -- how much
15 is coming from the open space fund as opposed
16 from the Environmental Bond Act? 224 is EBA or?

17 MR. BUTLER: 231,547 comes from the open
18 space fund.

19 LEGISLATOR DENENBERG: And how much from
20 the EBA?

21 MR. BUTLER: The remaining portion.
22 224,253.

23 LEGISLATOR DENENBERG: And this has been
24 done already, right?

25 MR. BUTLER: It was done already.

2 However, it was not --

3 CHAIRWOMAN GONSALVES: You were there.

4 LEGISLATOR DENENBERG: With you.

5 MR. BUTLER: Right. This was more of an
6 accounting cleanup.

7 LEGISLATOR DENENBERG: Okay.

8 MR. BUTLER: The DE line needs to be
9 established in the fund in order to push expenses
10 to it.

11 CHAIRWOMAN GONSALVES: Any other
12 questions from the legislators?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 There being none, all those in favor say
17 aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Motion carries unanimously.

22 Item 471-12, an ordinance supplemental to
23 the annual appropriation ordinance in connection
24 with the Planning Department.

25 Motion, please?

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Walker, seconded by Legislator
6 Nicoletto.

7 You're on again.

8 MR. BUTLER: It's me again.

9 This item appropriates \$377,372 in funds
10 from the Federal Highway and Federal Transit
11 Administration, as pass-through from New York
12 State Department of Transportation. The grant
13 provides funding to support activities of the New
14 York Metropolitan Transportation Council, NYMTC.
15 The Regional Transportation Plan, which includes
16 the administration and preparation of project
17 planning studies. The reimbursement for these
18 studies supports the salaries of various staff
19 members assigned to these projects, plus
20 consultant studies.

21 The 125,000 in our DE500 line are planned
22 50,000 for traffic counts and 75,000 for
23 forecasts by socioeconomic and demographic
24 forecasting.

25 Any questions from the legislators?

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2 (No verbal response.)
3 Any public comment?
4 (No verbal response.)
5 There being none. All those in favor say
6 aye.
7 (Aye.)
8 Any opposed?
9 (No verbal response.)
10 Motion carries unanimously.
11 Item 472-12, an ordinance supplemental to
12 the annual appropriation ordinance in connection
13 with the Planning Department.
14 Motion, please?
15 LEGISLATOR WALKER: So moved.
16 LEGISLATOR NICOLELLO: Second.
17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Walker, seconded by Legislator
19 Nicolello.
20 You're on.
21 MR. BUTLER: This item appropriates
22 \$426,273 in funds for the FHA, Federal Highway
23 and Federal Transit Administration, as a pass-
24 through from New York State Department of
25 Transportation, NYSDT. This grant provides

1 Planning, Development & Environment Committee - 6-25-12 17
2 funding to support activities of the New York
3 Metropolitan Transportation Council, NYMTC,
4 regional transportation plan that includes the
5 administration and preparation of projects or
6 studies.

7 The reimbursement for these studies
8 supports the salaries of various staff members
9 assigned to the project's cost consultant
10 studies. The \$50,000 in projected contractual
11 service funds ones of these studies, namely
12 traffic counts on various county roads.

13 CHAIRWOMAN GONSALVES: Any questions
14 from the legislators?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Motion carries unanimously.

24 And the last item is Item 473-12, an
25 ordinance supplemental to the annual

1 Planning, Development & Environment Committee - 6-25-12 18
2 appropriation ordinance in connection with the
3 Planning Department.

4 Motion, please?

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR NICOLELLO: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Walker, seconded by Legislator
9 Nicolello.

10 Okay.

11 MR. KELLY: Good evening. Michael
12 Kelly, Acting Director, Nassau County Division of
13 Real Estate Services.

14 Item 473-12 is to appropriate \$1,700,000
15 from the five percent open space fund into a
16 planning contract line. The purpose of this 1.7
17 is to round out the balance of the \$6,220,000
18 purchase price, plus expenses, for the purchase
19 of the Brooklyn Water Works Property in Freeport.
20 The rest of the purchase price and expenses will
21 be funded by bonds from the 2006 Environmental
22 Bond Act in the amount of \$4,832,000.

23 CHAIRWOMAN GONSALVES: Is this action
24 already taking place?

25 MR. KELLY: The purchase of the property?

2 CHAIRWOMAN GONSALVES: Yes.

3 MR. KELLY: No, not yet. The contract
4 would need to be encumbered, approved by NIFA,
5 and signed by the county executive.

6 CHAIRWOMAN GONSALVES: Okay. Once
7 again, how much was taken from the Open Space
8 Trust Fund?

9 MR. KELLY: \$1,700,000.

10 CHAIRWOMAN GONSALVES: And the rest
11 from?

12 MR. KELLY: The 2006 Environmental Bond
13 Act.

14 CHAIRWOMAN GONSALVES: Any questions of
15 Mr. Kelly? Go ahead.

16 LEGISLATOR JACOBS: This is good, Norma.
17 I think you were with me there when we looked at
18 that.

19 CHAIRWOMAN GONSALVES: Right.

20 LEGISLATOR JACOBS: It's been a long
21 time in coming.

22 CHAIRWOMAN GONSALVES: Absolutely.

23 LEGISLATOR JACOBS: I think people will
24 be happy.

25 CHAIRWOMAN GONSALVES: Any other

1 Planning, Development & Environment Committee - 6-25-12 20
2 comments regarding this item?
3 (No verbal response.)
4 Any public comment?
5 (No verbal response.)
6 There being none, all those in favor say
7 aye.
8 (Aye.)
9 Any opposed?
10 (No verbal response.)
11 The motion carries unanimously.
12 Thank you, Mr. Kelly, once again.
13 MR. KELLY: Thank you.
14 CHAIRWOMAN GONSALVES: Public Works is
15 next.
16 Excuse me. Motion to adjourn?
17 LEGISLATOR MUSCARELLA: So moved.
18 LEGISLATOR NICOLELLO: Second.
19 CHAIRWOMAN GONSALVES: Motion by
20 Legislator Muscarella, seconded by Legislator
21 Nicolello.
22 All those in favor say aye.
23 (Aye.)
24 Any opposed?
25 (No verbal response.)

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2 Motion carries.

3 (Whereupon, the Planning, Development and
4 the Environment Committee is adjourned at 5:28
5 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 state:

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 2nd day of July, 2012.

FRANK GRAY