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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

PLANNING, DEVELOPMENT AND THE
ENVIRONMENT COMMITTEE

MICHAEL VENDITTO, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, April 8, 2013
4:25 P.M

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

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5 MICHAEL VENDITTO,
Chairman

6

DAVID DUNNE,
Vice Chairman

7

RICHARD NICOLELLO

8

DENISE FORD

9

10 JUDY JACOBS,
Ranking

11 DAVID DENENBERG

12 KEVAN ABRAHAMS

13 WILLIAM J. MULLER, III
Clerk of the Legislature

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LIST OF SPEAKERS

GREGORY MAY, Nassau County
 Director of Legislative Affairs.....5

CHARLES THEOFAN, Nassau County
 Public Works.....6

Planning & Development Committee/4-8-13

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

6 CLERK MULLER: Minority Leader
7 Abrahams?

8 LEGISLATOR ABRAHAMS: Here.

9 CLERK MULLER: Legislator
10 Denenberg?

11 LEGISLATOR DENENBERG: Here.

12 CLERK MULLER: Ranking Member
13 Jacobs?

14 LEGISLATOR BOSWORTH: Here.

15 CLERK MULLER: Legislator Ford?

16 LEGISLATOR FORD: Here.

17 CLERK MULLER: Legislator

18 Nicoletto?

19 LEGISLATOR NICOLELLO: Here.

20 CLERK MULLER: Vice Chairman

21 Dunne?

22 LEGISLATOR DUNNE: Here.

23 CLERK MULLER: Chairman Venditto?

24 CHAIRMAN VENDITTO: Here.

25 CLERK MULLER: We have a quorum.

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2 CHAIRMAN VENDITTO: We have three
3 items on the agenda for today. The first is
4 Clerk Item 128-13, an ordinance making
5 certain determinations pursuant to the State
6 Environmental Quality Review Act and
7 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 Kayser Property Associates Inc., of certain
11 premises located in Hicksville, town of
12 Oyster Bay, County of Nassau, State of
13 New York, said property known as Section 11,
14 Block 323, Lot 499 on the land and tax map
15 of the County of Nassau and authorizing the
16 county executive to execute a deed contract
17 of sale and all pertinent documents in
18 connection therewith to consummate the sale.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRMAN VENDITTO: Moved by
22 Legislator Dunne, seconded by Legislator
23 Nicolello. The item is before us. Anyone
24 here from the administration?

25 MR. MAY: There is. We have Mr.

Planning & Development Committee/4-8-13

2 Charles Theofan. I don't know if it's
3 become wide knowledge, but Mr. Mike Kelly
4 has gone on to greener pastures.

5 CHAIRMAN VENDITTO: Wonderful.

6 MR. MAY: We wish him the best of
7 luck in all of his endeavors and hope that
8 Mr. Theofan can fill his shoes as Mike
9 filled Mr. Carl Schroeder's shoes.

10 CHAIRMAN VENDITTO: Good luck,
11 Mr. Kelly, and, welcome aboard, Mr. Theofan.
12 Good afternoon.

13 MR. THEOFAN: Yes. Good
14 afternoon. As stated, we are seeking your
15 permission to be able sell a piece of vacant
16 property. Competitive bids were solicited
17 from adjoining property owners. This
18 property was appraised for \$1,000. We are
19 seeking to sell it for \$1,500 to Kaiser
20 Property Associates which is the adjoining
21 property owner. OSPAC held a public hearing
22 on April 4th and April 19th and voted to
23 recommend the sale. The planning commission
24 voted to recommend the sale on May 10th and
25 we are recommending that the sale be

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2 classified as an unlisted action and that
3 the legislature issue a negative declaration
4 and determination of non-significance.

5 CHAIRMAN VENDITTO: Thank you.
6 Any questions for the presenter? Legislator
7 Denenberg.

8 LEGISLATOR DENENBERG: Were those
9 votes unanimous at OSPAC and the planning
10 commission?

11 MR. THEOFAN: Hopefully I will
12 have that answer, Mr. Denenberg, and I'll
13 know in the future I will have it in
14 advance.

15 LEGISLATOR DENENBERG: Usually at
16 the bottom of the summary it says what the
17 vote was.

18 Thank you, Mr. Theofan. Do me a
19 favor, find out if there was any community
20 opposition at all raised at either the
21 planning commission or the Open Space Parks
22 and Advisory Committee, all right?

23 MR. THEOFAN: Yes, Mr. Denenberg.
24 I will make that part of my checklist.

25 LEGISLATOR DENENBERG: Usually as

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2 part of our SEQRA review, I like to check
3 whether there was any community opposition
4 or any issues at all raised in terms of
5 whether it's traffic or issues of the
6 purchaser becoming the owner of enough
7 property to have a legal subdivision, okay?

8 MR. THEOFAN: Yes, I understand.

9 LEGISLATOR DENENBERG: So maybe
10 at Full you can let us know.

11 MR. THEOFAN: Yes, certainly.

12 LEGISLATOR DENENBERG: Thank you,
13 Mr. Theofan.

14 CHAIRMAN VENDITTO: Thank you,
15 legislator. Any public comment on this
16 item?

17 (No verbal response.)

18 All those in favor of passing
19 this item please signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item passes unanimously.

24 Item Number 2, Clerk Item Number
25 129 of '13, an ordinance making certain

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2 determinations pursuant to the State
3 Environmental Quality Review Act and
4 authorizing the county executive of the
5 County of Nassau to accept on behalf of the
6 County of Nassau an offer of purchase from
7 Jody Saslow of certain premises located in
8 the Incorporated Village of Sea Cliff, town
9 of Oyster Bay, County of Nassau, State of
10 New York, said property known as Section 21,
11 Block 170, Lot 444 on the land and tax map
12 of the County of Nassau and authorizing the
13 county executive to execute a deed contract
14 of sale and all pertinent documents in
15 connection therewith to consummate the sale.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR FORD: Second.

18 CHAIRMAN VENDITTO: Moved by
19 Legislator Dunne, seconded by Legislator
20 Ford. The item is before us. Anyone here
21 from the administration? Mr. Theofan, are
22 you going to follow up?

23 MR. THEOFAN: Yes. This is,
24 again, the sale of a piece of vacant
25 property. A 1,380 square foot property was

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2 offered through competitive bidding to
3 adjoining property owners. The property was
4 appraised for \$1,500. The purchase price is
5 \$3,000. OSPAC voted to approve it on June
6 13 of 2012.

7 I will for the Full Leg have the
8 answer to Mr. Denenberg's inquire. The
9 planning commission voted to recommend the
10 sale on June 21st and we are recommending
11 that it be classified as an unlisted action
12 and you issue a negative declaration and a
13 determination of non-significance.

14 CHAIRMAN VENDITTO: We appreciate
15 that. Any questions from our committee?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 All those in favor please say
20 aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 Item Number 3, Clerk Number 130

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2 of '13, an ordinance making certain
3 determinations pursuant to the State
4 Environmental Quality Review Act and
5 authorizing the county executive of the
6 County of Nassau to accept on behalf of the
7 County of Nassau an offer of purchase from
8 David A. Parsons of certain portion of the
9 right of way known as Bayville Road located
10 in Locust Valley, town of Oyster Bay, County
11 of Nassau, State of New York, said property
12 known as Section 29, Block M1, part of right
13 of way known as Bayville Road, adjacent to
14 Lot 61 on the land and tax map of the County
15 of Nassau and authorizing the county
16 executive to execute a deed contract of sale
17 and all pertinent documents in connection
18 therewith to consummate the sale. Motion?

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRMAN VENDITTO: Moved by
22 Legislator Dunne, seconded by Legislator
23 Nicolello. The item is before us.

24 Mr. Theofan?

25 MR. THEOFAN: Yes. This is a 905

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2 square foot parcel, part of a right of way.
3 The respective purchaser, Mr. Parsons,
4 contacted the county back in 2009 seeking to
5 purchase it. It was appraised for \$1,000.
6 It is being sold for \$1,325. OSPAC voted to
7 approve this on January 19, 2011. Planning
8 commission voted to approve it on January
9 20th, 2011. I will, for the Full Leg find
10 out whether there was any opposing votes or
11 public sentiment on this.

12 Again, we are recommending that
13 it will be classified as an unlisted action
14 and you issue a determination, negative
15 declaration of determination of
16 non-significance.

17 CHAIRMAN VENDITTO: Any
18 questions?

19 LEGISLATOR DENENBERG: In
20 addition to the questions that you are going
21 to follow for me, you said these approvals
22 were in 2011?

23 MR. THEOFAN: That's correct.

24 LEGISLATOR DENENBERG: What took
25 so long?

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2 MR. THEOFAN: I don't know the
3 answer to that, Mr. Denenberg.

4 LEGISLATOR DENENBERG: I'd love
5 to know these sales which seem pro forma,
6 particularly if there was no neighborhood
7 opposition and it was unanimous, why it
8 would take two years to come to us.

9 MR. THEOFAN: I'm not 100 percent
10 certain, but I think it could be a function
11 of turnover in that office and the burden
12 that was on Mr. Kelly at that time.

13 LEGISLATOR DENENBERG: When did
14 Mr. Kelly leave?

15 MR. THEOFAN: Last Thursday.

16 LEGISLATOR DENENBERG: So these
17 items were on while he was still here. So I
18 don't know that his leaving suddenly opened
19 the flood gates to all these moving to us.
20 I would think not. I was thinking more in
21 terms of Mr. Schroeder's leaving and -- but
22 I will try to find that out as well, Mr.
23 Denenberg.

24 LEGISLATOR DENENBERG: I'd really
25 like to know. I mean, it raises an issue

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2 that I think counsel should at least look --
3 at least I hope it's not an issue as to
4 whether the approvals were stale or not.
5 Thank you.

6 CHAIRMAN VENDITTO: Thank you.

7 Is there any public comment?

8 (No verbal response.)

9 Okay. We will take a vote. All
10 those in favor of passing this item please
11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item passes unanimously.

16 Mr. Theofan, are you going to
17 stay with us for the addendum?

18 MR. THEOFAN: Yes.

19 CHAIRMAN VENDITTO: We do have an
20 addendum on the calendar today. May I have
21 a motion to suspend the rules.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR FORD: Second.

24 CHAIRMAN VENDITTO: Moved by
25 Legislator Dunne, seconded by Legislator

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2 Ford. All those in favor of suspending the
3 rules please signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The motion passes. Rules are
8 suspended. This is Clerk Item Number
9 587-12, it's an ordinance making certain
10 determinations pursuant to the State
11 Environmental Quality Review Act and
12 authorizing the county executive on behalf
13 of the County of Nassau to release certain
14 covenants and restrictions encumbering a
15 parcel of real property located in the
16 Incorporated Village of Freeport, town of
17 Hempstead, County of Nassau, State of
18 New York, and designated as Section 55,
19 Block H, Lot 383 on the Nassau County land
20 and tax map and to execute an agreement
21 between the County of Nassau and the
22 Incorporated Village of Freeport concerning
23 the release of such covenants and
24 restrictions and to execute any and all
25 ancillary documents necessary to carry out

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2 the purposes of this agreement. May I have
3 a motion?

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRMAN VENDITTO: Moved by
7 Legislator Dunne, seconded by Legislator
8 Nicolello. The item is now before us.

9 Mr. Theofan, one more for you.

10 MR. THEOFAN: Yes. The subject
11 parcel here is one of a multitude of parcels
12 that were conveyed to the county back in
13 1981 from the City of New York. This
14 particular parcel was then re-conveyed to
15 the Village of Freeport in June of 1989 with
16 certain covenants and restrictions on it
17 that it was to be used for municipal
18 purposes and prohibited the sale of the
19 property for profit.

20 The village of Freeport has
21 requested that the county remove those
22 restrictions because this parcel will be
23 part of property that the village is looking
24 to convey to an entity called the Sunrise
25 Meadowbrook, L.L.C. which is going to

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2 develop the property with an international
3 retail food purveyor. The idea behind this
4 being that this project will create 100
5 construction jobs. It's anticipated that it
6 will create 65 full and part time jobs will
7 put this property on the tax rolls and
8 provide significant sales tax and property
9 tax revenues to both the county, village,
10 and the school district. It's really also,
11 it will spur the commercial revitalization
12 of Freeport and this property being a sort
13 of blighted and industrial area of the
14 village at this time.

15 The county will retain access to
16 maintain their water main on the property
17 and, for that reason, we are requesting that
18 these covenants and restrictions be removed
19 at no cost to the village.

20 CHAIRMAN VENDITTO: Thank you.
21 Any questions? Legislator Denenberg.

22 LEGISLATOR DENENBERG: Again,
23 this went through OSPAC and the planning
24 commission.

25 MR. THEOFAN: Yes. I'm sorry,

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2 Mr. Denenberg. It was approved by OSPAC on
3 June 15th, 2011 and it was approved by the
4 Nassau Planning Commission on September
5 15th, 2011.

6 LEGISLATOR DENENBERG: Something
7 like this, Freeport is in my district as
8 well as Legislators Abrahams and Scannell.
9 I know I wasn't briefed at all on the plans
10 by Mayor Hardwick, but now there is a new
11 mayor in town, Mayor Robert D. Kennedy. I
12 certainly would like the opportunity to
13 bring this issue up to Mayor Kennedy and see
14 what the plans are and whether the village
15 is still a partner with us on this.

16 I can see that it's been really a
17 a crucial item to this county being that
18 we've waived -- I'm being factitious, we've
19 waited two years. So I certainly would like
20 the opportunity to bring this to the village
21 and, at most, wait one month here. So I
22 would move to table this item. I'm making a
23 motion to table.

24 CHAIRMAN VENDITTO: Is there a
25 second on that motion otherwise I will move

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2 on, Legislator Ford has questions, but
3 without a second --

4 LEGISLATOR DENENBERG: I'll
5 withdraw my motion to table and in
6 consulting with my caucus, Legislators
7 Abrahams and Scannell, between now and Full,
8 I would like to consult with Mayor Kennedy
9 and see what Freeport's chances are.

10 But this only underlies that
11 we're going to try to move it forward and
12 not delay but we had approve two years ago
13 from Planning Commission and OSPAC, so I'm
14 really concerned, Mr. Theofan, when all of
15 these items come to Full to find out whether
16 there was any community opposition on all of
17 these items, number one; and, number two,
18 why items that went through OSPAC and the
19 planning commission two years ago are first
20 coming to us now. And it is two years, if
21 not two years plus, on each of these items.

22 MR. THEOFAN: I understand,
23 Mr. Denenberg.

24 LEGISLATOR DENENBERG: Thank you,
25 Mr. Theofan.

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2 CHAIRMAN VENDITTO: Thank you,
3 Legislator Denenberg. Legislator Ford, did
4 you have questions?

5 LEGISLATOR FORD: A few quick
6 ones. Mr. Theofan, I guess just following
7 up on Legislator Denenberg's questions, do
8 we know offhand if the new mayor of the
9 Village of Freeport has reached out to your
10 office at all in regard to this property to
11 express any objections?

12 MR. THEOFAN: Well, not
13 objections. I have spoken to the village
14 attorney and to the attorney that's
15 representing the developer who have assured
16 me that their agreement with the developers
17 is in full force and effect and we can have
18 definitive proof of that presented when we
19 go before the Full Legislature.

20 We are told that this is time
21 sensitive for the same reasons of the fact
22 that it's taken this long to move forward,
23 that the village is fearful that an
24 inordinate amount of delay might jeopardize
25 the project itself, but I have been told,

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2 and it's been represented to me, that this
3 is definitely a project that is still in
4 full force and effect, and that the village
5 is very anxious to proceed with.

6 LEGISLATOR FORD: So the village
7 attorney I'm going to guess is the same
8 village attorney when Mayor Hardwick was
9 there and now he, that person, is serving
10 under Mr. Kennedy?

11 MR. THEOFAN: That's correct.

12 LEGISLATOR FORD: And we're going
13 to guess that they've had discussions
14 between the two of them, the new mayor and
15 the attorney?

16 MR. THEOFAN: Yes. And, as I
17 said, this is a very fair line of inquiry
18 and I will make sure that when we go before
19 the full legislature that it is demonstrated
20 to you that there is in fact a viable
21 project that's waiting to happen.

22 The agreement, by the way, that
23 we're looking to enter into, that's to
24 remove the covenants and restrictions, does
25 have time frames, that if the project does

Planning & Development Committee/4-8-13

2 not proceed, that the removal will become
3 null and void.

4 LEGISLATOR FORD: And this is
5 going through housing, is that what you
6 said, from Sunrise Develop? Do you know
7 what the property is going to be used for?

8 MR. THEOFAN: Yes. There's an
9 international chain, I believe it's called
10 Albi's Foods, that has a type of almost a
11 Trader Joe's operation that has more
12 international flair to it, that that is the
13 proposed tenant that will be on the site.

14 LEGISLATOR FORD: Just one last
15 question then. Considering that this is
16 basically what we would consider government
17 land that is being released to the Village
18 of Freeport in order for them to sell it,
19 does this -- are they then required that the
20 work be done a unionized workforce?

21 MR. THEOFAN: You know, again,
22 we no longer own the property. The property
23 has been owned by the village since 1989.
24 We're releasing this. So I guess that would
25 really be a function of what sort of local

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2 laws the Village of Freeport -- but I will
3 make that inquiry as well.

4 LEGISLATOR FORD: Thank you very
5 much.

6 CHAIRMAN VENDITTO: Thank you,
7 Legislator Ford and, thank you, Mr. Theofan.
8 Nice effort for your first outing here. We
9 appreciate the information.

10 Is there any public comment on
11 this?

12 (No verbal response.)

13 Then we will take a vote. All
14 those in favor of passing this item please
15 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item is approved unanimously.
20 There is no other business before this
21 committee, may I have a motion to adjourn.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR FORD: Second.

24 CHAIRMAN VENDITTO: Moved by
25 Legislator Dunne, seconded by Legislator

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2 Ford. All those in favor, signify by saying
3 aye.

4 (Aye.)

5 None opposed?

6 (No verbal response.)

7 Motion passes unanimously. We
8 are now adjourned. Ladies and gentlemen,
9 the Health Committee is on next.

10 (Whereupon, the Planning,
11 Development and the Environment Committee
12 adjourned at 4:44 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 19th day of April, 2013.

FRANK GRAY