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NASSAU COUNTY LEGISLATURE

PETER SCHMITT,
Presiding Officer

PLANNING, DEVELOPMENT AND THE
ENVIRONMENT COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, January 9, 2012
2:04 P.M

REGAL REPORTING SERVICE
(516) 747-7353

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

NORMA GONSALVES,
Chairwoman

DAVID DUNNE,
Vice Chairman

RICHARD NICOLELLO

DENISE FORD (Substituted by
Rose Walker)

JUDY JACOBS, (Substituted by
Ranking Judi Bosworth)

DAVID DENENBERG

KEVAN ABRAHAMS

WILLIAM J. MULLER,
Clerk of the Legislature

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LIST OF SPEAKERS

MICHAEL KELLY, Deputy Director,
 Nassau County, Office of Real
 Estate Services.....6

CARL SCHROEDER, Nassau County,
 Office of Real Estate Services.....9

Planning & Development Committee/1-9-12

2 CHAIRWOMAN GONSALVES: Judi is
3 substituting for Judy Jacobs. Mr. Clerk,
4 please call the roll.

5 CLERK MULLER: Legislator
6 Abrahams?

7 LEGISLATOR ABRAHAMS: Here.

8 CLERK MULLER: Legislator
9 Denenberg?

10 LEGISLATOR DENENBERG: Here.

11 CLERK MULLER: Legislator
12 Bosworth substituting for Ranking Member
13 Legislator Jacobs?

14 LEGISLATOR BOSWORTH: Here.

15 CLERK MULLER: Legislator Walker
16 substituting for Legislator Ford?

17 LEGISLATOR WALKER: Here.

18 CLERK MULLER: Legislator
19 Nicoletto?

20 (No verbal response.)

21 CLERK MULLER: Vice Chairman
22 Dunne?

23 LEGISLATOR DUNNE: Here.

24 CLERK MULLER: Chairwoman
25 Gonsalves?

Planning & Development Committee/1-9-12

2 CHAIRWOMAN GONSALVES: Present.

3 CLERK MULLER: We have a quorum:
4 Legislator Nicoletto is here.

5 CHAIRWOMAN GONSALVES: Thank you
6 very much. We have one item on the regular
7 agenda. Item 12-12, an ordinance making
8 certain determinations pursuant to the State
9 Environmental Quality Review Act and
10 authorizing the county executive of the
11 County of Nassau to accept on behalf of the
12 County of Nassau an offer of purchase from
13 Shelter Rock Jewish Center of certain
14 premises located in Roslyn, Town of North
15 Hempstead, County of Nassau, State of
16 New York, said property known as Section 9,
17 Block 653, Lot 91, on the land and tax map
18 of the County of Nassau and authorizing the
19 county executive to execute a deed contract
20 of sale and all pertinent documents in
21 connection therewith to consummate the sale.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRWOMAN GONSALVES: Motion by
25 Legislator Dunne, seconded by Legislator

Planning & Development Committee/1-9-12

2 Walker. How are you, Mr. Kelly?

3 MR. KELLY: Very well,
4 legislator, thank you. Michael Kelly,
5 deputy director, Office of Real Estate
6 Services. 12-12 is a direct sale. It's an
7 ordinance to approve the sale of property
8 known as Section 9, Block 653, Lot 91 to
9 Shelter Rock Jewish Center Inc. The
10 property is located, it's a small triangular
11 piece of property located at the confluents
12 of Herricks Road, Shelter Rock Road,
13 Searingtown Road in Roslyn.

14 The purchaser, Shelter Rock
15 Jewish Center, is the only adjoining
16 property owner. The purchase price is
17 \$1,525 based on appraisal plus appraisal
18 fees. The property will be encumbered by
19 restrictions that it cannot be used for
20 anything other than the existing walkways,
21 landscaping, and fencing which significantly
22 brought down the value of the property from
23 the original appraisal.

24 The public hearing on the sale
25 was held on September 1st, 2011. OSPAC

Planning & Development Committee/1-9-12
2 voted to release the property on September
3 7th. Planning followed suit on September
4 15th and recommended that this action be
5 designated as an unlisted action that a
6 negative declaration of determination of
7 non-significance be issued. The property
8 cannot be subdivided for residential
9 development as of right.

10 CHAIRWOMAN GONSALVES: Any
11 legislators have any questions?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

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

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes unanimously. I
21 need a motion to suspend the rules, please.
22 We have an addendum.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Motion by

Planning & Development Committee/1-9-12
2 Legislator Dunne, seconded by Legislator
3 Walker. All those in favor of suspending
4 the rules say aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The motion carries. The addendum
9 item is 30-12, an ordinance authorizing the
10 county executive of the County of Nassau to
11 execute on behalf of the County of Nassau a
12 subordination of lease, subordination of
13 purchase option, non-disturbance and, I
14 believe, that's a misspelling, attornment
15 agreement, with Wells Fargo Bank North West,
16 NA, as trustee in connection with the
17 refinancing by Three Arrows Hempstead, LLC,
18 of certain premises located in Hempstead,
19 Town of Hempstead, County of Nassau, State
20 of New York, said property known as Section
21 34, Block 340, Lot 12 and 13 on the land and
22 tax map of the County of Nassau, and
23 authorizing the county executive to execute
24 all pertinent documents in connection
25 therewith.

Planning & Development Committee/1-9-12

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Motion by
5 Legislator Dunne, seconded by Legislator
6 Nicolello. Who is here? Nice to see you,
7 Mr. Schroeder.

8 MR. SCHROEDER: Happy New Year.
9 Carl Schroeder, Office of Real Estate
10 Services. What you have before you is an
11 agreement with the owner of 40 Main Street.
12 40 Main Street is the county facility down
13 in Hempstead. You may be familiar with it
14 because the civil service office is in
15 there, in addition to civil service. We
16 have CASA and minority affairs. There is a
17 Score (phonetic) office there, a housing
18 office, economic development, civil service
19 has all their testing on the first floor,
20 Section 8 housing office is there. In the
21 basement we have classrooms of CASA and
22 other groups used. We have a small Heaven
23 (phonetic) office in there and some more
24 housing offices in the basement. It's a
25 67,000 square foot building. The building

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Planning & Development Committee/1-9-12
2 has been in foreclosure -- first off, the
3 county leased the building in the year 2000
4 for a 25 year term, and at the end of the 25
5 year term, the county gets title to the
6 building for one dollar.

7 Like I previously stated, we have
8 a good number of county employees in there.
9 The building went into foreclosure in
10 October of '09 and has been run by a
11 receiver since then.

12 The former owner, who has since
13 deceased, but the company is being run by
14 his sons at this point in time, received a
15 mortgage to get themselves out of the
16 foreclosure and sent over to us a relatively
17 benign subordination agreement and estoppel
18 certificate for us to execute, but as we
19 looked at it, we determined there was a lot
20 more in there than just your typical
21 agreements that would be done in this case.

22 So we negotiated an agreement
23 with the former owner to get certain things
24 in return for us exercising this and also
25 certain things to protect us so that at the

Planning & Development Committee/1-9-12

2 end of the time period, the building would
3 come over to us which was always this
4 legislature's intention when they executed
5 the underlying lease and zero zero.

6 So some of the things we got in
7 return from the agreement that you are
8 looking at is some immediate repairs, long
9 term capital reserve system, it will be put
10 in place to needed capital improvements to
11 the building.

12 Another thing that we go, all of
13 our rent money will be paid in to a locks
14 box so directly to the bank from here on in
15 that cannot be modified so that we know that
16 all of the mortgage payments are going to
17 where they are going to supposed to be done
18 to protect our interests at the end so that
19 there is no outstanding issues at the end of
20 the term.

21 Another thing that we received,
22 for years we operated this building without
23 a full time porter. This agreement puts a
24 full time porter into the building and that
25 has gone a long way to help us with all the

Planning & Development Committee/1-9-12

2 cleaning issues with how many people and how
3 many visitors in the building could not
4 operate without the porter.

5 So the administration recommends
6 that you pass this resolution authorizing
7 the county executive to sign this agreement
8 so that the owner of the building can pay
9 off new financing and get the building out
10 of receivership.

11 If we did nothing, which would be
12 a question, the future is not crystal clear.
13 I think the future would be murkier if the
14 building was sold to a third party and the
15 county has made the decision that this is
16 the best thing for the employees and the
17 best thing to protect our interests in that
18 building down there.

19 CHAIRWOMAN GONSALVES: Before we
20 have any discussion or debate on this item,
21 I would like to note that Legislator
22 Denenberg has recused himself. Any
23 discussion or debate from the legislators?
24 Legislator Nicolello.

25 LEGISLATOR NICOLELLO: Carl,

Planning & Development Committee/1-9-12
2 you've mentioned all of the advantages to
3 this, you've mentioned a possible
4 disadvantage if we don't do anything.

5 Is there anything in this
6 agreement that you have any concerns about?

7 MR. SCHROEDER: No. We've looked
8 at this every which way and, like I say,
9 this was a negotiated agreement and the
10 county has received the things that we have
11 asked for from the building owner.

12 LEGISLATOR NICOLELLO: You
13 mentioned all the county offices that are in
14 the building. This is -- to keep this
15 running as a first class, it's important for
16 our employees and our agencies and the
17 people that -- for example, the people that
18 take the civil service test, correct?

19 MR. SCHROEDER: Absolutely,
20 that's a correct statement, sir.

21 LEGISLATOR NICOLELLO: Thank you.

22 CHAIRWOMAN GONSALVES: Any other
23 discussion or debate on this item?

24 (No verbal response.)

25 Is there any public comment?

Planning & Development Committee/1-9-12

2 (No verbal response.)

3 There being none, all those in
4 favor say aye?

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The motion carries unanimously.
9 There being no other business before this
10 committee, may I have a motion to adjourn,
11 please?

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR WALKER: Second.

14 CHAIRWOMAN GONSALVES: Motion by
15 Legislator Dunne, seconded by Legislator
16 Walker. All those in favor, signify by
17 saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 We committee is adjourned. The
22 next committee is public works.

23 (Whereupon, the Planning,
24 Development & Environment Committee
25 adjourned at 2:14 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 _____ day of _____, 2012.

FRANK GRAY