

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,  
PRESIDING OFFICER

PLANNING, DEVELOPMENT AND  
THE ENVIRONMENT COMMITTEE

NORMA GONSALVES,  
CHAIRWOMAN

1550 Franklin Avenue  
Mineola, New York

May 7, 2012  
2:48 p.m.

REGAL REPORTING SERVICES  
516-747-7353

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

NORMA GONSALVES  
Chair

DENNIS DUNNE (Not Present)  
Vice-Chair

ROSE MARIE WALKER (Sitting in for Dennis Dunne)

RICHARD NICOLELLO

DENISE FORD

JUDY JACOBS  
Ranking

DAVID DENENBERG

KEVAN ABRAHAMS

LIST OF SPEAKERS

MIKE KELLY. . . . . 5

1 Planning, Development & Environment Committee - 5-7-12 4  
2 CHAIRWOMAN GONSALVES: Welcome to the  
3 Planning, Development and Environment Committee.  
4 CLERK MULLER: Legislator Abrahams?  
5 LEGISLATOR ABRAHAMS: Here.  
6 CLERK MULLER: Legislator Denenberg?  
7 LEGISLATOR DENENBERG: Here.  
8 CLERK MULLER: Ranking Member,  
9 Legislator Jacobs?  
10 LEGISLATOR JACOBS: Here.  
11 CLERK MULLER: Legislator Ford?  
12 LEGISLATOR FORD: Here.  
13 CLERK MULLER: Legislator Nicolello?  
14 LEGISLATOR NICOLELLO: Here.  
15 CLERK MULLER: Legislator Walker,  
16 substituting for Legislator Dunne?  
17 LEGISLATOR DUNNE: Here.  
18 CLERK MULLER: Chairwoman Gonsalves?  
19 CHAIRWOMAN GONSALVES: Present.  
20 CLERK MULLER: We have quorum.  
21 CHAIRWOMAN GONSALVES: The first item is  
22 Item 310, an ordinance making certain  
23 determinations pursuant to the State  
24 Environmental Quality Review Act and authorizing  
25 the county executive on behalf of the County of

1 Planning, Development & Environment Committee - 5-7-12 5  
2 Nassau to release an easement encumbering a  
3 parcel of real property located in Woodmere, Town  
4 of Hempstead, County of Nassau, State of New  
5 York, and designated as Section 39, Block 485,  
6 Lots 37 and 38 on the Nassau County land and tax  
7 map and to execute an agreement between the  
8 County of Nassau and Aron Rosenberg and Carolyn  
9 Rosenberg concerning the release of such easement  
10 and to execute any and all ancillary documents  
11 necessary to carry out the purposes of this  
12 agreement.

13 Motion please?

14 LEGISLATOR NICOLELLO: So moved.

15 CHAIRWOMAN GONSALVES: Moved by  
16 Legislator Nicoletto. Seconded by?

17 LEGISLATOR WALKER: Second.

18 CHAIRWOMAN GONSALVES: Rose Walker.  
19 Mike Kelly.

20 MR. KELLY: Good afternoon. Michael  
21 Kelly, Acting Director, Nassau County Office of  
22 Real Estate Services.

23 Item 310 is to authorize the county  
24 executive to release an easement which encumbers  
25 Section 39, Block 485, Lots 37 and 38, which is

1 Planning, Development & Environment Committee - 5-7-12 6  
2 owned by Aron Rosenberg and Carolyn Rosenberg.  
3 This is a drainage easement that runs down the  
4 dividing line between 37 and 38. It's being  
5 replaced by an easement on to one side of the  
6 property, which will be maintained by the Town of  
7 Hempstead heretofore. So we are relieving  
8 ourselves of an easement and the liability  
9 therewith.

10 CHAIRWOMAN GONSALVES: Just one  
11 question. Will the easement on the eastern  
12 portion of this property be as effective?

13 MR. KELLY: Yes. DPW has determined  
14 that the easement and the pipe that will run  
15 through it, taking drainage water from the run to  
16 the county-owned body of water, pond, behind it,  
17 will be sufficient.

18 CHAIRWOMAN GONSALVES: Any discussion or  
19 debate on the part of the legislators?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 There being none. All those in favor  
24 signify by saying aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 The motion carries 7 to 0.

5 Thank you, Mike.

6 Item 311, an ordinance making certain  
7 determinations pursuant to the State  
8 Environmental Quality Review Act and authorizing  
9 the county executive of the County of Nassau to  
10 accept, on behalf of the County of Nassau, an  
11 offer of purchase from Northeastern Building and  
12 Development Co., Inc., of certain premises  
13 located in Roosevelt, Town of Hempstead, County  
14 of Nassau, State of New York, said property known  
15 as Section 55, Block 559, Lot 50 on the land and  
16 tax map of the County of Nassau, and authorizing  
17 the county executive to execute a deed, contract  
18 of sale, and all pertinent documents in  
19 connection therewith to consummate the sale.

20 Michael.

21 MR. KELLY: Thank you.

22 CHAIRWOMAN GONSALVES: Motion? Sorry.

23 LEGISLATOR WALKER: So moved.

24 CHAIRWOMAN GONSALVES: Motion by

25 Legislator Walker. Second?

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Seconded by

4 Legislator Nicolello.

5 Michael.

6 MR. KELLY: Thank you. Item 311-12 is a  
7 direct sale to Northeastern Building and  
8 Development Company, of Section 55, Block 559,  
9 Lot 50, located on Rose Avenue in Roosevelt.  
10 Purchase price is \$4,125, which is \$325 over the  
11 appraised value of the property.

12 A public hearing was held on the sale of  
13 this property on March 31, 2011. OSPAC  
14 recommended the release of the property with  
15 conditions on April 13, 2011, and the Planning  
16 Commission further recommended the sale without  
17 such conditions on April 14, 2011. And the sale  
18 of this property to an adjacent property owner  
19 would not result in a single lot that could be  
20 subdivided for residential development as of  
21 right.

22 CHAIRWOMAN GONSALVES: Any discussion or  
23 debate on this item? Legislator Denenberg.

24 LEGISLATOR DENENBERG: At OSPAC or at  
25 the Planning Commission, was there any



2 opposition?

3 MR. KELLY: There was no opposition.  
4 OSPAC recommended a condition that the property  
5 could not be built on. It really doesn't matter  
6 because the property cannot be subdivided as of  
7 right anyway. There's no need for that  
8 condition.

9 LEGISLATOR DENENBERG: Thank you.

10 CHAIRWOMAN GONSALVES: Any other  
11 legislator?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Motion carries unanimously. This item  
20 passes on to Finance.

21 Item 313-12, an ordinance making certain  
22 determinations pursuant to the State  
23 Environmental Quality Review Act and authorizing  
24 the county executive of the County of Nassau to  
25 accept, on behalf of the County of Nassau, an

1 Planning, Development & Environment Committee - 5-7-12 10  
2 offer of purchase from Tracy Barilla and Pasquale  
3 Barilla of certain premises located in  
4 Farmingdale, Town of Oyster Bay, County of  
5 Nassau, State of New York, said property known as  
6 Section 49, Block 233, Lot 260 on the land and  
7 tax map of the County of Nassau, and authorizing  
8 the county executive to execute a deed, contract  
9 of sale and all pertinent documents in connection  
10 therewith to consummate the sale.

11 Michael.

12 MR. KELLY: Thank you. 313-12 would  
13 authorize the county executive to sell property  
14 known as Section 49, Block 233, Lot 260, to Tracy  
15 Barilla and Pasquale Barilla. The purchase price  
16 is \$2,825, which is \$325 over the appraised value  
17 of \$2,500. The property would be sold subject to  
18 an easement on the western 10 feet of the  
19 property for drainage purposes.

20 A public hearing was held on June 23,  
21 2011. OSPAC recommended the sale on July 13,  
22 2011. The Planning Commission recommended the  
23 sale on July 14, 2011.

24 CHAIRWOMAN GONSALVES: Motion, please?

25 LEGISLATOR WALKER: So moved.

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2 LEGISLATOR NICOLELLO: Second.  
3 CHAIRWOMAN GONSALVES: Motion by  
4 Legislator Walker, seconded by Legislator  
5 Nicolello.  
6 Any discussion or debate on the part of  
7 the legislators? Legislator Denenberg.  
8 LEGISLATOR DENENBERG: Just the same  
9 question. At the hearings, was there any  
10 opposition?  
11 MR. KELLY: No.  
12 LEGISLATOR DENENBERG: Any conditions?  
13 MR. KELLY: No. No conditions on this  
14 one.  
15 LEGISLATOR DENENBERG: Thank you.  
16 CHAIRWOMAN GONSALVES: Any other  
17 comments?  
18 (No verbal response.)  
19 Public comment?  
20 (No verbal response.)  
21 There being none. All those in favor  
22 signify by saying aye.  
23 (Aye.)  
24 Any opposed?  
25 (No verbal response.)

2 The motion carries unanimously, and the  
3 item passes on to Finance.

4 I believe we are on Item 314, an  
5 ordinance making certain determinations pursuant  
6 to the State Environmental Quality Review Act and  
7 authorizing the county executive of the County of  
8 Nassau to accept, on behalf of the County of  
9 Nassau, an offer of purchase from Henry Medollo  
10 and Susan Medollo of certain premises located in  
11 Seaford, Town of Hempstead, County of Nassau,  
12 State of New York, said property known as Section  
13 52, Block 491, Part of Lot 34 on the land and tax  
14 map of the County of Nassau, and authorizing the  
15 county executive to execute a deed, contract of  
16 sale and all pertinent documents in connection  
17 therewith to consummate the sale.

18 Motion, please?

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: Moved by

22 Legislator Walker, seconded by Legislator

23 Nicolello.

24 MR. KELLY: Item 314-12 would authorize  
25 the sale of Section 52, Block 491, Part of Lot

1 Planning, Development & Environment Committee - 5-7-12 13  
2 34, located on Bayberry Road in Seaford. This is  
3 a portion of a Nassau County storm water basin  
4 that's being sold to an adjacent homeowner. This  
5 portion is being sold because the adjacent  
6 homeowner has been encroaching onto the property.  
7 The reason for that being, the county's fence on  
8 the property was a few feet into the property and  
9 I believe that that's where the property line  
10 was. The purchase price is \$1,175, which is \$325  
11 over the appraisal of the property.

12 OSPAC and the Planning Commission  
13 recommended selling the property on July 13, 2011  
14 and July 14, 2011, without -- I do not believe  
15 there was any opposition on that. OSPAC  
16 recommended a condition that the additional  
17 property could not be used in the calculation in  
18 square footage needed for the adjacent home.  
19 However, since this is a very small piece of  
20 property and the value is as low as it is, there  
21 is no condition of that in the sale.

22 CHAIRWOMAN GONSALVES: Any comment on  
23 the part of the legislators? Legislator  
24 Denenberg.

25 LEGISLATOR DENENBERG: The purchaser was

2 encroaching on a catch basin, storm basin?

3 MR. KELLY: Storm water basin, yes.

4 LEGISLATOR DENENBERG: And in return, it  
5 seems weird that they get to buy the property  
6 after they were encroaching. I would assume the  
7 storm water basin is not a perpetual preserve,  
8 right?

9 MR. KELLY: No. It's not a perpetual  
10 preserve. This is one of those strange cases  
11 where the county put a fence three feet or ten  
12 feet into the basin itself. So if you looked at  
13 the property, that portion of the basin that  
14 we're selling looks like their property. So  
15 they've been maintaining the property - flower  
16 beds, they put a grill on it. So they assumed  
17 that that was the property line because that's  
18 where the county put their fence.

19 In other cases where we do have fences in  
20 the right place and people have been encroaching  
21 on that, we haven't been offering to sell them  
22 the property.

23 LEGISLATOR DENENBERG: So you're saying  
24 here part of it was we put the fence in the wrong  
25 place.

2 MR. KELLY: Right.

3 LEGISLATOR DENENBERG: Again, it's not a  
4 perpetual preserve of any sort?

5 MR. KELLY: No.

6 LEGISLATOR DENENBERG: Okay. Thank you.

7 CHAIRWOMAN GONSALVES: Any other comment  
8 on the part of the legislators?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 There being none. All those in favor  
13 indicate by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion carries unanimously, and this  
18 item passes on to Finance.

19 Item 316-12, an ordinance making certain  
20 determinations pursuant to the State  
21 Environmental Quality Review Act and authorizing  
22 the county executive of the County of Nassau to  
23 accept, on behalf of the County of Nassau, an  
24 offer of purchase from Neil Curtis Inc. of  
25 certain premises located in Freeport, Town of

1 Planning, Development & Environment Committee - 5-7-12 16  
2 Hempstead, County of Nassau, State of New York,  
3 said property known as Section 55, Block 264, Lot  
4 5 on the land and tax map of the County of  
5 Nassau, and authorizing the county executive to  
6 execute a deed, contract of sale, amendment to  
7 the contract of sale, and all pertinent documents  
8 in connection therewith to consummate the sale.

9 Motion, please?

10 MR. KELLY: Madam Chair, could we also  
11 call Item 318 at the same time as they are  
12 related?

13 CHAIRWOMAN GONSALVES: Sure. No  
14 problem.

15 Item 318-12 is resolution authorizing the  
16 county executive of the County of Nassau to  
17 execute a municipal tax collection agreement and  
18 all pertinent documents in connection with  
19 county-owned real property located in the  
20 Incorporated Village of Freeport and designated  
21 as Section 55, Block 264, Lot 5 of the Nassau  
22 County Land and Tax Map, and vacating and  
23 cancelling all county held tax liens and any and  
24 all tax obligations not yet ripe for lien status  
25 related to such property.



2 Motion, please?

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

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

8 Okay. You're on.

9 MR. KELLY: Okay. These two items relate  
10 to the same of Section 55, Part 264, Lot 5  
11 located on Brooklyn Avenue in the Village of  
12 Freeport. The purchaser of the property is Neil  
13 Curtis, Inc. The price is \$12,500, which is  
14 \$5,500 over the appraised value of \$7,000.

15 The property was reviewed at two public  
16 hearings, on December 16, 2010 and January 6,  
17 2011. OSPAC voted to recommend the sale on  
18 January 19, 2011. The Planning Commission  
19 followed suit the next day. The property is  
20 going to be sold with the restriction that it may  
21 only be used for structures ancillary to the  
22 business conducted on the purchaser's adjacent  
23 property or for parking and can't be used for  
24 subdivision purposes. This was negotiated by the  
25 county and the purchaser after this item was

1 Planning, Development & Environment Committee - 5-7-12 18  
2 tabled in, I believe, November of last year. So  
3 this was added to the contract.

4 Also, the county is entering into a  
5 municipal tax collection agreement with the  
6 Village of Freeport, where the county and the  
7 village will split the proceeds of the parcel,  
8 the sale of the property, 50/50, to result in a  
9 revenue to the county of \$6,250.

10 CHAIRWOMAN GONSALVES: Any discussion or  
11 debate on the part of the legislators? Go ahead.

12 LEGISLATOR DENENBERG: How is the  
13 property going to be used after this sale?

14 MR. KELLY: It's going to be used only  
15 for structures that are ancillary to the  
16 purchaser's business or for parking. It cannot  
17 be used to be joined with the purchaser's current  
18 property for the purposes of subdivision. So he  
19 can't --

20 LEGISLATOR DENENBERG: From -- I'm  
21 sorry.

22 MR. KELLY: So he can't take the two  
23 properties together and split them in half and --

24 LEGISLATOR DENENBERG: From the section,  
25 block, and lot, I wasn't able, even though I

2 looked at the backup, to tell where in Freeport  
3 this was.

4 MR. KELLY: This is by --

5 LEGISLATOR DENENBERG: Can I have the  
6 address?

7 MR. KELLY: It's 10 Brooklyn Avenue.  
8 It's next to 10 Brooklyn Avenue. It's a vacant  
9 lot. It is by the Freeport train station, right  
10 along the railroad tracks.

11 LEGISLATOR DENENBERG: That's what I  
12 thought. There was no opposition?

13 MR. KELLY: Not at OSPAC and Planning.  
14 Not that I remember.

15 LEGISLATOR DENENBERG: Thank you.

16 MR. KELLY: You are very welcome.

17 CHAIRWOMAN GONSALVES: Any other  
18 legislator?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

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

24 (Aye.)

25 Any opposed?

2 (No verbal response.)

3 Motion carries unanimously, and these two  
4 items pass on to Finance.

5 Next item is Item 319-12, an ordinance  
6 making certain determinations pursuant to the  
7 State Environmental Quality Review Act and  
8 authorizing the county executive of the County of  
9 Nassau to accept on behalf of the County of  
10 Nassau an offer of purchase from Angela M. Laos  
11 and Victor Laos of certain premises located in  
12 Roosevelt, Town of Hempstead, County of Nassau,  
13 State of New York, and designated as Section 36,  
14 Block 159, Lot 150 on the land and tax map of the  
15 County 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.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: Motion by  
22 Legislator Walker, seconded by Legislator  
23 Nicolello.

24 MR. KELLY: It was actually Item 317  
25 that was skipped in the middle, between 316 and

1 Planning, Development & Environment Committee - 5-7-12 21  
2 318.

3 CHAIRWOMAN GONSALVES: Right. So we  
4 have to go back. We'll finish with this one and  
5 then we'll go back.

6 MR. KELLY: 319 is an ordinance  
7 authorizing the county executive to sign a  
8 contract and sell Section 36, Block 159, Lot 50,  
9 located on Wee Street in Roosevelt. The  
10 purchaser is Victor Laos and Angela Laos. The  
11 purchase price is \$1,000, which was the appraised  
12 value of the property.

13 A public hearing was held on June 23,  
14 2011. OSPAC voted to recommend the sale of the  
15 property on July 13, 2011. The Planning  
16 Commission voted the same on July 14, 2011.

17 CHAIRWOMAN GONSALVES: Any discussion or  
18 debate on this item?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 There being none. All those in favor  
23 indicate by saying aye.

24 (Aye.)

25 Any opposed?

2 (No verbal response.)

3 Motion carries unanimously.

4 We're going back to 317.

5 317-12, an ordinance making certain  
6 determinations pursuant to the State  
7 Environmental Quality Review Act and authorizing  
8 the county executive of the County of Nassau on  
9 behalf of the County of Nassau an offer of  
10 purchase from Roosevelt Field Peripheral, LLC.,  
11 of certain premises located in the Incorporated  
12 Village of Garden City, Town of Hempstead, County  
13 of Nassau, State of New York, said property known  
14 as Section 44, Block 77, Lots 6A and 6B on the  
15 land and tax map of the County of Nassau and  
16 authorizing the county executive to execute a  
17 deed, contract of sale, and all pertinent  
18 documents in connection therewith to consummate  
19 the sale.

20 Motion, please?

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Motion by  
24 Legislator Walker, seconded by Legislator  
25 Nicoletto.

2 MR. KELLY: Item 317-12 is an ordinance  
3 authorizing the county executive to execute a  
4 contract of sale and sell Section 44, Block 77,  
5 Lots 6A and 6B to Roosevelt Field Peripheral,  
6 LLC. The purchase price is \$7,210,000. This  
7 property was -- the purchaser of the property was  
8 procured by the release of the request for  
9 proposals. The purchase price was arrived at by  
10 negotiation.

11 The public hearing on this property was  
12 held on January 20, 2011 and February 3, 2011.  
13 OSPAC voted to not recommend the sale of the  
14 property on February 9, 2011, and the Planning  
15 Commission to recommend the sale of the property  
16 on February 17, 2011.

17 The property is going to be sold with  
18 various easements, one for the maintenance of a  
19 monitoring well on the property, one for drainage  
20 in and out of a nearby storm water basin - it's  
21 actually a storm water basin that's located in  
22 the center of this property which is privately  
23 owned, one for maintaining existing utility lines  
24 on Lot 6B, and one for maintaining a possible  
25 easement for the Long Island Motor Parkway

2 Heritage Trail, to run along the southern  
3 boundary of the property in the event that the  
4 county does go forward with the Heritage Trail.  
5 There will also be an easement for the  
6 installation of a water treatment facility and  
7 pumping station by the Environmental Protection  
8 Agency that will clean water which is pumped  
9 southward to this pumping station from a plume  
10 north of this property.

11 That's pretty much it.

12 CHAIRWOMAN GONSALVES: Legislator  
13 Nicoletto.

14 LEGISLATOR NICOLELLO: Has Roosevelt  
15 Field given an indication as to what they're  
16 going to use the property for?

17 MR. KELLY: It's been a complex  
18 negotiation since we started offering this  
19 property for sale. They have indicated that the  
20 front approximately five acres of the property  
21 along Ring Road would be used for the development  
22 of a hotel, a luxury hotel. The back five acres,  
23 approximately, would be held by Roosevelt Field,  
24 and an option for the purchase of the property  
25 given to Tree Line, who are the owners of 100,



1 Planning, Development & Environment Committee - 5-7-12 25  
2 200, 300, and 400 Ring Road, for them to purchase  
3 in the future should they want to build a fifth  
4 building back there, a fifth commercial property  
5 back there. Also, there's a portion of this  
6 property that right now covers a portion of Tree  
7 Line's parking lot; that would be subdivided off  
8 and given over to Tree Line. Really, we're  
9 giving the entire property to Roosevelt Field  
10 Peripheral and they're doing their own deal with  
11 Tree Line.

12 LEGISLATOR NICOLELLO: Who controls the  
13 zoning for the property?

14 MR. KELLY: That would be the Village of  
15 Garden City.

16 LEGISLATOR NICOLELLO: Okay. So any  
17 building that goes on there would be subject to  
18 the Village of Garden City's --

19 MR. KELLY: It would be subject to the  
20 Village of Garden City's zoning. What has been  
21 indicated to us is those uses of the property are  
22 already allowed by the current zoning on the  
23 property. So there wouldn't need to be a  
24 variance, and no variance is a condition of this  
25 sale.

2 LEGISLATOR NICOLELLO: You indicated  
3 that there was an RFP.

4 MR. KELLY: Yes.

5 LEGISLATOR NICOLELLO: How many bids  
6 were there?

7 MR. KELLY: This was the only bid for  
8 the property. It was actually a joint bid  
9 between Tree Line and Roosevelt Field Peripheral.

10 LEGISLATOR NICOLELLO: And the actual  
11 amount that is to be paid is less than the  
12 appraisal, correct?

13 MR. KELLY: It is less than the  
14 appraisal, yes.

15 LEGISLATOR NICOLELLO: I'm gathering  
16 that was because there was only bidder and there  
17 were negotiations for the property.

18 MR. KELLY: The one bid, which was put  
19 forth, was \$7,200,000. Ten thousand dollars was  
20 added to the purchase of the property by the  
21 addition of Lot 6B, which is a tiny sliver along  
22 the side of the property.

23 LEGISLATOR NICOLELLO: For how long has  
24 the county been seeking to sell this?

25 MR. KELLY: The property, itself, the

1 Planning, Development & Environment Committee - 5-7-12 27  
2 county has been trying to sell this property or  
3 trying to otherwise use this property other than  
4 for its current use, for -- I can't remember back  
5 -- but into the prior administration. There was  
6 an RFP put out there for housing at one point on  
7 this property. I don't know why that didn't  
8 yield a result or what happened since then. But  
9 this administration's desire was to sell this  
10 property for the generation of revenue, which we  
11 believe \$7,200,000 is a good price for this  
12 property.

13 LEGISLATOR NICOLELLO: Is this an  
14 outright sale or is it subject to zoning?

15 MR. KELLY: This is outright. No zoning  
16 restrictions. No subdivision restrictions. All  
17 they have is right to due diligence.

18 LEGISLATOR NICOLELLO: And a portion of  
19 the proceeds go into the open space fund?

20 MR. KELLY: Five percent. Correct.

21 LEGISLATOR NICOLELLO: Thank you.

22 CHAIRWOMAN GONSALVES: Legislator  
23 Jacobs.

24 LEGISLATOR JACOBS: Mr. Kelly, just a  
25 question. I know we've all been working

2 diligently on our open space fund for years.

3 In your estimation, how is this really --  
4 how is this consistent with holding on to the  
5 open space we have, especially in an area like  
6 that which has been so built up and we have this  
7 wooded area?

8 MR. KELLY: Well, this property -- you  
9 are correct in that it is a very wooded area.  
10 Unfortunately, to us, this property doesn't have  
11 a lot of open space value, number one, because  
12 it's inaccessible other than parking your car on  
13 the side of Ring Road or going through a private  
14 parking lot in order to access the property.  
15 There is also a private storm water basin located  
16 right in the middle of it. There is already a  
17 county monitoring well on the property. There is  
18 LIPA easements which run through the property.  
19 As I mentioned before, the Environmental  
20 Protection Agency is going to be putting a  
21 pumping station and I believe it's a joint  
22 pumping station treatment facility on a portion  
23 of the property. So, while, yes, it is a wooded  
24 piece of property, it actually lends itself more  
25 to development than it does for keeping it as

2 open space property.

3 LEGISLATOR JACOBS: But it seems, just  
4 in my estimation, a luxury hotel plus possibly a  
5 fifth building for the 100, 200, 300 buildings,  
6 is a pretty intensive use. Listen. I bow to Mr.  
7 Nicoletto; it's in his district. You know, I  
8 question. I put my civic hat on sometimes with  
9 these things.

10 Do the surrounding neighbors know what's  
11 planned?

12 MR. KELLY: I don't know specifically if  
13 they know about the specific development plan for  
14 the property. However, this property, just like  
15 with any other property that the county sells,  
16 did go out to OSAPC, did go to Planning. Notices  
17 were sent at that time. The Village is aware of  
18 what's going on. I've been on several calls with  
19 the Village. The developers have been on a lot  
20 of calls with the Village.

21 The fact of the matter is the back  
22 portion of the property where there could be an  
23 office structure, that's actually not even being  
24 proposed right now, that office structure.  
25 Because that's something that may be some time in

2 the future if Tree Line decides that maybe they  
3 want to put an office structures back there, they  
4 would buy the property from Simon. Simon's not  
5 even going to be developing that, at least they  
6 have indicated to us that they would be  
7 developing that portion of the property.

8 LEGISLATOR JACOBS: Okay. I thank you.

9 MR. KELLY: You are very welcome.

10 CHAIRWOMAN GONSALVES: Any other  
11 legislators?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 There being none. All those in favor  
16 indicate by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Motion carries unanimously, and this item  
21 passes on to Finance.

22 Next Item is 326-12, a resolution making  
23 certain determinations pursuant to the State  
24 Environmental Quality Review Act and authorizing  
25 the county executive of the County of Nassau to

1 Planning, Development & Environment Committee - 5-7-12 31  
2 execute a contract of sale between the County of  
3 Nassau and Water Works Realty Corporation, and to  
4 execute all pertinent documents in connection  
5 therewith to consummate the acquisition by the  
6 county of certain premises located in the  
7 Incorporated Village of Freeport and  
8 unincorporated Town of Baldwin, Town of  
9 Hempstead, County of Nassau, State of New York,  
10 said property known as Section 54, Block B, Lots  
11 1212A and 1212B, on the land and tax map of the  
12 County of Nassau.

13 Motion, please?

14 LEGISLATOR ABRAHAMS: So moved.

15 LEGISLATOR DENENBERG: Second.

16 CHAIRWOMAN GONSALVES: Moved by  
17 Legislator Abrahams, seconded by Legislator  
18 Denenberg.

19 Comments? Legislator Abrahams.

20 LEGISLATOR ABRAHAMS: Good afternoon.

21 MR. KELLY: Good afternoon.

22 LEGISLATOR ABRAHAMS: Just a couple of  
23 quick questions. Actually, we plan to vote in  
24 the affirmative for this. This is an item that  
25 has been the nemesis for this particular area for

2 quite some time. There has been fear of that  
3 property being developed. I know the  
4 Environmental Bond Committee, going back a ways,  
5 tried to purchase the property but wasn't able to  
6 come to an agreement. So we're happy that  
7 there's an agreement today.

8 I just wanted to find out, from your  
9 perspective, if there are any discussions in  
10 terms of who will maintain the property.

11 MR. KELLY: Yes. We have been having  
12 discussions with the South Shore Autobahn Society  
13 to maintain the property, the same as the  
14 Brookside Preserve. Now, naturally we don't'  
15 have an agreement with them yet on that  
16 particular topic, but we are working with them.  
17 Actually, there's a representative of the South  
18 Shore Autobahn Society here today. And the board  
19 did vote that they would maintain. Subject to  
20 actually having an agreement, they would maintain  
21 this property as they maintain the Brookside  
22 Preserve adjacent to this.

23 LEGISLATOR ABRAHAMS: Excellent. Last  
24 but not least, because I think Legislator  
25 Denenberg is going to want to comment as well.



2 One of the things that has been a concern  
3 is public safety in the Preserve. Obviously,  
4 being it straddles that Freeport area, it tends  
5 to be neglected in terms of -- even though it's a  
6 county facility, it tends to be neglected in  
7 terms of the proper coverage. Is this something  
8 where we're going to be looking into cooperation  
9 with the Village of Freeport Police Department to  
10 help us with?

11 MR. KELLY: That is a subject I can  
12 bring up with the Village of Freeport, about how  
13 this property is patrolled and what we can do to  
14 fix that situation. I haven't heard of an issue  
15 with that regard. But we can bring that up with  
16 the Village.

17 LEGISLATOR ABRAHAMS: Okay. Thank you.

18 CHAIRWOMAN GONSALVES: Legislator  
19 Denenberg.

20 LEGISLATOR DENENBERG: Thanks. I want  
21 to personally thank you as well as the members of  
22 the administration for working this through.  
23 Throughout my 12 years here, there's been starts  
24 and stops, in terms of developing the Brooklyn  
25 Water Works property -- initially a nursing home,

1 Planning, Development & Environment Committee - 5-7-12 34  
2 with an unfortunate right of way over the  
3 Brookside Preserve, then to units, most recently  
4 to an apartment complex, which Legislator  
5 Abrahams, Scannell and I were involved with; so I  
6 want to thank you.

7 I just want to make sure -- first --  
8 what? That Legislator Abrahams, Legislator  
9 Scannell, and myself have joined together to  
10 fight against, because we've always felt,  
11 particularly with the onset of the 04 and the 06  
12 Environmental Bond Act, that this was a great  
13 chance on the south shore to acquire open space  
14 that's immediately adjacent to one of the most  
15 precious preserves that we have. And they're all  
16 precious. But the Brookside Preserve is really  
17 adjacent -- you know, the waterways there had  
18 been filled with trout at times. It's just a  
19 great home run for all of us.

20 My questions are, as follows. I'm  
21 looking at a member of the South Shore Autobahn.  
22 As Legislator Abrahams says, the South Shore  
23 Autobahn Society has done a good job as the  
24 curator or maintainer of the Brookside Preserve,  
25 so it does make sense to work out a deal with

2 them. Am I hearing that that's where we're  
3 going?

4 MR. KELLY: That's the avenue we're  
5 going down. Yes.

6 LEGISLATOR DENENBERG: I do think  
7 Legislator Abrahams is correct that between the  
8 Nassau police and the Freeport police, we do need  
9 to make sure that the security in the area's  
10 increased.

11 But something that has always taken place  
12 under the Environmental Bond Act, I just want to  
13 make sure we dotted all our I's and crossed our  
14 T's. Environmental Bond Act requires approval of  
15 acquisitions I believe by the Planning  
16 Commission.

17 MR. KELLY: Well, this was actually --  
18 thank you for bringing this up. This property  
19 was actually on the list of properties to be  
20 acquired under the 2006 Environmental Bond Act,  
21 and --

22 LEGISLATOR DENENBERG: Yes, it was.

23 MR. KELLY: is listed in the Planning  
24 Commission resolution and the Environmental Bond  
25 Act report that you all have in your packages

2 right now.

3 LEGISLATOR DENENBERG: So, in that sense  
4 it went through OSPAC as well, correct?

5 MR. KELLY: It went through everything.

6 LEGISLATOR DENENBERG: Mike -- Mr.  
7 Kelly, Mike Kelly -- it's your statement that  
8 when the -- I guess this would go back to the  
9 committee that was formed under the prior  
10 administration in 07 for the 06 Bond Act.

11 MR. KELLY: Yes. And -

12 LEGISLATOR DENENBERG: Its proposal to  
13 OSPAC, then to the Planning Commission, and then  
14 finally to us included this as an open space  
15 acquisition.

16 MR. KELLY: Correct. Yes, it did.

17 LEGISLATOR DENENBERG: And the only  
18 reason why it didn't happen at the time, despite  
19 your best efforts -- and I think you were  
20 involved and maybe Mr. Mahr as well -- was there  
21 was litigation surrounding the property at the  
22 time.

23 MR. KELLY: There was a lot of tax  
24 litigation surrounding the property. And also at  
25 that time the property, the appraisals we had for

2 the property were significantly less than they  
3 were now, and the owner of the property at that  
4 point was not willing to sell the property for  
5 such a small amount of money.

6 Time has gone on. More approvals have  
7 been retained by the developer of the property,  
8 which, of course, raises the value of the  
9 property. It's now at a point that he would be  
10 willing to sell the property.

11 But I do want to emphasize that the  
12 purchase price of \$6,220,000 is approximately  
13 \$670,000 lower than the appraisal of the property  
14 that was deemed more accurate by our third-party  
15 appraisal, which is actually \$770,000.

16 LEGISLATOR DENENBERG: You mean \$7  
17 million, right?

18 MR. KELLY: What's that?

19 LEGISLATOR DENENBERG: It was seven  
20 million, is what the appraisals were at.

21 MR. KELLY: 6.9 was ours. Actually, the  
22 landlord -- not landlord, seller's appraisal was  
23 \$7 million. So we're getting it even lower than  
24 that. So we're getting a phenomenal deal on  
25 that.

2 LEGISLATOR DENENBERG: I think what some  
3 people would inquire about was simply that it was  
4 originally sold back 25 years ago for \$1.5  
5 million. That's 25 years ago, and land value has  
6 gone up. The owner, here, has invested a lot of  
7 money into plans that never seem to work.  
8 Unfortunately, we lost that castle-like structure  
9 in between. But that was a cost, too, to remove  
10 it.

11 MR. KELLY: Right.

12 LEGISLATOR DENENBERG: Thank you.  
13 Great, great work.

14 MR. KELLY: Thank you very much.

15 CHAIRWOMAN GONSALVES: Legislator Ford.

16 LEGISLATOR FORD: I, too, want to  
17 commend you on acquiring this property,  
18 especially since it is in the south shore.

19 What, exactly, like with the preserve, is  
20 this something that -- is this the type of  
21 preserve that will be open to the public if they  
22 want to walk through?

23 MR. KELLY: This will be open to the  
24 public in the same manner as the Brookside  
25 Preserve is open to the public.

2 LEGISLATOR FORD: And how do we notify  
3 the public that now this property's going to be  
4 open to them and they can take tours through it  
5 or walk through it?

6 MR. KELLY: At the time of the  
7 acquisition, that is something that the county  
8 and my department, in specific, has  
9 responsibility for, for informing the public that  
10 this is now county property. And also subject to  
11 getting the property in a condition in which you  
12 want the people coming on to it, growing the  
13 meadow back to the way that it was. But once  
14 that is actually -- that would be my department's  
15 responsibility.

16 LEGISLATOR FORD: And about how long?  
17 Considering that it is a lot of money. Because I  
18 even think about the properties that we acquired  
19 up on the north shore that still - I think a lot  
20 of residents are not aware that they are able to  
21 go up into those areas and take hikes or even  
22 fish. I just would like to know if you see a  
23 timeframe for this preserve being opened to the  
24 public?

25 MR. KELLY: This preserve, I mean, I'm

1 Planning, Development & Environment Committee - 5-7-12 40  
2 going to use the word easy, in quotes. But as  
3 far as acquisitions go, this is a pretty easy  
4 one. There are no subdivisions that have to take  
5 place. There's no -- there's really not a lot  
6 that has to take place, except, you know, we have  
7 to continue our due diligence, do the title work,  
8 do all the environmental work that we have to do.  
9 I'm hoping that this property would be purchased  
10 by the county and the, I guess for lack of a  
11 better term I'll use the term rehabilitation of  
12 the property to be underway within the next six  
13 months.

14 LEGISLATOR FORD: Thank you. Because  
15 it's very important. People pay a lot of taxes,  
16 and it would be good for them to be able to  
17 access the property.

18 MR. KELLY: Absolutely.

19 CHAIRWOMAN GONSALVES: I think it  
20 certainly is a plus, the fact that the Brookside  
21 Preserve is adjacent to this property.

22 MR. KELLY: Correct.

23 LEGISLATOR DENENBERG: Exactly.

24 CHAIRWOMAN GONSALVES: So now you will  
25 have an entire, an entire preserve.



2 LEGISLATOR DENENBERG: Just for anyone  
3 who doesn't know it, Legislator Gonsalves, our  
4 chairperson, is exactly correct. People are  
5 already going to Brookside Preserve. It would  
6 all end up being -- it's contiguous. You  
7 wouldn't even know. You wouldn't even know.

8 LEGISLATOR FORD: So you're saying that  
9 right, as of tomorrow residents will be able to  
10 go into this preserve?

11 LEGISLATOR DENENBERG: They're going  
12 into Brookside Preserve right now. It's one of  
13 the most used preserves.

14 LEGISLATOR FORD: What I'm saying is  
15 the acreage that we just acquired.

16 LEGISLATOR DENENBERG: Yeah.

17 LEGISLATOR FORD: Can they walk through  
18 it now?

19 LEGISLATOR DENENBERG: Right now there's  
20 a fence that the owner had. We take down that  
21 fence.

22 MR. KELLY: It's going to take a little  
23 bit of time to do all the work before we actually  
24 go to closing to take a deed to the property.  
25 But once that actually happens, it will probably

2 be a very quick process after that.

3 CHAIRWOMAN GONSALVES: It needs to be  
4 rehabilitated first before we can gain access.

5 Any other legislator? Legislator  
6 Abrahams.

7 LEGISLATOR ABRAHAMS: Mr. Kelly.

8 MR. KELLY: Yes.

9 LEGISLATOR ABRAHAMS: I just wanted to  
10 say to you it's actually a pleasure. Whenever  
11 you're here, you've always seem to be prepared.  
12 You are very knowledgeable. And I just want to  
13 thank you. This case was no different.

14 MR. KELLY: Thank you very much.

15 LEGISLATOR ABRAHAMS: And I want to  
16 thank you for your diligence and your hard work  
17 over the years.

18 MR. KELLY: Thank you very much.

19 LEGISLATOR ABRAHAMS: You're welcome.

20 CHAIRWOMAN GONSALVES: Any other comment  
21 from the legislators?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 There being none. All those in favor of

2 this item signify by saying aye?

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 None. The item passes unanimously and  
7 moves on to Finance.

8 And the last item on the Planning  
9 Committee is Item 332-12, a resolution requesting  
10 the Legislature of the State of New York to enact  
11 and the governor to approve a bill to authorize  
12 the County of Nassau to convey the Oyster Bay  
13 Water District, a parcel of real property known  
14 and designated as Section 27, Block H, Part of  
15 Lot 335 on the land and tax map of Nassau County  
16 and located in the Incorporated Village of Oyster  
17 Bay Cove, Town of Oyster Bay, State of New York.

18 Motion, please?

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRWOMAN GONSALVES: So moved by  
22 Legislator Gonsalves, seconded by Legislator  
23 Nicolello.

24 Again, Mr. Kelly.

25 MR. KELLY: Thank you very much.

2 This is a home rule message to the New  
3 York State Legislature to approve a bill  
4 authorizing the county to transfer an  
5 approximately 1/2 acre portion of the Tiffany  
6 Creek Preserve to the Oyster Bay Water District  
7 for the purpose of sinking a well to improve the  
8 delivery of water in the Oyster Bay water  
9 district.

10 This is, of course, Tiffany Creek Park  
11 which means that we need alienation legislation  
12 prior to transferring the property. In order to  
13 replace this property, the county is currently  
14 negotiating with the state to acquire a 7.2 acre  
15 parcel in Seaford, which is the terminus of the  
16 Seaford Oyster Bay Expressway which was taken by  
17 the state and not developed, of which 4.3 acres  
18 of that would be allocated to replacing this 1/2  
19 acre property in Oyster Bay Cove.

20 CHAIRWOMAN GONSALVES: Legislator  
21 Jacobs.

22 LEGISLATOR JACOBS: Mike, I just want to  
23 ask you a question. I'm a little confused about  
24 something.

25 MR. KELLY: Sure.

2 LEGISLATOR JACOBS: You know how hard --  
3 I know how hard you worked in Tiffany Creek and  
4 how we know certain people there who work very  
5 hard also to have this all preserved. Now I know  
6 that this is perpetually preserved right now. So  
7 you gotta help me for one thing.

8 Number one. How do we do anything with  
9 this if it is perpetually preserved by us?

10 MR. KELLY: It's interesting you bring  
11 that up. There is actually no perpetual  
12 preservation ordinance on record for this  
13 property.

14 LEGISLATOR JACOBS: Wait a minute. But  
15 we spent money for it. Part of the Environmental  
16 Bond Act was this.

17 MR. KELLY: I think you're talking about  
18 the Held property, which is not this property.  
19 This is part of the old Schiff property, located  
20 on Berry Hill Road.

21 LEGISLATOR JACOBS: But they're on --  
22 they have the Tiffany Creek also, the Helds,  
23 right?

24 MR. KELLY: It's adjacent to the Tiffany  
25 Creek Park, Preserve, whatever you want to call

2 it. We've been calling it a preserve. But  
3 that's not this portion of it. This is down by  
4 Berry Hill Road and Sandy Hill Road, south of the  
5 Northwood property, if you remember.

6 LEGISLATOR JACOBS: Yes.

7 MR. KELLY: This is right next to the  
8 Oyster Bay Water District water tower.

9 LEGISLATOR JACOBS: So when they're  
10 burying a well, once that's done --

11 MR. KELLY: Yes.

12 LEGISLATOR JACOBS: essentially,  
13 visually, aesthetically it looks the same as it  
14 does now?

15 MR. KELLY: It's basically the same  
16 thing. I don't know how much foliage they're  
17 going to need to remove to actually put a well  
18 and whatever piping, or what have you, in order  
19 to pump water out of the ground. But that 1/2  
20 acre portion, it's actually going to be about 100  
21 and something feet back from the road, so you're  
22 not even going to see it from the side of the  
23 road.

24 LEGISLATOR JACOBS: Near homes?

25 MR. KELLY: No. There are no homes near

2 here. This is pretty much if you're on -- well,  
3 there may be homes across the way on Berry Hill  
4 Road. But on this side of the property, if you  
5 can imagine, the dimensions of the Tiffany  
6 Preserve, it's smack in the middle.

7 LEGISLATOR JACOBS: You know what I'm  
8 going to do? I'm certainly going to pass it  
9 through today. But maybe it was my negligence.  
10 I just didn't realize this was on. I just want  
11 to make sure the people that live -- believe me,  
12 I'm not looking to blow this up. I just want to  
13 make certain that this is not adversely affecting  
14 anyone who fought so hard there for that  
15 preservation.

16 MR. KELLY: Actually, if you look back  
17 at the -- if you remember back, we actually did  
18 pass a home rule message for the same alienation  
19 I believe earlier last year, I want to say.  
20 Since then, we had to change it, not because  
21 we're alienating a different property now, but  
22 the replacement property has changed. So that's  
23 the only reason this is coming back here now.

24 LEGISLATOR JACOBS: Okay. I appreciate  
25 it. I may call you on this anyway, just to get -

2 - you know.

3 MR. KELLY: Okay. Absolutely.

4 LEGISLATOR JACOBS: Thank you.

5 CHAIRWOMAN GONSALVES: Any other  
6 legislator?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 There being none. All those in favor  
11 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The motion carries unanimously, and this  
16 item passes on to Rules.

17 There being no other business before the  
18 Planning Committee -- Michael, before you leave,  
19 once again, thank you for a great job.

20 MR. KELLY: Thank you very much. I  
21 appreciate it.

22 CHAIRWOMAN GONSALVES: You're welcome.  
23 Motion to adjourn, please?

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR NICOLELLO: Second.



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2 CHAIRWOMAN GONSALVES: Moved by  
3 Legislator Walker, seconded by Legislator  
4 Nicoletto.  
5 All those in favor to adjourn say aye.  
6 (Aye.)  
7 The next committee is Public Works.  
8 (Whereupon, the Planning, Development and  
9 the Environment Committee is adjourned at 3:30  
10 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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FRANK GRAY