

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
PRESIDING OFFICER

PLANNING, DEVELOPMENT AND  
THE ENVIRONMENT COMMITTEE

LAURA SCHAEFER,  
CHAIRWOMAN

1550 Franklin Avenue  
Mineola, New York

May 9, 2016  
3:00 p.m.

REGAL REPORTING SERVICES  
516-747-7353

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

LAURA SCHAEFER  
Chair

DENNIS DUNNE  
Vice-Chair

DENISE FORD

STEVEN RHOADS

JUDY JACOBS  
Ranking

CARRIE SOLAGES

LAURA CURRAN

WILLIAM C. PULITZER  
Clerk of the Legislature

LIST OF SPEAKERS

MARTIN KATZ. . . . .	5
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1 Planning, Development & Environment Committee - 5-9-16 4  
2 CHAIRWOMAN SCHAEFER: I call the  
3 Planning, Development and Environment Committee  
4 to order. I'll have the clerk call the roll,  
5 please.  
6 CLERK PULITZER: Thank you.  
7 Legislator Laura Curran?  
8 LEGISLATOR CURRAN: Here.  
9 CLERK PULITZER: Legislator Carrie  
10 Solages?  
11 (No verbal response.)  
12 CLERK PULITZER: Ranking Member Judy  
13 Jacobs?  
14 LEGISLATOR JACOBS: Here.  
15 CLERK PULITZER: Legislator Steve  
16 Rhoads?  
17 LEGISLATOR RHOADS: Present.  
18 CLERK PULITZER: Legislator Denise Ford?  
19 LEGISLATOR FORD: Here.  
20 CLERK PULITZER: Vice Chairman Dennis  
21 Dunne?  
22 LEGISLATOR DUNNE: Here.  
23 CLERK PULITZER: Chairwoman Laura  
24 Schaefer?  
25 CHAIRWOMAN SCHAEFER: Here.

1 Planning, Development & Environment Committee - 5-9-16 5  
2 CLERK PULITZER: We have a quorum.  
3 CHAIRWOMAN SCHAEFER: Please note that  
4 Legislator Solages is present. We have a quorum.  
5 We have two items on the agenda today.  
6 The first item is Clerk Item 172-16, a resolution  
7 to authorize the release of the surety bond and  
8 escrow deposit covering improvements on the "Map  
9 of Ocean Watch at Freeport", situated in  
10 Freeport, Town of Hempstead, County of Nassau,  
11 New York.  
12 Can I have a motion, please?  
13 LEGISLATOR DUNNE: So moved.  
14 LEGISLATOR FORD: Second.  
15 CHAIRWOMAN SCHAEFER: Motion by  
16 Legislator Dunne, seconded by Legislator Ford.  
17 Is there anyone to speak on this item?  
18 MR. KATZ: Martin Katz, Department of  
19 Public Works, Division of Planning.  
20 The applicant, Ocean Watch Realty, is  
21 requesting the release of a surety bond in the  
22 amount of \$463,899.78 for the final subdivision  
23 map of Ocean Watch at Freeport, which is a 61-  
24 unit condo development that was approved by the  
25 Planning Commission a few years back.

Previously, the Planning Commission approved a reduction of bond to said amount for those public improvements that were deemed to be 100 percent complete - that included grading, paving, storm drains, catch basins, dry wells, planting screen, street lighting and fencing. The applicant, A-21-2015, submitted an application for the release of the remaining bond in the amount of \$463,899.78 and cash escrow in the amount of \$53,096.78.

A final inspection of all public improvements were made in December 2015 by DPW Chief Inspector, subdivision inspector. Said inspector determined that all remaining public improvements had been completed satisfactorily, in a satisfactory manner up to county specs. At a Planning Commission hearing on 1/20/2016 it came to light that one of the residential buildings that is to contain several units had yet to be completed. The case was adjourned to 2/25/2016. The Planning Commission, at its meeting on 2/25/2016 indicated that it would recommend release of the bond in the amount of \$463,899.78, but that it would hold the cash

1 Planning, Development & Environment Committee - 5-9-16 7  
2 escrow in the amount of \$53,096.78 to cover any  
3 damages that may occur during the construction of  
4 the final remaining building, to roadway,  
5 sidewalks, aprons. The attorney for the  
6 applicant agreed to this.

7 CHAIRWOMAN SCHAEFER: Thank you.  
8 Legislator Ford has a question.

9 LEGISLATOR FORD: Thank you. Did they  
10 indicate during the hearing at the Planning  
11 Commission what the hardship was caused by?

12 MR. KATZ: The company is holding the  
13 bond and they are paying a premium, which is  
14 something like \$20,000 a month to hold the bond,  
15 so that's the financial hardship. It seems like  
16 a lot, but that was confirmed by the attorney for  
17 the applicant.

18 LEGISLATOR FORD: The units that have  
19 been completed, are they ready for occupancy?

20 MR. KATZ: Yes. Several are occupied  
21 and they are ready for occupancy. It's just this  
22 one remaining building to be completed. The  
23 foundation has been laid. Utility hookups have  
24 been implemented. They have to traverse certain  
25 public improvements that probably won't get

1 Planning, Development & Environment Committee - 5-9-16 8  
2 damaged but may get damaged so the agreement  
3 wants to hold the escrow in the event that any  
4 damage did occur.

5 LEGISLATOR FORD: Which would cover just  
6 in case -

7 MR. KATZ: Right.

8 LEGISLATOR FORD: So that we have  
9 sufficient resources to cover everything.

10 MR. KATZ: Yes.

11 LEGISLATOR FORD: So the foundation has  
12 been poured, the utilities are in place, but the  
13 last building has not technically been built, the  
14 outside has not been constructed, right?

15 MR. KATZ: What I last heard, it hasn't  
16 been and I haven't been told otherwise at this  
17 point.

18 LEGISLATOR FORD: Okay. But did they  
19 anticipate to continue with the construction?

20 MR. KATZ: Yes, they do. I don't have a  
21 timeframe at this point in time. It's the season  
22 to build and construct so I assume, you know.

23 LEGISLATOR FORD: Do you feel the 53,000  
24 held in escrow would that be sufficient to cover  
25 anything?

1 Planning, Development & Environment Committee - 5-9-16 9  
2 MR. KATZ: According to the chief  
3 building inspector from DPW who did inspect this,  
4 he said that would be more than sufficient to  
5 cover any possible damage during construction.  
6 LEGISLATOR FORD: Perfect. Thank you  
7 very much.  
8 MR. KATZ: Thanks.  
9 CHAIRWOMAN SCHAEFER: Any other  
10 legislators have any questions?  
11 (No verbal response.)  
12 Any public comment on this item?  
13 (No verbal response.)  
14 There being none; all those in favor  
15 please say aye.  
16 (Aye.)  
17 Any against?  
18 (No verbal response.)  
19 The ayes have it.  
20 We're on to the second item, which is  
21 Clerk Item 173-16, a resolution to authorize the  
22 release of the surety bond and escrow deposit  
23 covering improvements on the "Map of Avalon at  
24 Garden City", situated in Uniondale, Town of  
25 Hempstead, County of Nassau, New York.

1 Planning, Development & Environment Committee - 5-9-16 10  
2 LEGISLATOR DUNNE: So moved.  
3 LEGISLATOR RHOADS: Second.  
4 CHAIRWOMAN SCHAEFER: Moved by  
5 Legislator Dunne, seconded by Legislator Rhoads.  
6 Mr. Katz, are you speaking on this as  
7 well?  
8 MR. KATZ: Yes, I am.  
9 CHAIRWOMAN SCHAEFER: Okay.  
10 MR. KATZ: The Planning Commission  
11 approved the final map of Avalon at Garden City  
12 in October of 2007. At its hearing on  
13 11/12/2015, the Planning Commission recommended  
14 release of the surety bond in the amount of  
15 \$1,175,303 and a cash escrow in the amount of  
16 \$30,411.43 based on a final inspection of all  
17 bonded public improvements made by the Nassau  
18 County Department of Public Works chief  
19 subdivision inspector who certified that all  
20 public improvements were constructed in such a  
21 manner, that manner exceeded applicable codes,  
22 specifications and standards. Subsequently, the  
23 legislature and county executive approved the  
24 release of bond and said escrow in the amounts as  
25 stated above. It was later determined that the

1 Planning, Development & Environment Committee - 5-9-16 11  
2 applicant provided the wrong escrow amount on its  
3 bond escrow release application to the Planning  
4 Commission. The correct amount is \$38,411.43,  
5 that was verified by the treasurer and the amount  
6 as deposited with the county. So it's just a  
7 correction to something that was approved.

8 CHAIRWOMAN SCHAEFER: I see. Thank you.  
9 Any questions from the legislators?  
10 (No verbal response.)  
11 Any public comment?  
12 (No verbal response.)  
13 There being none; all those in favor  
14 please say aye.  
15 (Aye.)  
16 Any opposed?  
17 (No verbal response.)  
18 The ayes have it.  
19 MR. KATZ: Thank you.  
20 CHAIRWOMAN SCHAEFER: Thank you very  
21 much.  
22 Motion to adjourn Planning?  
23 LEGISLATOR FORD: So moved.  
24 LEGISLATOR DUNNE: Second.  
25 CHAIRWOMAN SCHAEFER: So moved by

1 Planning, Development & Environment Committee - 5-9-16 12  
2 Legislator Ford, seconded by Legislator Dunne.  
3 We are adjourned.  
4 (Whereupon, the Planning, Development and  
5 the Environment Committee is adjourned at 3:05  
6 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 24th day of May, 2016.

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FRANK GRAY