

Introduced by: Legislators Mangano, Schmitt, Gonsalves, Ciotti, Ford, Becker, Muscarella, Nicoletto, Dunne, Denenberg and Jacobs

Local Law 15 -2007

A LOCAL LAW to amend the Nassau county administrative code, in relation to procedure for the sale of County real property.

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

Section 1. Subdivision b of section 11-8.0 of the Nassau County Administrative Code, as amended by Local Law No. 7-2003, is amended to read as follows:

b. Within thirty days from the date of receipt of such proposal, the Nassau County Planning Commission shall hold a public hearing to receive public comment regarding the disposition of said property upon such notice as required by the Public Officers Law of New York State and as follows:

1. written notice by first class mail to the surrounding owners of property within a 150-foot radius of the subject real property;
2. written notice by first class mail to the Chief Executive of any municipality in which the subject real property is located; and
3. written notice to the Clerk of the Nassau County Legislature and the Nassau County Legislator in whose district the subject real property is located.

Subsequent to the public hearing referred to in this subdivision, OSPAC shall report within thirty (30) days to the Nassau County Planning Commission any recommendations it may have with respect to such proposal.

§ 2. Subdivision c of such section is amended to read as follows:

c. The Nassau County Planning Commission shall issue its written recommendations regarding the disposition of such property to the County Executive and the County

Legislature within forty-five days of the conclusion of such public hearing. Such written recommendations shall include, but not be limited to a statement addressing the issue of whether an acquisition by an adjacent owner would result in a single lot that could be subdivided as of right or by variance request, and whether any covenants and restrictions were imposed as a condition of approval by the Planning Commission.

§ 3. This local law shall take effect December 1, 2007; provided, however, that if within 45 days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of section twenty-four of the New York state municipal home rule law, this local law shall not take effect unless it shall have been approved by the affirmative vote of a majority of the qualified electors of the County of Nassau voting on a proposition for its approval.

§ 4. SEQRA determination. It is hereby determined pursuant to the provisions of SEQRA, Part 617 of 6 N.Y.C.R.R. and Section 1611 of the County Government Law of Nassau County that this legislative action is “Unlisted”; and further, that upon review of the Environmental Assessment Form (“EAF”) for the action, the recommendation of negative declaration from the Nassau County Planning Commission acting in an advisory capacity to the Nassau County Legislature, and supporting documentation, such action is determined not to have a significant effect on the environment and does not require further environmental review. A record of such determination shall be maintained in a file, readily accessible to the public, at the office of the Clerk of the Legislature.

MEMORANDUM IN SUPPORT

TITLE: A LOCAL LAW to amend the Nassau county administrative code, in relation to procedure for the sale of surplus real property.

DESCRIPTION: This bill would require that the Nassau County Planning Commission give notice to certain owners of property in the community of any pending real property dispositions by the County, and report on whether any such sale to an adjacent owner would result in a single lot that could be subdivided as of right or by variance request.

SUMMARY OF PROVISIONS: Section 1 of the bill would amend subdivision b of section 11-8.0 of the Nassau County Administrative Code, to require the Planning Commission to provide notice of its hearing on such sale or conveyance to the surrounding owners of property within a 150-foot radius of the subject real property; the Chief Executive of any municipality in which the subject real property is located; and the Clerk of the Nassau County Legislature and the Nassau County Legislator in whose district the subject real property is located.

Section 2 of the bill would amend subdivision c of section 11-8.0 of the Nassau County Administrative Code to require the Planning Commission, which issues its written recommendations regarding the disposition of real property to the County Executive and the County Legislature, to include therein a statement addressing the issue of whether an acquisition by an adjacent owner would result in a single lot that could be subdivided as of right or by variance request, and whether any covenant or restriction was required in approving the land sale.

EFFECTIVE DATE: The bill would become effective December 1, 2007; provided, however, that if within 45 days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of section twenty-four of the New York state municipal home rule law, this local law shall not take effect unless it shall have been approved by the affirmative vote of a majority of the qualified electors of the County of Nassau voting on a proposition for its approval.