

TITLE 47

NASSAU COUNTY OPEN SPACE AND PARKS ADVISORY COMMITTEE

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Section 1. **Legislative Intent.** Nassau County's open space, parks, and areas of recreational, cultural, archeological, habitat or historic significance or of an otherwise environmentally sensitive nature are valuable resources that should be the subject of thorough and on-going review, evaluation, and, where appropriate, recommendations with respect to the issues of acquisition, preservation, protection, restoration or enhancement. Such review, evaluation, and, where appropriate, recommendations would benefit from having a specific entity that would provide advice regarding options with respect to these valuable resources. A Nassau County Open Space and Parks Advisory Committee is the appropriate entity to carry out these responsibilities with respect to these resources.

Section 2. **Establishment of the Nassau County Open Space and Parks Advisory Committee.**

a) There is hereby established a Nassau County Open Space and Parks Advisory Committee (hereafter referred to as "OSPAC") that shall provide advice to the Nassau County Planning Commission on preserving, protecting, restoring and enhancing open space, parks, and areas of recreational, cultural, archeological, habitat or historic significance or of an otherwise environmentally sensitive nature in Nassau County. OSPAC shall be comprised of nine members. The Presiding Officer of the County Legislature shall have four appointees, the Minority Leader of the County Legislature shall have two appointees, and the County Executive shall have two appointees and the Nassau County Planning Commission shall have one appointee, all of whom shall have experience in or be a representative from an organization dedicated to at least one of the February 28, 2019 following areas of interest: environment, open space; land use planning; land conservation; habitat preservation; archeology; historic, cultural or park preservation, protection, restoration and enhancement; or municipal financing.

b) The terms of two of the appointees of the Presiding Officer shall be for three years from the date of appointment. The initial term of one of the appointees of the Minority Leader shall be for three years from the date of appointment. The initial term of one of the appointees of the County Executive shall be for three years from the date of appointment. The initial term of the appointee of the Nassau County Planning Commission shall be for three years from the date of appointment. The initial terms of all other members of OSPAC shall be for two years from the date of appointment. All subsequent terms of all members of OSPAC shall be for two years from the date of the expiration of the term of the position being filled. All of the initial appointments

shall be made not later than one month after this title is enacted into law. The chair of OSPAC shall be chosen by a vote of at least five members of OSPAC.

c) If any member of OSPAC attends less than thirty percent (30%) of the meetings of OSPAC conducted during a twelve-month period, then the position of the term of which said member had been occupying shall be deemed vacant.

d) No members of OSPAC shall receive any compensation or salary for service on OSPAC.

e) OSPAC shall conduct its initial meeting within thirty (30) days of the initial appointment of at least five (5) of its members.

Section 3. Powers and Duties of OSPAC. The powers and duties of OSPAC in connection with providing advice to the Nassau County Planning Commission shall include the following:

a) developing any appropriate criteria, in addition to those listed in section 4 of this title, to assist in identifying and prioritizing open space, parks, and areas of recreational, cultural, archeological, habitat or historic significance or of an otherwise environmentally sensitive nature for the purpose of considering their acquisition, preservation, protection, restoration or enhancement. As part of the development of these criteria, OSPAC shall refer to and consider utilizing the criteria articulated in the Nassau County Open Space Plan of March 2001 for identifying and prioritizing these areas.

b) utilizing the criteria referred to in Section 3 a) of this title, to assist in identifying and prioritizing open space, parks, and areas of recreational, cultural, archeological, habitat or historic significance or of an otherwise environmentally sensitive nature for the purpose of considering their acquisition, preservation, protection, restoration or enhancement.

c) (i) Identifying financing mechanisms, including mechanisms involving assistance from other levels of government, to fund the acquisition, preservation, protection, restoration or enhancement of open space, parks, and areas of recreational, cultural archeological, habitat or historic significance or of an otherwise environmentally sensitive nature that have been identified and prioritized utilizing the criteria listed in this title or authorized by it to be developed. As part of identifying these mechanisms, OSPAC shall refer to and consider utilizing the mechanisms and criteria articulated in the Master Plan as developed pursuant to section sixteen hundred and four-a of the Charter to fund the acquisition, preservation, protection, restoration or enhancement of these areas. Such mechanisms shall include, but not be limited to: private funding; federal grant and funding programs; state programs and grants; the submission to the state legislature or to the voters of measures to authorize taxes or obligations to fund open space purposes; and potential local funding sources such as, to the extent permitted by law, fines or penalties imposed by the Planning Department and Fire Marshall for violations of county environmental laws, ordinances or regulations.

(ii) The Planning Department and the Fire Commission shall each prepare an annual report analyzing the ways which, to the extent permitted by law, the fines or penalties imposed by such departments for land use development and environmental violations can be used for the purposes of open space acquisition. Such report shall be submitted before the first day of January each

year to OSPAC, the Committee on Planning, Development and the Environment of the Legislature and the Office of the County Attorney.

(iii) OSPAC shall submit a report pursuant to this subdivision to the County Executive, the County Attorney, the Committee on Planning, Development and the Environment of the Legislature and the Planning Commission at least twice each year, in the months of January and July. Such reports shall:

(a) contain recommendations for the funding of open space acquisition;

(b) describe and update the research by OSPAC required pursuant to paragraph (i) of this subdivision into such funding sources and the status of its efforts to obtain such funding; and shall

(c) include, but not be limited to, a description of existing, new and potential funding sources, including the potential sources identified by the Fire Department and the Planning Department pursuant to paragraph (ii) of this subdivision.

d) identifying other mechanisms, including the transfer or purchase of development rights, the establishment of conservation easements, or the establishment of public/private partnerships with the goal of acquiring, preserving, protecting, restoring or enhancing open space, parks, and areas of recreational, cultural or historic significance or of an environmentally sensitive nature. As part of identifying these mechanisms, OSPAC shall refer to and consider utilizing the mechanisms articulated in the Nassau County Open Space Plan of March 2001 to acquire, preserve, protect, restore or enhance these areas.

e) reviewing all leases of county land to non-governmental entities and all long-term use and occupancy permits of county land and to make recommendations to the County Planning Commission with respect thereto regarding the acquisition, reservation, protection, restoration or enhancement of open space, parks, and areas of recreational, cultural, archeological, habitat, or historic significance or of an otherwise environmentally sensitive nature.

f) requesting through the Nassau County Planning Commission and receiving the cooperation of any department, division, board, bureau, commission or any other agency of the county as may be necessary to for OSPAC to carry out the intent of this title.

g) reporting to the Nassau County Planning Commission by June 30 and December 31 of each year as to the dates and subject matter of any public or private meetings conducted by it during the previous six months or since its inception , and as to any analyses or findings by it during the previous six months or since its inception.

h) making recommendations to the Nassau County Planning Commission based upon the powers and duties authorized by this title, with respect to the acquisition, preservation, protection, restoration or enhancement of open space, parks, and areas of recreational, cultural, archeological, habitat or historic significance or of an otherwise environmentally sensitive nature. Copies of these recommendations shall be forwarded by the Nassau County Planning

Commission to the Nassau County Legislature and the County Executive. Not later than six months after receiving the recommendations from OSPAC, the Nassau County Planning Commission shall issue a report commenting in detail on said recommendations.

Section 4. Criteria for the Review and Evaluation of Open Space, Parks, and Areas of Recreational, Cultural or Historic Significance or of an Environmentally Sensitive Nature.

The following criteria, in addition to those that section 3 of this title authorizes OSPAC to adopt, shall be utilized by OSPAC to fulfill its duties and responsibilities as set forth in section 3 of this title for the acquisition, preservation, protection, restoration or enhancement of open space, parks, and areas of recreational, cultural, archeological, habitat or historic significance or of an otherwise environmentally sensitive nature:

a) the project will further the goals and requirements contained in the New York State Open Space Conservation Plan, the Nassau County Open Space Plan, the State Comprehensive Outdoor Recreation Plan, the New York State Waterfront Revitalization and Coastal Resources Act, the Nassau County Comprehensive Plan, the New York Natural Heritage Program, the Comprehensive Conservation and Management Plan for Long Island Sound, the South Shore Estuary Reserve Comprehensive Management Plan, the County Groundwater Study, the State Environmental Quality Review Act, the State Coastal Zone Management Act, and the State Special Groundwater Protection Area Management Plan, or other federal, state, county, town or city plans or programs related to open space, parks, and areas of recreational, cultural, archeological, habitat or historic significance or of an otherwise environmentally sensitive nature.

b) the project will preserve, protect, restore and enhance environmentally sensitive areas or new or existing recreation lands, including open space, parks, cultural resources, historic and archeological properties, coastal and habitat areas, beaches, waterfronts, waterways, wetlands, and marinas.

c) the project will preserve, protect, restore and enhance important natural areas of environmental significance or with rare or unique features or an environmental, cultural, archeological, habitat or historic nature.