

NASSAU COUNTY PLANNING COMMISSION

LEASE OF COUNTY-OWNED PROPERTY & SEQRA DETERMINATION

NCPC-OSPAC FILE NO: 2-2024

WHEREAS, pursuant to Nassau County Administrative Code Section 11-8.0, the NASSAU COUNTY PLANNING COMMISSION (the “COMMISSION”) issues the following recommendation to the NASSAU COUNTY LEGISLATURE (the “LEGISLATURE”) and the NASSAU COUNTY EXECUTIVE regarding the lease of real property owned by Nassau County;

WHEREAS, the NASSAU COUNTY EXECUTIVE signed a lease with LVS NY HOLDCO 2, LLC (“Sands”) for certain parcels of land in Nassau County including the Nassau Veterans Memorial Coliseum (the “Coliseum”) on May 26, 2023,

WHEREAS, that lease was annulled by order of the New York Supreme Court, Nassau County on November 9, 2023,

WHEREAS, following that annulment, the County of Nassau and Sands entered into a Use & Occupancy Permit to permit Sands to continue to use and occupy the Coliseum and certain surrounding land,

WHEREAS, the NASSAU COUNTY EXECUTIVE’S OFFICE forwarded to the COMMISSION a proposal for the execution of a new lease between the County of Nassau and Sands for the Coliseum site (“Proposal”), more particularly described as:

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Section: 44, Block: F, Lot(s): 351, 411, 412 & 415
1255 Hempstead Turnpike, Uniondale, Town of Hempstead

WHEREAS, the COMMISSION forwarded to the NASSAU COUNTY OPEN SPACE AND PARKS ADVISORY COMMITTEE (“OSPAC”), the Proposal,

WHEREAS, OSPAC held a public meeting concerning the Proposal on [X, 2024],

WHEREAS, the COMMISSION held a public hearing concerning the Proposal on [Y, 2024], in accordance with N.Y. Public Officers Law, notice of which was sent to Nassau County Legislator Siela A. Bynoe, and Town of Hempstead Supervisor Donald X. Clavin, Jr., as well as to all surrounding property owners within a 150 ft. radius, with regard to the Proposal;

WHEREAS, at its public meeting concerning the Proposal on [Z, 2024], OSPAC made a recommendation [for/against] the Proposal;

WHEREAS, in accordance with Section 1611 of the Nassau County Charter and acting in an advisory capacity to the LEGISLATURE, the COMMISSION is required to review certain actions in accordance with the New York State Environmental Quality Review Act (“SEQRA”) and the COMMISSION has conducted such environmental review;

WHEREAS, upon review of the Town of Hempstead zoning ordinance, the acquisition of the subject property by an adjacent owner could not result in a single lot that could be subdivided for residential development as of right,

WHEREAS, while Sands intends to seek to develop a casino at the Coliseum site, the Lease does not authorize the Coliseum site to (i) be developed or (ii) used for a casino,

WHEREAS, pursuant to Nassau County Administrative Code Section 11-8.0, the Commission considers the Nassau County Comprehensive Master Plan, the 2003 and 2008 Updates to that Master Plan, and the draft 2010 Nassau County Master Plan (collectively, the “Master Plan”), in making recommendations to the Legislature,

WHEREAS, the Commission finds that the Proposal [is/is not] in accordance with the Master Plan because: [X],

WHEREAS, pursuant to Nassau County Administrative Code Section 11-8.0, the Commission considers the criteria governing review by OSPAC set forth in Title 47 of the Miscellaneous Laws of Nassau County in making recommendations to the Legislature,

WHEREAS, the Commission finds that the Proposal [is/is not] in accordance with those criteria because: [X],

WHEREAS, the Commission has conducted its review in accordance with an order of the New York Supreme Court, Nassau County,

NOW THEREFORE BE IT RESOLVED that, based upon review of the environmental documents and supporting documentation, the COMMISSION recommends that the LEGISLATURE find that the proposed action regarding NCPC-OSPAC #2-2024 be classified as a Type [X] action and determine that it [will/will not] have a significant adverse impact on the environment; and be it further

RESOLVED, that the COMMISSION hereby recommends that the LEGISLATURE complete the review of the proposed action under SEQRA by classifying the action as Type [X] and issuing a [POSITIVE/NEGATIVE] DECLARATION; and be it further

RESOLVED, that the COMMISSION hereby recommends that the LEGISLATURE [approve/not approve] the Proposal without condition;

The foregoing resolution was offered:

The resolution herein was, in accordance with all applicable law, duly considered, moved, and adopted by the following vote:

Leonard Shapiro, Chair	[AYE/NAY/ABSTAIN]
Jeffrey Greenfield, Vice-Chair	[AYE/NAY/ABSTAIN]
Neal Lewis, 3rd Vice-Chair	[AYE/NAY/ABSTAIN]
Dana Durso	[AYE/NAY/ABSTAIN]
Ronald J. Ellerbe	[AYE/NAY/ABSTAIN]
Murray Forman	[AYE/NAY/ABSTAIN]
Denise Gold	[AYE/NAY/ABSTAIN]
Khandan Kalaty	[AYE/NAY/ABSTAIN]
Reid Sakowich	[AYE/NAY/ABSTAIN]

The Chair declared the resolution duly adopted.

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Adopted: [X, 2024]

This resolution may be modified to allow for the correction of any mathematical, graphical and/or clerical errors, and to finalize any placeholders to reflect the vote, subsequent to any approval and adoption of said resolution without the necessity for a vote to be taken by the Nassau County Planning Commission if said resolution is approved and adopted by the affirmative vote of a majority of said Nassau County Planning Commission.

Resolution of Nassau County Planning Commission

Adopted: [X, 2024]

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STATE OF NEW YORK)

) SS:

COUNTY OF NASSAU)

I, _____, _____ for the Nassau County Planning Commission, do hereby certify, that I have compared the preceding with the original resolution passed by the Planning Commission of Nassau County, New York, on _____, 2024 on file in my office and recoded in the record of proceedings of the Planning Commission of the County of Nassau and do hereby certify the same to be a correct transcript therefrom and of the whole said original.

I further certify that the resolution herein above was passed by the concurring affirmative vote of the Planning Commission of the County of Nassau.

IN WITNESS WHEREOF, I have hereunto set my hand,

This ____ day of ____ in the year of 2024.

WILLIAM NIMMO, DEPUTY COMMISSIONER
NASSAU COUNTY PLANNING COMMISSION