

NASSAU COUNTY PLANNING COMMISSION

LEASE OF COUNTY-OWNED PROPERTY & SEQRA RECOMMENDATIONS

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 recommendations 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, and remains annulled pending appeal of the order;

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:

NCPC-OSPAC FILE# 2-2024

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

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

WHEREAS, OSPAC held a public meeting concerning the Proposal on June 18, 2024;

WHEREAS, the COMMISSION held a public hearing concerning the Proposal on June 20, 2024, in accordance with the New York State Public Officers Law, notice of which hearing 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;

WHEREAS, at its public meeting concerning the Proposal on July 10, 2024, OSPAC “[found] that the Proposal has no impact on County open space or parks or any areas of cultural, archeological, habitat, or historic or of an otherwise environmentally sensitive nature and hereby recommends that the NCPC recommend that Proposal without condition”;

WHEREAS, pursuant to Section 1611(2)(a) of the Nassau County Charter, the Nassau County Department of Public Works – Office of Real Estate Services has requested that the COMMISSION provide advice, pursuant to the New York State Environmental Quality Review Act (“SEQRA”), with respect to the Proposal;

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, no covenants or restrictions were imposed as a condition of recommendation by the COMMISSION;

WHEREAS, the Proposal does not authorize the Coliseum site to be (i) 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 (“1998 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, in reviewing the Proposal, the COMMISSION has considered the Proposal’s adherence to the goals laid out in the Master Plan, including:

- That the County should “[p]rotect and preserve the County’s critical natural resources, including the wetlands, aquifers, shorelines, water bodies, open space, significant vegetation and nature preserves.” (1998 Plan, p. III-7.)
- That the County should “[p]rotect the quality and quantity of Nassau County’s groundwater and surface water resources.” (1998 Plan, p. III-21.)
- That the County “[s]trengthen the economy . . . by encouraging economic development activities which will provide jobs, increase the tax base, ensure a stable land use pattern, and diversify the County’s employment sectors.” (1998 Plan, p. VI-4.)
- That the County “[s]upport initiatives which are targeted at strengthening and improving the County’s downtowns and Centers.” (1998 Plan, p. VI-15.)
- That the County “[s]upport and enhance the cultural facilities, services, programs and events in the County to improve the quality of life and encourage tourism.” (1998, p. VII-4.)
- That the County “should coordinate with the Open Space and Parks Advisory Committee (‘OSPAC’) and other entities to ensure that existing tools for the preservation and protection of Open Space are used effectively.” (2003 Plan, p. 43.)
- That the County should “promote and support its traditional downtowns through community-based planning, public investment in infrastructure, programs to strengthen cultural and retail activities, and marketing.” (2003 Plan, p. 44.)
- That the County “should target its economic development and planning resources toward the revitalization of low-income areas where opportunities for economic growth and development have historically been overlooked.” (2003 Plan, p. 44.)
- That the County “should develop and adopt an energy policy to be factored into its decisions related to real estate consolidation, economic development policy, investments in technology and other matters.” (2003 Plan, p. 44.)
- That the County “should build on recent accomplishments in attracting and promoting national sports and cultural events at County facilities.” (2003 Plan, p. 45.)
- That the County “should additionally promote its wide range of cultural, historic and retail destinations to maximize the economic strength of its tourism industry.” (2003 Plan, p. 45.)
- That the County, “[o]ver the next twenty years, . . . focus on attracting approximately 20,000 new leisure and hospitality jobs in the sports, entertainment & tourism industries.” (2010 Plan, Chapter 2: The Economy, p.47.)
- That the County should “[i]dentify areas prone to greater risk from climate change and restrict development in those areas.” (2010 Plan, Action Plan p. 16.);

WHEREAS, the COMMISSION finds that the Proposal [is/is not] in accordance with the Master Plan;

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, specifically:

- The “goals and requirements contained in” the documents referenced in Title 47(4)(a) of the Miscellaneous Laws of Nassau County;
- Whether “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”; and
- Whether “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.”;

WHEREAS, the COMMISSION finds that the Proposal [is/is not] in accordance with those criteria;

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 [an unlisted/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 [an unlisted/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.

OSPAC 2-2024

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]

OSPAC File# 2-2024

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 recorded 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