

Suffolk County Landbank Corporation Special Board Meeting
Suffolk County Department of Economic Development and Planning
H. Lee Dennison Building, 11th Floor
Hauppauge, NY 11788

GOTOMEETING VIDEO CONFERENCE ONLINE

July 14, 2020 at 1:30 p.m.

Special Meeting Verbatim Minutes

PRESENT:

Board of Directors:

Peter Scully, Deputy County Executive
Natalie Wright, Commissioner, SC Dept. of Economic Development and Planning
Hon. Robert Calarco, Presiding Officer, Suffolk County Legislature
Hon. Thomas Cilmi, Suffolk County Legislator, District #10
Hon. Rich Schaffer, Supervisor, Town of Babylon
Cara Longworth, Empire State Development
Jason Smagin, Director of Real Estate, SC Dept. of Economic Development and Planning

Staff Present:

Sarah Lansdale, President, SC Landbank Corp
Robert Braun, Counsel, Suffolk County Dept. of Law
Janet Gremler, Dept. of Health Services
Matthew Kapell, Project Manager, Suffolk County Landbank
Mikael Kerr, Project Coordinator, SC Landbank Corp.
Anna Dicker, Intern

Guests:

Michael O'Neill, Trustee, Village of Amityville
Mayor Dennis Siry, Village of Amityville

Verbatim Transcript

CALL TO ORDER

The Special Meeting of the Suffolk County Landbank Board was called to order by Natalie Wright at 1:30 p.m.

Natalie Wright: This is the July 14, 2020 special meeting of the Suffolk County Landbank Corporation Board and for the record; we do have a quorum present. The notice of the meeting followed the Open Meetings Law as amended by Executive Order 202.1 and as extended by Executive Order 202.48, allowing meetings to take place telephonically or through other similar services until August 5, 2020. In this instance, we will be using GoToMeeting and will be recording the entirety of the meeting. If the meeting does unexpectedly close for any reason, please wait one minute before trying to reconnect. All votes on Board Actions and Resolutions will be done via a roll call and we ask that all Board Members clearly state their name and when making a motion, and clearly state their vote when their name is called. Matt will conduct a roll call.

(Roll Call by Matt Kapell)

Peter Scully: Here

P.O. Rob Calarco: Present

Natalie Wright: Present

Hon. Thomas Cilmi: Here

Jason Smagin: Here

Hon. Rich Schaffer: Here

Cara Longworth: Here

Natalie Wright: Great. Moving on to the Public Portion, please let the record show that we have not received any public comment. Moving in to new business – **Staff Update.**

Sarah Lansdale: Thank you Natalie. I'm going to ask Mike to provide an update. We received an application from Security Dodge regarding 344 Merrick Road. We had discussed this at the last Board Meeting, and this is why we're requesting a special meeting, because there's actually legislation that's pending before the Economic Development Committee tomorrow, that we thought we'd provide the Board with an update and see if there's any action that they'd like to take regarding the proposal that we've received. So Mike, can you provide an update please on the proposal.

Janet Greml: You're mike is off.

Mikael Kerr: Sorry, so this is in regards to the resolution pending today, which is amending Resolution 2020-15, which was passed at our last Board Meeting – Authorizing the sale of the Liens to an LLC to be formed by the Landbank . We're asking the Board today to amend to allow us to sell based on the proposal we received from Security Dodge. So they have agreed to the \$100,000 offer price. They will pay for the outstanding liens. The site is, of course, going to be used for auto storage. They're going to be using Metro Environmental Services. You may be familiar with them. They are led by Tyree, who purchased 95 Eads from us. They're going to be conducting the remediation. They estimate it to be around \$150,000. We're going to be requesting \$175,000 bond to be held, just to ensure that the remediation takes place. They also are going to include certain site improvements, which are going to be paving, drainage, fencing and landscaping. And, we are also going to be putting in the contract that some of that you know a little bit more specifics on the landscaping towards beautification, mostly to address the concerns that Legislator Richberg brought to our attention and that members of the community have brought to our attention about the sites, so that is one thing we'll also be including.

One issue that came up when we received the proposal is that we have a question on the proposal asking if the proposer has had any past violations of DEC or Suffolk County Health Dept. or the sanitary code or things of that nature. They said "no", and while we were looking into it, we saw that they did have previous violations, the most recent being from 2008. They were all remedied and they paid the fines and took care of it, but they did misrepresent that on the application. So, I don't know if Janet do you just want to describe the most recent violation that's pending or that they took care of from 2008?

Janet Greml: Actually, the most recent violation was in April of 2019. It was a petroleum bulk storage violation. The majority of the violations at the site over the years were for petroleum bulk storage, which is the storage of toxic and hazardous materials overseen by the Office of Pollution Control. That violation did exist and there were several prior to that. All violations were corrected by Security Dodge. Named in the violations was JJ Vigorito or John Vigorito, different persons of Security Dodge were named on the paperwork.

Mikael Kerr: Thank you Janet. So we wanted to bring that to the attention of the Board. You know, we can allow Security to amend that. You know, all the violations have been remedied. They've taken care of them all, but we did want to bring that to the attention of the Board.

Natalie Wright: Great. Thank you very much Mikael and Janet. I do see that we have Trustee O'Neill from Amityville also on the line. I just wanted to see if he wanted to make any comments. Trustee?

Michael O'Neill: Thank you. I was really on the call just to kind of listen to see what everything was going on, specifically, and it seems it was addressed in the introduction of the application and the contract that all liens on the property will be paid in full, and that there's no language, quite honestly, in anything that gives them any wiggle room to negotiate or to contemplate any type of discussion with the Village regarding the payment of the liens. So, as long as it's very cut and dry that all the liens will be paid, I actually, like the discussion about the landscape as it relates to the neighbors. We've got some stipulations already on the property that we've worked through over the years with them. And I don't know if the discussion of things like that would be done in conjunction with the Village or if that's just part and parcel the responsibility of the Landbank, but otherwise...

Robert Braun: Inaudible

Michael O'Neill: Yes?

Robert Braun: I'm sorry. I didn't mean to interrupt. I thought you were finished

Michael O'Neill: That's okay, that's okay.

Robert Braun: With respect to this use of this property as a vehicle storage area, with fencing and so forth, is that to be subject to a site plan application in the Village?

Michael O'Neill: Well yes, they will have to, you know, they will have to come to us going forward, but it's the continuation of an existing type of business, so my guess is that we wouldn't be able to do anything against them, if they wanted to do a current use for the property.

Robert Braun: No, I mean to say, when they have, in their application to the Landbank, they have indicated that they want to put up fencing, they want to put up signage, and that they're going to do some landscaping, and my question is whether all of that together has to be a site plan application even though it's the continued same use of the property?

Michael O'Neill: I believe it would require a site plan application.

Robert Braun: Okay, so then the Village would be more in control of what kind of landscaping, plantings and other things like that rather than we would be. We could put something in the contract, but all we could probably say is that they're going to do it to the satisfaction of the Village.

Michael O'Neill: That would be fine. Yes, I think the Village would want final say on the site plan.

Robert Braun: Okay, good.

Mayor Dennis Siry: Hello. This is Mayor Siry, Dennis Siry.

Hon. Rich Schaffer: Hey, this is Rich Schaffer.

Mayor Dennis Siry: Hello.

Robert Braun: Hello

Natalie Wright: It sounds like we have Mayor Siry. We can hear you.

Mayor Dennis Siry: You can hear me? Okay, I got to say they need to come to us for an automotive license, and at that point we will address any landscaping and anything that needs to be done on the property.

Natalie Wright: It sounds like there's somebody else that may be speaking, another caller. Mayor Siry are you still there?

Michael O'Neill: I think he may have dropped off, so to kind of just I think I forgot about, they will need to come to us for the automotive license use and then part of that application would be the conditions on what the site plan would look like, so ultimately, I guess the question is, it would be based upon the Village approving any license or any use of property.

Robert Braun: Okay, good.

Michael O'Neill: So that takes care of that, and then as far as, again, just wanting to assure that in any of the documents or application, there's nothing in there that even gives a hint of the Village or Security working something out as it relates to the property tax liens.

Robert Braun: Actually, that is the way they made the application. They said they would satisfy or negotiate any outstanding Village tax liens, but we don't propose to put that in the contract that way. That was their request, but it was, we have not agreed to that.

Michael O'Neill: So, let me ask you a question? If you're potentially going back to them and asking them to correct the application as it relates to the violations, I would, look the reality is the problem that I have that it's even in the application, just gives the impression that they're going to come to us and even that the Village would entertain it, so if they're gonna go back and modify the application, I would request that that language come out of it.

Robert Braun: We can have that discussion with them. That shouldn't be a problem.

Michael O'Neill: Okay. Just because it's...

Robert Braun: If the Village, certainly, if the Village is not willing to negotiate or modify any of the outstanding taxes, then whether it's in the application or the contract or not, you just don't do it. So their stuck. The same way you can tell them what kind of plants to put in their landscaping area. They have to do what you want.

Michael O'Neill: I understand that, but I'll be honest with you. and look, I'm being brutally honest that , I just want to safeguard about any perception as it regards, results with the Village, so any perception that the Village would even, so by them putting it in writing, it gives the perception that the Village, might be, open to give or negotiate the tax liens down. So it's non-negotiable and if it's non-negotiable it shouldn't even be in the application, in my opinion.

Robert Braun: Understood.

Mayor Dennis Siry: Hello, can you hear me now?

Michael O'Neill: Yes, thank goodness, you're back.

Mayor Dennis Siry: I have one question, if I could? When you were talking about the Health Department violations and issues, aren't there some outstanding Health Department violations on the property still?

Janet Greml: Are you talking about 345 Merrick Road or 344 Merrick Road?

Mayor Dennis Siry: 344 Merrick Road.

Janet Greml: We were referencing 345 Merrick Road that the applicant had put down that they had never been a respondent regarding violations of the Suffolk County Sanitary Code, and at their address on 345 Merrick Road in Amityville, they were in violation of the sanitary code, and It was a discrepancy on their answer to the question on the application, and that's what we were referring to. But, yes, 344 Merrick Road is in many violations of the Suffolk County Sanitary Code at this time. Those will be addressed by the new property owner.

Mayor Dennis Siry: Okay, I apologize then, I missed that part. Thank you.

Janet Greml: Okay, you're welcome.

Natalie Wright: So, to move forward, the requested **Board Action is Resolution 2020-16: Amending 2020-15 – Authorizing the Acquisition and Disposition of Tax Liens for 344 Merrick Rd., Amityville, NY** and it would be subject to receiving an amended application based on this discussion today. Is there a motion?

Sarah Lansdale: Natalie, can I just make a recommendation that we receive that amended application before 2 p.m. before it's considered by the Eco. Dev. Committee tomorrow?

Natalie Wright: Yes, I think that's a good recommendation.

Peter Scully: Motion to approve.

Natalie Wright: Peter Scully with a motion to approve. Is there a second?

Hon. Rich Schaffer: Rich Schaffer will second it.

Natalie Wright: Supervisor Schaffer with a second, and Matt, will you do a roll call please.

Sarah Lansdale: Matt, you're muted.

(Roll Call by Matt Kapell).

Peter Scully: Yes

P.O. Rob Calarco: Yes

Natalie Wright: Yes

Hon. Thomas Cilmi: Yes

Jason Smagin: Yes

Hon. Rich Schaffer: Yes

Cara Longworth: Yes

Matt Kapell: Seven.

Natalie Wright: Great, thank you so much. I'm happy to see this move forward. This is great. We do not have

any old business or correspondence. Next Steps is the meeting of the Suffolk County Landbank Board of Directors will take place on August 12th at 11:30 a.m.. And is there a motion to adjourn the meeting?

P.O. Rob Calarco: Motion

Natalie Wright: P.O. Calarco made a motion.

Peter Scully: Second

Natalie Wright: I didn't hear. Is there a second?

Peter Scully: Second

Natalie Wright: Peter Scully with a second. Can we do a roll call please, Matt?

(Roll Call by Matt Kapell)

Peter Scully: Yes

P.O. Rob Calarco: Yes

Natalie Wright: Yes

Hon. Thomas Cilmi: Yes

Jason Smagin: Yes

Hon. Rich Schaffer: Yes

Cara Longworth: Yes

Matt Kapell: Seven

Natalie Wright: Excellent. The meeting is adjourned. Thank you everyone for your time today and we'll see some of you tomorrow at Committee. Meeting adjourned at 1:47 p.m.