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MEMORANDUM

TO: Hon. Members Kaplan, Sillitti, Thiele, Gaughran
FROM: John B. Kiernan
DATE: January 28, 2022
RE: Local Zoning Overrides
Part AA S.8006 A.9006 Mandatory Accessory Housing
Part EE S.8006 A.9006 Mandatory Transit Oriented Development

As you may know, I and my firm have represented the Nassau County Village Officials Association (NCVOA) for about 20 years. The NCVOA is extremely concerned about the two parts of the above referenced Budget bills.

These two proposals are an outrageous violation of local governments’ zoning powers granted in the State Constitution. They have no real State Budget implications and do not belong in a Budget bill where many favorable proposals might also exist. The State government could fund its operations, provide school aid, provide health care, protect the environment and criminal justice services without these two social policy experiments.

Furthermore, these two zoning proposals could have unintended serious consequences such as high increases in public school student populations, school bus demand increases, local traffic and on-street parking nightmares. Furthermore, there will be heightened public water supply, septic, sewer and policing issues and increased pressure on volunteer fire fighting and EMT services. The Accessory Dwelling proposal can be and should be called the “End of Single Family Homes”. Furthermore, it completely ignores and disregards years of planned communities, some going back 100 years or more and homeowner agreements that have served established communities well and have helped middle class taxpayers build equity in their houses, their most valuable asset.

It is hard to believe that any serious thought was given to these proposals. For instance, given the nature and character of existing communities on Long Island, does anyone really believe that transit-oriented housing would work for example near the East Williston or Plandome LIRR stations?

When I am back in Albany on Monday, I hereby request an opportunity to speak with you by telephone sometime on Monday or Tuesday. My email is JBK@DHCLEGAL.COM. Thank you.

cc: Hon. Andrea Stewart-Cousins
Hon. Carl Heastie