

**INCORPORATED VILLAGE OF OLD WESTBURY
BOARD OF TRUSTEES**

RESOLUTION

**OPPOSING THE PROVISIONS OF GOVERNOR HOCHUL'S FISCAL YEAR 2023
EXECUTIVE BUDGET THAT IMPOSE STATEWIDE LAND USE MANDATES THAT
PRE-EMPT LOCAL ZONING POWERS AND REQUIRE THE VILLAGE OF OLD
WESTBURY TO ALLOW ACCESSORY HOUSING UNITS IN THE VILLAGE**

WHEREAS, as part of the Fiscal Year 2023 Executive Budget (the "Budget"), Governor Hochul has proposed amending State law to pre-empt local zoning powers and impose a statewide land use mandate requiring every city, village, and town to authorize the creation of at least one Accessory Dwelling Unit (ADU) per residential lot and to permit 25 units of housing on one-acre residential lots within a half mile of a transit hub such as a Long Island Railroad station (the "Land Use Mandates"); and

WHEREAS, local zoning powers have been the foundation of Village government since the Village of Old Westbury was incorporated in 1924, as granted to the Village by the New York State Constitution and New York statutory law; and

WHEREAS, the proposed Land Use Mandates would prohibit the Village from restricting the creation of ADUs; and

WHEREAS, the proposed Land Use Mandates would be in direct contravention to the State's long-held policy as set forth in law authorizing locally determined land use planning; and

WHEREAS, the imposition of the proposed Land Use Mandates for ADUs, and the erosion of home rule zoning powers will inevitably result in development that is inconsistent with the character of the Village and adverse to the public health, safety, and welfare of the Village's residents; and

WHEREAS, the imposition of the proposed Land Use Mandates without taking into consideration the impacts the significant, unprecedented changes would have on the Village would result in incongruous development that is harmful to the Village; and

WHEREAS, the Board of Trustees of the Incorporated Village of Old Westbury (the "Board") deems it to be in the best interest of the Village and its residents, to oppose the proposed Land Use Mandates.

NOW, THEREFORE, BE IT RESOLVED, that the Board finds that:

1. The proposed Land Use Mandates will negatively impact the health, safety, and welfare of the Village and its residents.
2. The Board opposes the inclusion of the proposed Land Use Mandates in Governor Hochul's Fiscal Year 2023 Budget.

3. The Board urges State and other local officials to oppose the adoption of the proposed Land Use Mandates.
4. The Board urges every resident to support this Resolution and the Board's efforts to oppose the adoption of the proposed Land Use Mandates.

On motion by Trustee Brown, seconded by Baker, the foregoing Resolution was adopted by upon the following vote:

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|---------------------------|---|--------|
| Edward Novick, Mayor | - | Aye |
| Cory Baker, Deputy Mayor | - | Aye |
| Marina Chimerine, Trustee | - | Absent |
| Jeffrey Brown, Trustee | - | Aye |
| Andrew Weinberg, Trustee | - | Aye |

Dated: Old Westbury, New York
February 15, 2022

Filed: Old Westbury, New York
February 16, 2022

2.15.22 Remarks for Village of Old Westbury Emergency Board Meeting Regarding ADU Proposal

Good evening Mayor Novick and Trustees of the Village of Old Westbury.

My name is Sean Collins-Sweeney, and I'm here on behalf of Senator Anna Kaplan, who is presently in the middle of a budget hearing in Albany and thus was unable to personally appear on this call tonight.

The subject of tonight's meeting is one that the Senator feels very strongly about, so she asked me to join you tonight to read a statement into the record on her behalf.

I will also note that Senator Kaplan has been in communication with Senator Gaughran on this matter, and he asked that I convey to you that he shares Senator Kaplan's viewpoint on this issue.

Senator Kaplan is proud to represent 33 villages throughout the 7th Senate District, including Old Westbury, and as a former local government official herself, she's deeply attuned to the need to protect the local control and local decision-making that has always been a hallmark of Town and Village government authority.

To that end, several weeks ago, when the Senator first became aware of proposals to usurp local control on zoning matters, she got to work speaking with those who were advancing the individual proposals, including Senators and the Governor's office, to convey to them her strong disapproval of the proposals, and to help them understand the negative impact that these proposals would have on our local governments here in Nassau County.

On February 1st, Senator Kaplan sent a letter to every Mayor and Town Supervisor within her district to apprise them of the situation, and convey her strong disapproval of the proposals, and I'd like to read that letter into the record now:

"Dear Mayor:

Governor Hochul has included two proposals in her State Fiscal Year 2022-2023 Executive Budget that I believe will adversely impact how local governments can regulate their own communities, and I'm writing to you today to let you know that I will be fighting back against these proposals.

The specific proposals can be found in the legislation S.8006/A.9006 under parts AA and EE. Part AA would require every city, village, and town to permit at least one accessory dwelling housing unit per lot in areas zoned for single-family or multifamily residential use or where there is an existing residential use. Part EE would require that when there is a designated transit hub, the municipality would be forced to amend its zoning to permit transit-oriented housing, permitting 25 units per acre.

I have serious concerns about the infringement these proposals would have on New York's long-standing history of municipal home rule. Moreover, I believe these proposals would have a profound impact on our communities here in Nassau County and I have made my opposition to these proposals known and will continue to fight against them.

Unrelated to the Governor's budget proposals, but also important to note, legislation has been introduced in the Senate, S.7574, that would effectively ban single-family zoning in New York, eliminate off-street parking requirements in cities, towns and villages, and prevent localities from imposing lot size requirements for homes. Please know that for the same reasons I enumerated above, I will be standing firmly against this proposal as well.

If you have any questions, please don't hesitate to reach out. Sincerely, Senator Anna Kaplan." And that's the end of the letter.

As you have heard, she has repeatedly and forcefully conveyed her clear and unambiguous disapproval of the proposals that bring us together tonight, and she has made her viewpoint known with the Governor herself during an extended conversation on the matter.

As she continues her advocacy on this issue, she appreciates the strong stand being taken here tonight by the village, and welcomes your support of her position.

Thank you.