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5 **ECONOMIC DEVELOPMENT, PLANNING & HOUSING COMMITTEE**

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8 **OF THE**

9
10 **SUFFOLK COUNTY LEGISLATURE**

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14 A meeting of the Economic Development, Planning & Housing Committee
15 of the Suffolk County Legislature was held via video conference in
16 the Rose Y. Caracappa Legislative Auditorium of the William H.
17 Rogers Legislature Building, 725 Veterans Memorial Highway,
18 Smithtown, on April 22, 2020.
19

20
21 **MEMBERS PRESENT:**

22 Legislator Rob Calarco, Presiding Officer
23 D.P.O. Kara Hahn, Chairperson
24 Legislator Susan A. Berland, Vice Chair
25 Legislator Samuel Gonzalez
26 Legislator Kevin J. McCaffrey
27 Legislator Jason Richberg
28 Legislator Robert Trotta
29

30 **ALSO IN ATTENDANCE:**

31 Legislator Leslie Kennedy, Legislative District No. 12
32 Sarah Simpson, Counsel/Suffolk County Legislature
33 Lora Gellerstein, Chief of Staff/Suffolk County Legislature
34 Amy Ellis, Chief Deputy Clerk/Suffolk County Legislature
35 Lance Reinheimer, Director of Budget Review
36 Jack Nix, County Executive's Office
37 Jason Smagin, Director of Real Estate
38 All Other Interested Parties
39

40
41 **MINUTES TAKEN BY:**

42 Lucia Braaten, Court Stenographer
43

44 **MINUTES TRANSCRIBED BY:**

45 Kim Castiglione, Legislative Secretary
46
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1 (*The meeting was called to order at 2:02 p.m.*)

2
3 **P.O. CALARCO:**

4 Welcome, everyone, to this afternoon's committee on Economic
5 Development, Planning and Housing. If we can all please rise for
6 the Pledge of Allegiance, led by Legislator Hahn.

7
8 (*Salutation*)

9
10 **P.O. CALARCO:**

11 Okay. Thank you, everyone, for joining our committee this
12 afternoon by Zoom meeting. As per our Procedural Motion adopted at
13 the last meeting, as Presiding Officer I will be Chairing the
14 meeting in order to effectuate the committee without having to have
15 Legislators come to the Legislative building for today's meeting,
16 and I thank Legislator Hahn for allowing me to Chair her committee
17 today. As such, we have also, as part of the Executive Order by
18 the Governor, suspended the Public Portion as we are not allowing
19 public into the building.

20
21 So we'll go right into our agenda this afternoon. We do not have
22 any appointments or presentations or tabled resolutions, so we'll
23 go right to Introductory Resolutions.

24
25 **Introductory Resolutions**

26
27 Our first resolution is *I.R. 1275 - Amending the 2020 Operating*
28 *Budget and accepting proceeds from the 2019 Suffolk County Marathon*
29 *(County Executive)*.

30
31 I'll take a motion from Legislator Berland, second by Legislator
32 Hahn. Does anybody have any questions on the motion? Seeing none,
33 we'll have a motion to approve. Roll call.

34
35 (*Roll Call by Amy Ellis, Chief Deputy Clerk*)

36
37 **LEG. BERLAND:**

38 Yes.

39
40 **CHAIRPERSON HAHN:**

41 Yes.

42
43 **LEG. GONZALEZ:**

44 Yes.

45
46 **LEG. TROTТА:**

47 Yes.

48
49 **LEG. MC CAFFREY:**

50 Yes.

51
52 **LEG. RICHBERG:**

53 Yes.

54
55 **P.O. CALARCO:**

56 Yes.

1 **MS. ELLIS:**

2 *Seven.*

3

4 **P.O. CALARCO:**

5 It is approved. *I.R. 1293 - Amending Chapter 1151 of the Suffolk*
6 *County Code in connection to the County's Workforce Housing*
7 *Transfer of Development Rights Implementation Plan (County*
8 *Executive).*

9

10 **LEG. BERLAND:**

11 I'll make a motion.

12

13 **P.O. CALARCO:**

14 Motion from Legislator Berland.

15

16 **LEG. GONZALEZ:**

17 Second.

18

19 **P.O. CALARCO:**

20 Second by Legislator Gonzalez. Does anybody have any questions on
21 the issue?

22

23 **LEG. TROTТА:**

24 Yeah. Can somebody -- I tried to look it up, I really couldn't
25 find it, just a brief synopsis.

26

27 **P.O. CALARCO:**

28 Counsel, can you give us a brief synopsis or is there somebody in
29 our waiting room who would be able to help? I have Bob Braun and a
30 phone number. I don't know who the phone number is.

31

32 **MS. SIMPSON:**

33 I don't know if Jason Smagin is in there.

34

35 **MR. NIX:**

36 Jason Smagin should be in the waiting room. He said he was going
37 to call in.

38

39 **P.O. CALARCO:**

40 Is this him? Is this his phone number then? We really need to --
41 you guys got to get me their phone number so I know who those
42 individuals are, because I'm hesitant to bring people into the
43 meeting that I don't know who they are. Jason, is that you on the
44 line?

45

46 **DIRECTOR SMAGIN:**

47 Yes, this is Jason Smagin.

48

49 **P.O. CALARCO:**

50 Okay. Jason is on the line, he's calling in. Jason, there was a
51 question about exactly what this resolution is doing.

52

53 **MS. SIMPSON:**

54 It's 1293, Jason.

55

56

1 **DIRECTOR SMAGIN:**
2 Thank you. What number again?

3
4 **MS. SIMPSON:**
5 1293. It's the workforce development rights resolution.

6
7 **DIRECTOR SMAGIN:**
8 Sorry, I'm just trying to get to my documentation. So for 1293,
9 this is doing mainly three things. The first is it's making the
10 purchase price limit consistent with our current affordable housing
11 section of the code. How it was originally drafted, it had a cap
12 of a specific number of 250,000. And as we understand, money today
13 is not worth the same as yesterday, and not worth the same as
14 tomorrow. So we like to move just like our Affordable Housing
15 Program, which, you know, this is looking to create, under the same
16 kind of, you know, with the same authority to be able to do in its
17 calculation of what the sale price should be.

18
19 The other thing that this does is it makes it more in line with how
20 a for profit developer profit is realized. It just makes it
21 consistent with A36, the affordable housing section of the code.

22
23 And the main thing that this does, so this was -- how this section
24 was originally created, it was not allowing us to transfer
25 properties that are -- transfer credits that are on our Master
26 List. So property owners out there are being treated differently
27 just because the County put the property on its Master List. So
28 we're trying to erase that section of the code as well. We have
29 local municipalities who are looking to receive credits on
30 affordable housing projects because the County put it on their
31 Master List, we're unable to do. So that's mainly the three
32 changes being done.

33
34 **LEG. TROTТА:**
35 Give me an example. Pick a house with a number and how it would
36 change.

37
38 **DIRECTOR SMAGIN:**
39 So it actually -- so it makes it consistent with our section of the
40 code under A36, and if you give me one second I'd be able to give
41 you more details. So how it calculates is actually by bedroom
42 size. So, currently how the code's drafted it just has the number
43 of \$250,000. How under A36, how it is allowed for when it's an 80%
44 restricted unit for a one bedroom size, it would 202,625; for a two
45 bedroom size it would be 253,250; three bedroom, 293,750; and four
46 bedroom, 334,250. And then if we have a waiver where it's 120%
47 unit, of course it's a little higher in the sale price. It's --
48 we're really just looking for consistency with our Affordable
49 Housing Projects. It makes it very difficult where every program
50 is restricting things differently.

51
52 **LEG. TROTТА:**
53 So in different communities, the prices would be the same?

54
55 **DIRECTOR SMAGIN:**
56 That's -- yes. It's throughout. Suffolk County is calculated

1 actually with Nassau as well and, you know, that's how the
2 affordable housing, you know, is restricted. It doesn't take like
3 a hamlet or a township into account.

4
5 **LEG. TROTТА:**

6 So a house in Centereach and a house in Dix Hills, if it had three
7 bedrooms, it would have to cost the same amount of money.

8
9 **DIRECTOR SMAGIN:**

10 So it would be -- so it would be sold, you know, under this program
11 if it was receiving credits it would have the same ceiling maximum
12 sale price, yes. And it currently under how the code is currently
13 drafted, it has the same ceiling maximum sale price as well of
14 250,000. So, you know, again, it never makes sense to just have a
15 standard number put into something because, you know, I mean, you
16 know, how would that -- was that just arbitrary at the time and it
17 never changes for any type of market valuation?

18
19 **LEG. TROTТА:**

20 I got it. Okay. I gotcha. All right, I'm good. Thanks.

21
22 **DIRECTOR SMAGIN:**

23 Not a problem.

24
25 **P.O. CALARCO:**

26 Okay. Legislator Richberg, you have a question?

27
28 **LEG. RICHBERG:**

29 Yes. So, Jason, good to hear from you. So my first question is
30 does this have -- it doesn't take into account acreage at all,
31 right? I guess this is --

32
33 **DIRECTOR SMAGIN:**

34 No.

35
36 **LEG. RICHBERG:**

37 So, you know, going back to Legislator Trotta's example, if you
38 have a house in Centereach that might have more acreage than a
39 house in Dix Hills, you know, they still would be sold for the same
40 amount.

41
42 **DIRECTOR SMAGIN:**

43 I can't say that they would be sold for the same amount. What I
44 can say is they would have the same ceiling cap sale price on it.

45
46 **LEG. RICHBERG:**

47 Okay.

48
49 **DIRECTOR SMAGIN:**

50 It could be sold for less than this. This is the ceiling cap
51 price. What it takes into account is bedroom size. Currently how
52 the code is drafted it takes nothing into account other than
53 250,000 is the maximum price.

54
55 **LEG. RICHBERG:**

56 Gotcha. And this has nothing to do -- I know Legislator Berland

1 and Legislator Krupski had a number of issues with leaving
2 properties in perpetuity. This has nothing to do with that?

3
4 **DIRECTOR SMAGIN:**

5 Well, what -- so this program already restricts in perpetuity.
6 What it does is makes it in line with the program that was recently
7 changed by the Legislature --

8
9 **LEG. RICHBERG:**

10 Okay.

11
12 **DIRECTOR SMAGIN:**

13 -- about a year ago and it makes it in line with A36, which is the
14 affordable housing section of the Suffolk County Code.

15
16 **LEG. RICHBERG:**

17 All right. Thank you very much.

18
19 **DIRECTOR SMAGIN:**

20 That's all we're looking to do. We're looking to make it form in
21 line with that.

22
23 **P.O. CALARCO:**

24 So, Jason, this is Legislator Calarco. The intention here is that
25 we for most of our programs use the hard formula for determining
26 what is affordable and that's what -- how we calculate what is the
27 maximum that can be offered for an affordable unit, whether it's
28 for a family of two, or a family of three, or a family of four,
29 etcetera, and it's using that formula and applying it to this
30 program, correct?

31
32 **DIRECTOR SMAGIN:**

33 So it takes into account the changes to the program that were
34 actually done by you, the Presiding Officer, in regarding sales
35 price caps with the 80% of the median -- area median income, and
36 then also takes into account the most recent changes that were
37 sponsored by Legislator Berland. So, yes, that is still the same
38 -- you know, the same root of this is the Nassau/Suffolk PMSA and
39 then we just adjust for bedroom size.

40
41 **P.O. CALARCO:**

42 The intention being that what is determined to be -- what we are
43 trying to make as an affordable or a workforce housing unit is
44 actually affordable versus being sold at a level that's beyond the
45 -- what a typical family would be able to afford who fall in the
46 80% area median income, or whatever the percentage we're looking
47 at.

48
49 **DIRECTOR SMAGIN:**

50 Yes, so this allows because -- our A36 program allows us to
51 transfer units at the 80% or with a waiver at 120%, and based on
52 whether -- what level it's at, it caps the sale prices based on
53 that.

54
55 **P.O. CALARCO:**

56 Okay. Legislator Berland, did you have a question?

1 **LEG. BERLAND:**

2 No, I just lost him. He came in and out. I didn't know if that
3 was just me or if that was everybody.

4
5 **LEG. RICHBERG:**

6 You broke up a little bit in your conversation to me, but I don't
7 know if that was me or you guys.

8
9 **LEG. BERLAND:**

10 I did or?

11
12 **LEG. RICHBERG:**

13 You did.

14
15 **LEG. TROTТА:**

16 It's breaking up a little bit.

17
18 **P.O. CALARCO:**

19 Okay. So to -- let's -- yeah, Legislator Berland, you're freezing
20 on and off on us.

21
22 **LEG. BERLAND:**

23 Oh.

24
25 **P.O. CALARCO:**

26 Okay. Do we have any other -- any other questions for Jason about
27 the program or what this resolution would do? Seeing none, I
28 believe we have a motion and a second.

29
30 **MS. ELLIS:**

31 Yes.

32
33 **P.O. CALARCO:**

34 Okay. So we have a motion to approve. Roll call.

35
36 *(*Roll Call by Amy Ellis, Chief Deputy Clerk*)*

37
38 **LEG. BERLAND:**

39 Yes.

40
41 **LEG. GONZALEZ:**

42 Yes.

43
44 **CHAIRPERSON HAHN:**

45 Yes.

46
47 **LEG. TROTТА:**

48 Yes.

49
50 **LEG. MC CAFFREY:**

51 Yes.

52
53 **LEG. RICHBERG:**

54 Yes.

55

56

1 **P.O. CALARCO:**

2 Yes.

3

4 **MS. ELLIS:**

5 *Seven.*

6

7 **P.O. CALARCO:**

8 Okay. *I.R. 1294 - Authorizing a two-year extension for the*
9 *development of two (2) parcels of land transferred pursuant to the*
10 *72-h Affordable Housing Program to the Town of Southampton (County*
11 *Executive).*

12

13 **CHAIRPERSON HAHN:**

14 Motion.

15

16 **P.O. CALARCO:**

17 Motion from Legislator Hahn.

18

19 **LEG. RICHBERG:**

20 I'll second.

21

22 **P.O. CALARCO:**

23 Second by Legislator Richberg. Does anybody have any questions for
24 Jason on this issue? Seeing none, we have a motion and a second to
25 approve. Roll call.

26

27 *(*Roll Call by Amy Ellis, Chief Deputy Clerk*)*

28

29 **CHAIRPERSON HAHN:**

30 Yes.

31

32 **LEG. RICHBERG:**

33 Yes.

34

35 **LEG. BERLAND:**

36 Yes.

37

38 **LEG. GONZALEZ:**

39 Yes.

40

41 **LEG. TROTТА:**

42 Yes.

43

44 **LEG. MC CAFFREY:**

45 Yes.

46

47 **P.O. CALARCO:**

48 Yes.

49

50 **MS. ELLIS:**

51 *Seven.*

52

53 **P.O. CALARCO:**

54 Okay. It is approved. We have no other items on the agenda at
55 this time, so unless anybody has any other business, which I don't
56 see, then we will stand adjourned. Thank you, everyone.

1 **CHAIRPERSON HAHN:**
2 Thank you, Presiding Officer.

3
4 **LEG. RICHBERG:**
5 Thank you.

6
7 **LEG. GONZALEZ:**
8 All right, guys. Be safe, be safe, please.

9
10 **LEG. RICHBERG:**
11 Same to you.

12
13 **P.O. CALARCO:**
14 You, too, Sammy.

15
16 *(*The meeting was adjourned at 2:16 p.m.*)*
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