



DRAFT AGENDA

7:45 – 10:00 a.m. Registration and Continental Breakfast

8:00 – 9:50 a.m. Ethics Sessions

Session 1 – JI Omni Room

Ethics in Planning: Guiding Principles for Professional Planners

Join in this session and learn about the AICP Code of Ethics and how it affects planners and the planning profession. Participate in an engaging discussion as the speakers address the implications of the Code through the use of sample ethical scenarios. Examine underlying questions of ethics that frequently pose dilemmas for practicing planners in the political context in which they operate and the impacts that may have on the “public interest”.

Peter Feroe, AICP, *Vice President, Planning and Land Development, AKRF, Inc.*

Gina Martini, AICP, ENV SP, *Senior Project Manager, VHB*

Valerie Monastra, AICP, *Principal Planner, Nelson, Pope & Voorhis, LLC*

Abigail Rudow, AICP, *Senior Environmental Planner, VHB*

Session 2 – JI Lecture Hall

Ethics in Land Use Practice: Guiding Principles for Attorneys and Land Use Board Members

This program will focus on how to recognize and resolve ethical issues and avoid conflicts of interest in the land use context.

Wade Beltramo, Esq., *General Counsel, New York Conference of Mayors*

Steven G. Leventhal, Esq., *Partner, Leventhal, Mullaney & Blinkoff, LLP*

Rhea N. Mallett, Esq., *Partner, McCarthy Fingar LLP*

Victoria L. Polidoro, Esq., *Partner, Rodenhausen Chale & Polidoro LLP*

Patricia E. Salkin, JD, PhD, *Senior Vice President, Academic Affairs and Provost, Graduate and Professional Divisions, Touro University*

10:00 – 10:15 a.m. Welcome

Jl Lecture Hall

Jessica Bacher, Esq., *Executive Director* and **Tiffany B. Zezula**, Esq., *Deputy Director, Land Use Law Center*

10:15 – 10:45 a.m. Opening Keynote Session

Jl Lecture Hall

The End is Near

After decades of go-go housing demand, the frenzied pace is about to end.

During the 1970s, the nation added nearly 1.7 million new households annually. The pace fell to about 1.4 million annually during the 1990s. To about 2010, post-war housing

demand was driven by the Baby Boom. Post-baby boom household formations will fall to fewer than 1.3 million annually during the 2020s, but then the bottom falls out. Over the 20 years from 2030 to 2050, new household formations are projected to run about 700,000 per year or about half the current pace. The reason is demographics. While many states and metropolitan areas will continue to grow, their pace will slow. Worse, in more than a thousand US counties, there will be more seniors trying to unload their homes than there will be anyone who wants to live in them. Professor Nelson will present these trends and their implications for policy to mid-century.

Arthur C. Nelson, Ph.D., FAcSS, FAICP, *Emeritus Professor of Urban Planning and Real Estate Development, and Geography, University of Arizona*

10:45 – 11:00 a.m. Morning Break

11:00 a.m. – 12:20 p.m. Breakout Sessions

Session 1 – JI Lecture Hall

U.S. Supreme Court Adopts More Scrutiny for Exactions: What It Means for Developers and Planners

The Supreme Court's decision in *Sheetz v. El Dorado County CA* changed the rulebook for local government legislative exactions nationwide. George Sheetz challenged a \$23,420 road impact fee, arguing in part that it was not specifically attributable to his new home's impact on county roads, and claimed it was a taking. The county asserted that its impact fees enjoyed constitutional immunity from taking claims. The Supreme Court ruled unanimously that legislative immunity does not exist for impact fees and remanded the case back to California courts. The court has arguably heightened constitutional scrutiny of all locally legislated exactions, from routine in-kind exactions, such as traditional on-site and off-site infrastructure improvements, to the most expansive impact fees enabled in 29 states.

Local governments everywhere now need to back up their legislative exaction programs with more rigorous proportionate-share mitigation analysis. Many questions must be addressed: Are all exactions embedded in zoning, subdivision, and development ordinances now fair game for taking claims? When are such claims ripe for adjudication? What escape hatches might be built in to avoid litigation? From the narrow applications of *Sheetz* to the broadest, this panel will engage the collective experience of the audience to explore the implications of this case and to provide takeaway guidance.

Maximillian R. Mahalek, Esq., *Associate, Cuddy & Feder LLP*

Dwight H. Merriam, Esq., *FAICP, Attorney at Law*

Adalene Minelli, *Policy Coordinator, Wildlife Inclusive Local Development (WILD) Lab and Senior Fellow, Department of Environmental Studies, New York University*

Arthur C. Nelson, Ph.D., FAcSS, FAICP, *Professor of Urban Planning and Real Estate Development, School of Landscape Architecture and Planning, College of Architecture, Planning and Landscape Architecture, Professor of Geography, Development and Environment, School of Social and Behavioral Sciences, University of Arizona*

Session 2 – JI Omni Room

AI for Land Use Professionals: Opportunities and Pitfalls

This session will explore the practical use of artificial intelligence in land use and zoning for lawyers, planners and board members. Participants will gain an understanding of various AI platforms, how to craft prompts, and what to do with responses from AI queries.

Patricia E. Salkin, Esq., PhD, *Senior Vice President, Academic Affairs and Provost, Graduate and Professional Divisions, Touro University*

Britini Guthy, J.D. *Candidate & Research Assistant for Office of the Provost, Touro University Jacob D. Fuchsberg Law Center*

12:20 – 1:00 p.m. Lunch

JI Omni Room

1:00 – 1:45 p.m. Keynote and Award Presentations

JI Lecture Hall

Taking Ambitious Action Now: Lessons from the American Sustainable Cities Initiative

Affordable housing, jobs and economic development, infrastructure investments, and preparation for extreme weather events are top of mind for the public these days. The public expects government to “make life better now!” In response, local leaders across the country are flexing their muscles, experimenting with ambitious solutions, and working in new ways to make their communities more livable and sustainable. Hear about the American Sustainable Cities Initiatives, a 10-year effort to build the capacity of local change-makers.

Shelly Poticha, *Managing Director for Regional Impact, NRDC*

2:00 – 3:20 p.m. Breakout Sessions

Session 1 – JI Lecture Hall

The Converging Grid: How Distributed Energy is Reshaping Land Use and Implications for Community Planning *(1.5 Professional Practice)*

As distributed energy resources (DERs)—such as solar, energy storage, microgrids, and community-scale (district energy) systems —proliferate, their impacts extend beyond the electric grid into land use decisions, zoning, and community development strategies. This session will explore how the growth of DERs is reshaping land use patterns in urban, suburban, and rural contexts, and how planners, utilities, and local governments can collaborate to align energy goals with sustainable land management. Topics will include co-location opportunities with infrastructure and industrial assets, regulatory approaches, and community engagement strategies to ensure distributed energy enhances both grid resiliency and land use efficiency.

Jim Freihaut, Ph.D., *Director, US DOE’s Mid-Atlantic and NY-NJ Onsite Energy TAP*

Bill Oberkehr, *Senior Project Manager, Clean Energy Siting, NYSERDA*

John Williams, Esq., *Executive Vice President, Policy and Regulatory Affairs, New York State Energy Research and Development Authority (NYSERDA)*

Moderator: **Thomas G. Bourgeois**, *Director, U.S. DOE's New York / New Jersey Combined Heat and Power Technical Assistance Partnership, Elisabeth Haub School of Law, Director of Distributed Energy Resource Policies, Land Use Law Center*

Session 2 – JI Omni Room

SEQRA's 50th Anniversary: Its Evolution and Currently Proposed Amendments including implementation of the Environmental Justice Citing Law

This session will review the proposed amendments to SEQRA regulations including the requirements of the Environmental Just Siting Law requiring agencies to evaluate whether an action may cause or increase a disproportionate pollution burden on a disadvantaged community. We will also review other proposed amendments including changes to the Type II list regarding certain multi-family housing developments and provisions regarding Renewable Energy Services.

Patrick Cleary, AICP, CEP, PP, LEED AP, CNU, *Cleary Consulting*

Linda Whitehead, Esq., *Partner, McCullough, Goldberger & Staudt, LLP*

3:20 – 3:35 p.m. Afternoon Break

3:35 – 5:00 p.m. Law Update Session

Jl Lecture Hall

Lessons from Luminaries of Land Law: Latest and Greatest Decisions

Once again, the shamans of land use law, some who have wandered in from the far corners of the world, like Florida, to divine the future by inspecting entrails, reading palms, poking at tealeaves, thumbing through Tarot cards, and sometimes actually reading all those boring cases. They will tell you what happened, what they as pontificators extraordinaire think it all means (these people are big thinkers), and what you need to watch out for! To top it off, this blatant bunkum and balderdash will be more entertaining than watching some fast food restaurant applicant seeking a sign variance completely making up bogus claims of "practical difficulty and unnecessary hardship."

Carol N. Brown, Esq., *Professor of Law, University of Richmond School of Law*

Donald L. Elliott, Esq., FAICP, *Senior Consultant, Clarion Associates, LLC*

Dwight H. Merriam, Esq., FAICP, *Attorney at Law*

Michael Allan Wolf, Esq., *Professor of Law & Richard E. Nelson Chair in Local Government Law, University of Florida Levin College of Law*

Michael D. Zarin, Esq., *Partner, Zarin & Steinmetz*

5:00 – 6:00 p.m. Wine & Cheese Reception

Jl Atrium