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BILLY JOEL: THE CHRONICLER OF THE SUBURBANIZATION IN NEW YORK

*Patricia E. Salkin and Irene Crisci**

I. INTRODUCTION

Artists often chronicle historical developments through their chosen medium. In the case of Billy Joel, some of his lyrics can be traced to the early sustainability movements as he wrote about the migration of people from the cities and the attendant problems with rapid suburbanization. Described by Tony Bennett as “a poet, a performer, a philosopher and today’s American songbook,”¹ his lyrics address, among other topics, land use, community development, and environmental issues. Following World War II, there was a major shift in population settlement patterns in the United States. As war heroes returned home, not only did the country experience a population uptick with what is referred to as the baby boomer generation, but the introduction of the automobile and the investment in road and highway infrastructure created the perfect storm for population movements from the cities to the suburbs.²

A native son of Long Island, essentially a suburb of New York City, Joel didn’t have to look far for stories to tell.³ As the

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¹ Mac66, *Billy Joel Kennedy Center Honors 2013 Complete - Full Performance*, YOUTUBE (May 30, 2015), <https://www.youtube.com/watch?v=P-JFdEJS7Gg>.

² PATRICIA E. SALKIN, *NEW YORK ZONING LAW AND PRACTICE* (West, 4th ed. 2000).

³ FRED SCHRUEERS, *BILLY JOEL: THE DEFINITIVE BIOGRAPHY* 356 (2014). The author stated:

As much as I feel that I’m a lifelong native of Oyster Bay, I feel actually more of a kinship to Sag Harbor and the east end, because that really looks like the Long Island of my childhood, the greener, smaller-village

middle class aspired to a home in the suburbs, Joel's parents were no exception, fleeing New York City in 1950 to move into a Levitt home in Hicksville, Long Island.⁴ He has been described along with Bruce Springsteen, as a "product[] of unloved suburban sprawl beyond New York City."⁵ In fact, law professors, many of whom are baby boomers, have written about their connection to Joel's lyrics.⁶ Lest readers think that Billy Joel is an artist who appeals just to the baby boomers, his words appear in the modern Urban Dictionary.⁷

Around the same time that the Joel family moved to Hicksville in 1950, the area saw an increase in housing development and a decrease in the potato farming industry.⁸ Billy Joel remembered the farming conditions during his childhood, stating:

[h]ere you had this brand new housing development butting up right next to the farm. As a little boy I had direct access to a farm from a housing development. I think right off the bat it gave me a yearning for more of what was the traditional Long Island, which is what

feel things used to have when I was a kid. I think people are so conscious now about preserving what *is* left that this area may stay pretty much like this, not get developed like the rest of the island did and lose its soul.

Id.

⁴ Frank Ahrens, *Billy Joel: Bard of the 'Burbs; The Critics Call Him a Sentimental Hack. But His Legions of Fans Sing Another Tune*, WASH. POST, Apr. 23, 1998, <https://www.washingtonpost.com/archive/lifestyle/1998/04/23/billy-joel-bard-of-the-burbs/9c2cbce6-aa8d-44e5-b6cc-32954d389e9b/>, at 1-2.

⁵ Greg Olear, *It's Either Sadness or Euphoria: The 50 Greatest Songs of Billy Joel*, THE WEEKLINGS, May 9, 2014, <http://www.theweeklings.com/golear/2014/05/09/its-either-sadness-or-euphoria-the-50-greatest-songs-of-billy-joel/>, at 2.

⁶ See Eric Segall, *An Open Letter to Billy Joel*, HUFFINGTON POST, Mar. 26, 2012, http://www.huffingtonpost.com/eric-segall/an-open-letter-to-billy-j_b_1377022.html, at 1. The then 53-year old Constitutional Law Professor wrote,

Most baby boomers who grew up in the 1960s and 1970s have an artist who affected their lives in important and emotional ways. In my circle of friends, Paul McCartney, Bob Dylan, Bruce Springsteen, Mick Jagger, and Elton John were often the favorites. For me, and so many others who hailed from Long Island, it was the Piano Man.

Id.

⁷ See, e.g., *Captain Jack*, URBAN DICTIONARY (Apr. 8, 2005), <http://www.urbandictionary.com/define.php?term=Captain%20Jack> (defining "Captain Jack" as "[a] Billy Joel song which is old but can still touch teens today. It's about struggle and bad luck, but the music with the lyrics is pretty well done. It will make you laugh but maybe also cry . . .").

⁸ Michael Larkin, *Hicksville or Levittown? For Billy Joel, the Truth Lies on the Border*, HICKSVILLE ILLUSTRATED NEWS (Aug. 13, 1999), <http://www.antonnews.com/hicksvilleillustratednews/1999/08/13/news/>.

I think of as Hicksville.⁹

Joel would visit a potato farm, that is currently where Holy Trinity High School is located, and bring home the potatoes that were not ripe for harvest.¹⁰ According to Joel, Hicksville was unlike the Big Apple, “[t]here was a nice old bank building, a sweet shop, shoe store, a couple of churches, the Hicksville theatre, a luncheonette. It was a real American small town. It could have been any small town on Long Island. It was very picturesque.”¹¹ These small towns and the “picturesque” surroundings in the suburbs became the subject of many captivating Joel lyrics.

A. Suburbanization of Long Island

Suburbanization was rampant following World War II, eating up farmland, crippling agribusinesses, and changing the way people lived. “Between 1950 and 1960, 20 million people were drawn to mass housing developments on the outskirts of America’s cities. In terms of sheer numbers, the move to the suburbs outstripped the fabled Westward migration of the 1800s many times over.”¹² This was true on Long Island as well, and the suburbs developed with the migration of the population enabled with an expansion of the roads and parkways. Suburbanization on Long Island first spread in the 1920s and 1930s as the automobile became more affordable.¹³ In 1910 Vanderbilt Motor Parkway was built by William K. Vanderbilt because he needed a connection from New York City to Ronkonkoma.¹⁴ Vanderbilt Motor Parkway had no speed limit, few exits, and became the “first limited access road on the east coast.”¹⁵ In 1924, Robert Moses became the Long Island State Parks Commissioner and he shaped and built infrastructure on Long Island with the development of state parks and parkways.¹⁶ The Long Island Parks Commission was created by Chapter 112 of the Laws of 1924, which “provide[d]

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Building the Suburban Dream*, THE STATE MUSEUM OF PENNSYLVANIA, <http://state.museumpa.org/levittown/one/b.html> (last visited Feb. 15, 2016).

¹³ Hugh O’Haire, *How a Lifeline Came of Age*, N.Y. TIMES, Oct. 17, 1977, at 442.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ ROBERT A. CARO, *THE POWER BROKER: ROBERT MOSES AND THE RISE AND FALL OF NEW YORK* 174 (1974).

for the location, creation, acquisition and improvement by the state of parks, parkways, and boulevards in the counties of Nassau and Suffolk”¹⁷ Prior to the passage of this act, the State Highway Law had vested power to the supervisors of each county to veto the location of the highways within their borders; however, the State Highway Law was silent as to the power that supervisors would have over parkways.¹⁸ Robert Moses envisioned a parkway system “not only to take the people from the city to the parks for week-end outings, but to serve the growing population of the Island itself in everyday use”¹⁹ and called for the construction of the Southern State and Northern State Parkways, which would provide for “attractive routes without interference by commercial traffic.”²⁰

In order to fund the construction of parks and parkways, the New York State Legislature appropriated \$225,000²¹ and a \$15,000,000 park bond issue appropriation was voted on and passed by a majority of the Legislature.²² In 1927, the Southern State Parkway connected Brooklyn to the southern portion of Long Island.²³ Expansion continued with the Northern State Parkway in 1933, which connected the Grand Central Parkway in Queens to Hauppauge on Long Island.²⁴ Real estate developers began building homes around the Southern State and Northern State Parkways, and these roadways became overcrowded quickly.²⁵ In 1937, the Triborough Bridge opened and connected the Bronx, Queens, and Manhattan.²⁶ Shortly thereafter, in 1941 the Queens-Midtown Tunnel was opened and con-

¹⁷ Act of April 10, 1924, ch. 112, 1924 N.Y. Laws 157 (establishing Long Island State Park Commission).

¹⁸ CARO, *supra* note 16, at 181.

¹⁹ FIRST ANNUAL REPORT OF THE LONG ISLAND STATE PARK COMMISSION, May 1925, http://history.pmlib.org/sites/default/files/LI%20STATE%20PARK%20COMMISSION%20PT.1_8b.pdf, at 24.

²⁰ *Id.*

²¹ CARO, *supra* note 16, at 174.

²² FIRST ANNUAL REPORT OF THE LONG ISLAND STATE PARK COMMISSION, *supra* note 19, at 7.

²³ O’Haire, *supra* note 13, at 19.

²⁴ O’Haire, *supra* note 13, at 19.

²⁵ Joe McCarthy, *Problem: The Long Island Expressway Solution: Close Down Long Island*, Mar. 19, 1967, N. Y. TIMES, at SM18.

²⁶ *Robert F. Kennedy Bridge*, MTA, <http://web.mta.info/bandt/html/rfk.html>. The Triborough Bridge was renamed the Robert F. Kennedy Bridge in 2008, and comprises three bridges, a viaduct and 14 miles of highway. *Id.*; see also, *Triborough Bridge Project*, ASCE METROPOLITAN SECTION, <http://www.ascemetsection.org/content/view/338/871/> (last visited Feb. 15, 2016).

struction began on what is now called the Long Island Expressway (L.I.E.). The L.I.E., a six-lane highway that would run from the Queens Midtown Tunnel in Manhattan out to Riverhead in Suffolk County, as envisioned, would allow for commercial traffic between the Island and New York City.²⁷

The L.I.E. hit the Nassau-Suffolk border in 1962 and construction continued until 1972 when the expressway reached Riverhead, in eastern Long Island.²⁸ Real estate developers, both residential and industrial, bought up the land around the expressway and Suffolk County was transformed. Prices of land skyrocketed. For example, industrial land that sold for \$15,000 per acre before the expressway was built, was being sold for \$100,000 per acre after the expressway was completed.²⁹

The population of Long Island grew exponentially in Nassau County and Suffolk County after World War II.³⁰ As servicemembers returned home from the war, housing was in short supply and high in demand.³¹ Real estate developments, such as Levittown, which has been called “the most famous postwar suburban development,”³² began to spread and people began to move to Long Island in droves. Levittown became the model for other suburban developments in Nassau and Suffolk counties. Between 1950 -1970 with the growth of these real estate developments, the population in Nassau County increased by over 755,000 residents, more than doubling in size³³ for a total population of 1.4 million residents in 1970.³⁴ Like-

²⁷ Sylvia Adcock, *Long Island: Our Story / A Link to 'All of Long Island' / It took about 20 years and 81 miles of six-lane road to create Robert Moses' LIE*, *NEWSDAY*, June 1, 1998, 1998 WLNR 575397, at 1; see also Sylvia Adcock, *100 Years of Driving/Driving Long Island*, *NEWSDAY*, June 10, 1996, 1996 WLNR 554866, at 4-5.

²⁸ Adcock, *supra* note 27.

²⁹ O'Haire, *supra* note 13.

³⁰ SUFFOLK COUNTY PLANNING COMMISSION, SUFFOLK COUNTY COMPREHENSIVE PLAN 2035, Aug. 2011, http://suffolkcountyny.gov/Portals/0/planning/CompPlan/vol1/vol1_chpt2.pdf, at 1.

³¹ OFFICE OF THE STATE COMPTROLLER, N.Y. STATE, REPORT NO. 10-2007, ECONOMIC TRENDS IN NASSAU COUNTY (2006) at 2.

³² Joshua Ruff, *Levittown: The Archetype for Suburban Development*, HISTORYNET (Oct. 4, 2007), <http://www.historynet.com/levittown-the-archetype-for-suburban-development.htm>.

³³ RICHARD L. FORSTALL, U.S. BUREAU OF THE CENSUS (POPULATION DIVISION), POPULATION OF COUNTIES BY DECENNIAL CENSUS: 1900 TO 1990 (MAR. 27, 1995), <http://www.census.gov/population/cencounts/ny190090.txt> [hereinafter POPULATION OF NEW YORK COUNTIES]; see also Christopher Jones, *Long Island's Transformation, 1970-2010*, LONG ISLAND INDEX, Jan. 2015, <http://historiccensus>

wise, in Suffolk County, the population grew to over 1,124,000 residents, quadrupling in size during the same twenty-year period.³⁵ Although there was a decline in population in Nassau County of 7.5% in 1980, its population has remained stable since then with modest increases.³⁶ According to the 2010 census, Nassau County has a high density of population with 4,704 persons per square mile, while Suffolk County has a density of 1,637 persons per square mile. However, the density of persons in Suffolk decreases significantly as you move further east into the County.³⁷

II. LAND USE, SUBURBANIZATION, AND BILLY JOEL IN THE 1970s

A. Planning and Land Use Law in New York Begins to Explode

In the 1970s, State lawmakers and the courts were addressing issues of growth management due to population explosions in the suburbs of New York City (including Long Island). In Albany, there were legislative study commissions addressing growth and the need for regional planning, and in the courts, local governments were testing the limits of their authority to enact growth controls.³⁸ For example, the landmark New York Court of Appeals case of *In re Golden v. Planning Bd. of Ramapo*,³⁹ explored the home rule authority of the Town of Ramapo to implement its master plan through the adoption

.longislandindexmaps.org/img/LongIslandsTransformation1970to2010_GuidetotheInteractiveMaps.pdf, at 2.

³⁴ POPULATION OF NEW YORK COUNTIES, *supra* note 33.

³⁵ POPULATION OF NEW YORK COUNTIES, *supra* note 33.

³⁶ OFFICE OF THE STATE COMPTROLLER, N.Y. STATE, REPORT NO. 10-2007, ECONOMIC TRENDS IN NASSAU COUNTY (2006) at 3.

³⁷ SUFFOLK COUNTY PLANNING COMMISSION, *supra* note 30, at 2. Western Suffolk County, including the towns of Huntington, Babylon, Smithtown, Islip and Brookhaven, contain 91 percent of the population and only 62 percent of Suffolk's land area. *Id.* Western Suffolk County has a density of 2403 persons per square mile and eastern Suffolk County has a density of 395 persons per square mile. *Id.*

³⁸ John R. Nolan, *Golden and its Emanations: The Surprising Origins of Smart Growth*, 23 PACE ENVTL. L. REV. 757, 759-60 (2006); Patricia E. Salkin, *Regional Planning in New York State: A State Rich in National Models, Yet Weak in Overall Statewide Planning Coordination*, 13 PACE L. REV. 505, 513-14.

³⁹ 285 N.E.2d 291 (N.Y. 1972).

of a comprehensive zoning ordinance.⁴⁰ The proposed ordinance was based upon a four-volume study of existing land uses, public facilities, transportation, industry and commerce, housing needs and projected population trends.⁴¹ The case is a study for land use law and planning, teaching students about issues and challenges brought about by suburban sprawl. These issues include comprehensive planning, unchecked sprawl from the city, vested rights, growth management, regulatory takings, statewide and regional planning, and exclusionary zoning.

Much like Long Island towns, but in a different geographic direction, the Town of Ramapo (located in Rockland County) is located just 30 miles northeast of NYC.⁴² Ramapo experienced a surge in population in the 1950s following the opening of the NYS Thruway, Tappan Zee Bridge, and the Palisades Interstate Parkway in 1958.⁴³ The court in *Golden* suggested that state-wide or regional control of planning would insure that interests broader than those of an individual municipality should underlie various land use policies.⁴⁴ In another case addressing exclusionary zoning, an illegal use of land use authority, a New York appellate court commented on suburbanization noting, “[W]ith the economic and infrastructural decline of the large urban cities, suburban and exurban localities seized upon zoning as a means to regulate growth and preserve the ‘particular amenities’ of suburban and rural living.”⁴⁵ This is evidenced to this day on Long Island through the migrations and settling of various ethnic, racial, and socio-economic groups.⁴⁶

Even though the Long Island Rail Road (LIRR) had been established in 1832, it was not until the 1970s Long Island really saw a population boom.⁴⁷ By 1970 the population on Long Island grew by

⁴⁰ *Id.*

⁴¹ *Id.* at 294.

⁴² *Town of Ramapo, New York*, ROADSIDE THOUGHTS, <http://roadsidethoughts.com/ny/ramapo-twnof-xx-rockland-nearby.htm> (last visited Feb. 15, 2016).

⁴³ *Id.*; ROBERT H. FREILICH ET AL., FROM SPRAWL TO SUSTAINABILITY: SMART GROWTH, NEW URBANISM, GREEN DEVELOPMENT, AND RENEWABLE ENERGY 38 (2010).

⁴⁴ *Golden*, 285 N.E.2d at 301.

⁴⁵ *Asian Americans for Equal. v. Koch*, 514 N.Y.S.2d 939, 958 (App. Div. 1st Dep’t 1987).

⁴⁶ Christopher Jones, *Long Island’s Transformation, 1970-2010*, LONG ISLAND INDEX, Jan. 2015, http://historiccensus.longislandindexmaps.org/img/LongIslandsTransformation1970to2010_GuidetotheInteractiveMaps.pdf, at 7.

⁴⁷ Kaja Kühl & June Williamson, *Growing Long Island’s Downtowns: The Regional Benefit of Better Parking Design*, URBAN OMNIBUS (Mar. 12, 2014),

2.5 million, which can partly be attributed to better housing standards, highway construction, and commercial activity.⁴⁸ As a result of these increases, the LIRR sought to expand its operations to account for the local commute.⁴⁹

In fact, the 1970s saw the greatest growth of suburbanization from New York City to Long Island in the last century. For example, the population of Nassau County, where Billy Joel was raised, more than doubled from 1950 to 1970.⁵⁰ This huge growth in population can be partly attributed to a man named William Levitt.⁵¹ In 1947, Levitt began construction of a 17,000 person housing community, providing affordable housing for families.⁵² This community, constructed on land previously used for potato farming, was later named Levittown.⁵³ The homes, which were identical, consisted of two bedrooms and were priced at around \$7,000.⁵⁴ However, a family could rent one of the homes for about \$60 dollars a month.⁵⁵ Local zoning rules governed the construction of these homes; the residents were required to maintain the fruit trees that came with the rental or purchase.⁵⁶ Further, the “rules banned Levittowners from erecting fences, planting shrubs, [or] hanging laundry outdoors on weekends.”⁵⁷ Levittown homes were also evidence of the racial discrimination that took place during the 40s and 50s, as homeowners were prohibited from selling or leasing their homes to anyone that was not of the “Caucasian race.”⁵⁸ The Supreme Court in *Shelley v. Kraemer*, ruled in 1948 that restrictive covenants based on race violated the equal

<http://urbanomnibus.net/2014/03/growing-long-islands-downtowns/>.

⁴⁸ *Id.*

⁴⁹ NEW YORK STATE OFFICE OF THE STATE COMPTROLLER, ECONOMIC TRENDS IN NASSAU COUNTY, REPORT NO. 10-2007, at 2 (2006) [hereinafter OFFICE OF THE STATE COMPTROLLER].

⁵⁰ *Id.* The population of Nassau County was 672,765 residents in 1950 and increased to 1,428,080 residents by 1970. *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ OFFICE OF THE STATE COMPTROLLER, *supra* note 49.

⁵⁴ FRED SCHRUERS, THE DEFINITIVE BIOGRAPHY BILLY JOEL 27 (2014); FREDERIC D. SCHWARZ, 1947 *Fifty Years Ago: Birth of the Sonic Boom*, AMERICAN HERITAGE (Oct. 1997).

⁵⁵ SCHWARZ, *supra* note 54, at 1.

⁵⁶ SCHWARZ, *supra* note 54, at 1.

⁵⁷ SCHWARZ, *supra* note 54, at 1.

⁵⁸ Crystal Galyean, 20th Century: Levittown: The Imperfect Rise of the American Suburbs, U.S. HISTORY SCENE, <http://ushistoryscene.com/article/levittown/> (last visited Feb. 15, 2016).

protection clause;⁵⁹ however, racial discrimination continued as Levitt & Sons refused to sell homes to minorities.⁶⁰ In 1953, Levittown, which had over 70,000 residents, “constituted the largest community in the United States, had no black residents.”⁶¹ Even though small in relation to the population, the spark of residential housing construction spurred the growth of suburbanization. As previously noted, it was there where Joel’s parents chose to relocate.

At the state level, New York established the Department of Environmental Conservation 1970.⁶² The Executive branch of state government was also actively interested in regional and local land use planning efforts. A 1970 report from the State Office of Planning Coordination examines how the State was planning in three dimensions – (1) for ten functions which take in all of the government’s concerns – housing, education, health, human resources, recreation and culture, public safety, transportation, the economy, natural resources, and government organization; (2) by geographic areas (state, region, county and local); and (3) in broad physical, economic and social terms.⁶³ It was designed to be an introduction to a statewide comprehensive plan.⁶⁴ That same year, the Legislative Committee on Metropolitan and Regional Areas Study introduced a study bill offering a single statewide framework for land planning. It would have created a framework for state-wide review of land development projects – those which affect areas broader than the effective jurisdiction of existing planning agencies. The review would be carried out by county and regional agencies, and the guidance for local planners would come from the state in areas of critical state concern.

The report suggests it was influenced by four major studies at the time that called for comprehensive revision of state, regional, and local planning provisions and practices – a CT focused report by ASPO (Am Soc. Planning Officials); the ALI Model Land Development Code 1968 draft; the report of the Douglas Commission –

⁵⁹ *Shelley v. Kraemer*, 334 U.S. 1 (1948).

⁶⁰ Galyean, *supra* note 58.

⁶¹ Galyean, *supra* note 58; *see also Billy Joel Accepts Rock and Roll Hall of Fame Award in 1999*, ROCK AND ROLL HALL OF FAME & MUSEUM, <https://rockhall.com/inductees/billy-joel/video/8812/> (last visited Feb. 23, 2016) (Billy Joel describes the discrimination in Levittown when he lived there, while accepting the Rock and Roll Hall of Fame Award).

⁶² *History of DEC*, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, <http://www.dec.ny.gov/about/9677.html> (last visited Feb. 15, 2016).

⁶³ Salkin, *supra* note 38, at 513-14.

⁶⁴ Salkin, *supra* note 38, at 515.

National Commission on Urban Problems, and a 1969 proposed land use planning and development law in NJ – all four reports suggested local planning and control be dependent on compliance with state standards.⁶⁵ In 1971, a report titled, “New York State Development Plan,” was issued.⁶⁶ It was intended to be a Phase 1 of the comprehensive statewide development plan for New York and intended as a guide for: state agencies in carrying out their specialized functions; regional agencies and local governments in fulfilling local hopes and needs; and private enterprise, to apprise it of public priorities and, not incidentally, to open vast opportunities to support these priorities.⁶⁷ In 1975 Governor Carey moved the planning function to the Office of Secretary of State, separating it into the Division of Planning and the Division of Community Affairs.⁶⁸

B. Billy Joel’s Writing Reflects the Suburbanization Movement

Billy Joel’s first solo album, *Cold Spring Harbor*, was released in 1971.⁶⁹ Joel had a connection to Cold Spring Harbor because when he was a child his mother would take him on trips there.⁷⁰ As a young man he would hitchhike to Cold Spring Harbor and Oyster Bay.⁷¹ Joel is quoted in Newsday as stating, “the gold coast was the most beautiful place on earth. I never thought I would be living there. I fell in love with the water because of that area.”⁷² While Cold Spring Harbor is a waterfront suburban community in the Town of Huntington, New York,⁷³ the lyrics on this album reflect more on Joel’s personal struggles with life in general and address general

⁶⁵ *Local Land Development Regulation*, AM. PLAN. ASS’N, <https://www.planning.org/growingsmart/guidebook/eight01.htm> (last visited Feb. 15, 2016).

⁶⁶ Salkin, *supra* note 38, at 515.

⁶⁷ Salkin, *supra* note 38, at 521; N.Y. COMP. CODES R. & REGS. tit. 9, § 1.44 (1971).

⁶⁸ Salkin, *supra* note 38, at 534.

⁶⁹ BILLY JOEL, *Cold Spring Harbor* (ABC/Paramount Records 1971).

⁷⁰ Bill Bleyer, *Billy Joel’s romance with the sea*, NEWSDAY (Nov. 29, 2013), <http://www.newsday.com/entertainment/celebrities/billy-joel-s-romance-with-the-sea-1.6516248> (This article originally appeared in the Dec. 26, 1995 edition of Newsday).

⁷¹ *Id.*

⁷² *Id.*

⁷³ KEN BIELEN, *THE WORDS AND MUSIC OF BILLY JOEL* 20 (2011); *see also Cold Spring Harbor, NY*, NEIGHBORHOOD SCOUT, <http://www.neighborhoodscout.com/ny/cold-spring-harbor/> (last visited Feb. 15, 2016).

themes of relationships rather than issues of suburbia.⁷⁴

His second album, *Piano Man*, includes the song *Captain Jack*, described as “[i]ts depiction of bored, suburban teen life is so accurate that it’s practically an audio documentary”⁷⁵ It was not until his third album in 1974, *Streetlife Serenade* that Joel began to really address core suburban issues.⁷⁶ In the lyrics to *The Great Suburban Showdown* Joel comments on how his lifestyle has changed, coming from California and going back to visit his family in suburban New York.⁷⁷ In one stanza, he describes sitting socializing in suburbia, suggesting it is uninteresting, as it includes sitting around the house, talking, and being bored:

Sit around with the folks
Tell the same old tired jokes
Bored to death on Sunday afternoon
Mom and Dad, me and you
And the outdoor barbecue⁷⁸

Referencing the barbecue, Joel chronicles another important suburban activity. Barbecuing or grilling, until the 1940s, was typically done at campsites and at picnics.⁷⁹ But after World War II “as the middle class began to move to the suburbs, backyard grilling caught on, becoming all the rage by the 1950s.”⁸⁰ The Weber barbecue was introduced in the early 1950s.⁸¹ “During the 1970s, Char-Broil became the first brand to put a liquid propane tank and a grill in one box. Gas Grills soon became more popular than charcoal be-

⁷⁴ In 1991, the Town of Huntington dedicated a waterfront park in Cold Spring Harbor to Billy Joel. See Kevin Amorim, *A Billy Joel tour of Long Island*, NEWSDAY, <http://www.newsday.com/entertainment/music/a-billy-joel-tour-of-long-island-1.6476344> (last visited Feb. 15, 2016).

⁷⁵ Glenn Gamboa, *21 Billy Joel Songs He Should Play Live More Often at Madison Square Garden*, NEWSDAY, Sept. 29, 2014, <http://www.newsday.com/entertainment/music/21-billy-joel-songs-he-should-play-live-more-often-at-madison-square-garden-1.9435490>.

⁷⁶ BIELEN, *supra* note 73, at 31.

⁷⁷ BIELEN, *supra* note 73, at 31.

⁷⁸ BILLY JOEL, *The Great Suburban Showdown*, on STREETLIFE SERENADE (Columbia Records 1974).

⁷⁹ *A Brief History of Grilling*, FOOD NETWORK, <http://www.foodnetwork.com/recipes/articles/a-brief-history-of-grilling.html> (last visited Feb. 15, 2016).

⁸⁰ *Id.*

⁸¹ Meathead Goldwyn, *The Story of Barbecue*, AMAZINGRIBS, http://amazingribs.com/BBQ_articles/barbecue_history.html (last visited Feb. 15, 2016).

cause they are easier to start and stop and there is less cleanup.”⁸²

In another stanza in the same song, Joel writes:

Out in the yard
Where my Daddy worked so hard
He never lets the crab grass grow too high⁸³

The “American Dream” of leaving the cities for the suburbs created a feeling of success for those who “got out” of the urban environment. Suburban life is defined in part by owning “green space” or a lawn, and the pride that people had in participating in the weekly ritual of cutting the grass to achieve the green nicely manicured tract of land that everyone worked so hard to achieve.⁸⁴ It may be ironic that people think of leaving the city for a quieter, simpler life with fewer distractions in the suburbs, yet Joel’s lyrics reflect on the significant effort required to maintain a yard.

Another track on the album, *Streetlife Serenader*, contains the verse:

Midnight masquerader
Shoppin’ center heroes
Child of Eisenhower
New world celebrator⁸⁵

These lyrics relate to the extraordinary growth in the number of suburban shopping malls. “[I]n 1960 there were 4500 shopping malls accounting for 14% of retail sales. By 1975 there were 16,400 shopping centers accounting for 33% of retail sales. In 1987, there were 30,000 malls accounting for over 50% of all retail dollars spent.”⁸⁶ This growth was a direct result of the migration of people

⁸² *Id.* During the 1970s, Charbroil became the first brand to put a liquid propane tank and a grill in one box. Gas grills soon became more popular than charcoal because they are easier to start and stop and there is less cleanup.

⁸³ BILLY JOEL, *supra* note 78.

⁸⁴ See, Nell Porter Brown, *When the Grass Isn’t Greener, Alternatives to the “perfect” lawn, at home and at Harvard*, HARVARD MAGAZINE (Mar.-Apr. 2011), <http://harvardmagazine.com/2011/03/when-grass-isnt-greener>.

⁸⁵ BILLY JOEL, *Streetlife Serenader*, on STREETLIFE SERENADE (Columbia Records 1974).

⁸⁶ Richard A. Feinberg & Jennifer Meoli, *A Brief History of the Mall*, 18 ASSOCIATION FOR CONSUMER RESEARCH 426-427, (1991), <http://www.acrwebsite.org/search/view->

from the cities to suburbia after World War II, and the increased of the use of the automobile.⁸⁷ As more and more people had cars and moved to suburbia, residents needed access to “shopping opportunities”⁸⁸ and retail stores took notice of the new market.⁸⁹ Retailers wanted to be closer to where people lived⁹⁰ and also wanted to be on a roadway to attract potential customers as they drove by.⁹¹ In addition, local governments encouraged the development of shopping malls as a means to expand their tax base.⁹²

Joel’s lyrics about shopping malls recognize the growth in shopping centers and the changes with the way Long Islanders and other suburbanites spent their time. On the weekends, a trip to the mall took the place of spending time on Long Island’s beaches and waterways. One author notes, “[t]he mall has become the place where senior citizens walk in comfort and security, where parents lead their young to Santa Claus, where singles court, where teenagers socialize, and where everybody consumes.”⁹³

Another lyrical reference, “[a] child of Eisenhower,” describes the baby boomers born after the U.S. success in World War II under the leadership of the 5-star general, Eisenhower. It can also refer to President Eisenhower’s policies, which included authorization for the development of the interstate highway system in 1956, literally paving the way for suburbanization.⁹⁴

In 1976, the album *Turnstiles* was released. A popular track, *New York State of Mind*, recounts the journey back to New York City and use of mass transit (“I’m taking the Greyhound, on the Hudson River Line . . .”).⁹⁵ Without an automobile, many relied on mass transit to travel between the city for work and their homes in the suburbs.⁹⁶

conference-proceedings.aspx?Id=7196.

⁸⁷ *Id.*

⁸⁸ Avijit Ghosh & Sara McLafferty, *Guest Commentary: The Shopping Center: A Restructuring of Post-war Retailing*, 67 JOURNAL OF RETAILING 253, 257 (Fall 1991).

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.* at 258.

⁹² *Id.* at 257.

⁹³ Kenneth T. Jackson, *All the World’s a Mall: Reflections on the Social and Economic Consequences of the American Shopping Center*, 101 THE AMERICAN HISTORICAL REVIEW 1111, 1118, Oct. 1996.

⁹⁴ BIELEN, *supra* note 73.

⁹⁵ BILLY JOEL, *New York State of Mind*, on TURNSTILES (Columbia Records 1976).

⁹⁶ AMERICAN PUBLIC TRANSIT ASSOCIATION, *Americans in Transit: A Profile of Public*

On the same album, the song *Miami 2017 (Seen the Lights Go Out on Broadway)*, references people leaving New York City for the suburbs.⁹⁷ The Palisades Interstate Parkway was constructed from 1947-1958, and is a 42-mile roadway that connects the George Washington Bridge in Fort Lee to the Bear Mountain Bridge in Fort Montgomery, New York, as well as connects New York City, New Jersey, and suburban Rockland County, New York.⁹⁸ The reference to the Palisades Interstate Parkway reads:

Seen the lights go out on Broadway
I saw the Empire State laid low
And life went on beyond the Palisades
They all bought Cadillacs
And left there long ago⁹⁹

Another line, “[y]ou know those lights were bright on Broadway, [t]hat was so many years ago, before we all lived here in Florida . . .” refers to Joel imagining what he would tell his grandchildren about New York City.¹⁰⁰ This is the “snow birds” reference where people of somewhat affluent or middle class means leave the Northeast winters for the warmer temperatures of southern states, such as Florida. Joel imagines apartments and streets with no one home in the winter because they fled for a more temperate climate.

The 1977 album, *The Stranger*, leads with *Anthony's Song*, where Momma Leone leaves a note for Anthony saying, “Sonny,

Transit Passengers (Dec. 1992), http://www.apta.com/resources/reportsandpublications/Documents/americans_in_transit.pdf.

⁹⁷ BILLY JOEL, *Miami 2017 (Seen the Lights Go Out On Broadway)*, on *TURNSTILES* (Columbia Records 1976).

⁹⁸ PALISADES INTERSTATE PARK COMMISSION, NEW JERSEY, <http://www.njpalisades.org/parkway.html> (last visited Feb. 15, 2016); see also, ROBERT H. FREILICH ET AL., FROM SPRAWL TO SUSTAINABILITY: SMART GROWTH, NEW URBANISM, GREEN DEVELOPMENT, AND RENEWABLE ENERGY 38 (2010).

⁹⁹ BILLY JOEL, *Miami 2017 (Seen the Lights Go Out On Broadway)*, on *TURNSTILES* (Columbia Records 1976).

¹⁰⁰ Alec Baldwin, *Here's the Thing, an interview with Billy Joel*, WNYC (Jul. 30, 2012), <https://www.wnyc.org/story/225651-billy-joel/transcript/> (“‘Ford to New York: Drop Dead.’ I saw that headline and people in L.A. were like, ‘Ha, ha, ha. Screw New York. We can’t wait until New York goes down the dumps,’ and I said, ‘To hell with that. If New York’s going down the tubes, I’m going back. I want to be there for this.’ And I’m picturing this apocalypse. I actually wrote a song called ‘Miami 2017,’ thinking about the year 2017, when I’m an old man, telling my grandchildren, ‘I was there. I saw the lights go out on Broadway.’ It’s a science fiction song.”).

move out to the country.”¹⁰¹ An indication that people thought that to “move up” or become successful, one had to leave the City for the suburbs, in the case of this song, out to Hackensack, NJ (the lyric is “[w]ho needs a house out in Hackensack; [i]s that all you get for your money”), a suburban bedroom community for people who commuted to work in New York City.¹⁰² Focused on the aspirations of working and lower-class New Yorkers, the song puts into question the amount of effort it would take for the characters to achieve their own slice of the “American Dream.”¹⁰³

Scenes from an Italian Restaurant is described by Joel as “basically the story of Brenda and Eddie told through a meeting at an Italian restaurant during a dinner. It’s something that a lot of Long Islanders do, kind of reminisce over Italian food. And everybody’s got their Italian restaurant.”¹⁰⁴ “Most towns on Long Island have a spot or field surrounded by trees called the ‘village green,’ similar to the one Joel sings about here.”¹⁰⁵ One fan wrote, “West Village Green - a (mall strip) shopping center, park and pool are about 1/2 mile south of Hicksville High.”¹⁰⁶ For what it’s worth, Long Islanders are adamant about pointing out that the restaurant Joel writes about is Christiano’s in Syosset (on Long Island).¹⁰⁷

III. SUBURBANIZATION, THE ENVIRONMENT, JOEL AND THE 1980s

The Nylon Curtain was released in 1982.¹⁰⁸ The first track, *Allentown*,¹⁰⁹ was reportedly originally going to be named *Levit-*

¹⁰¹ BILLY JOEL, *Movin’ Out (Anthony’s Song)*, on *THE STRANGER* (Columbia Records 1977).

¹⁰² *Id.*; *The City of Hackensack, NJ*, HACKENSACK, <http://www.hackensack.org> (last visited Feb. 15, 2016).

¹⁰³ BILLY JOEL, *Movin’ Out (Anthony’s Song)*, on *THE STRANGER* (Columbia Records 1977).

¹⁰⁴ Glenn Gamboa, *Billy Joel Talks About His Top Long Island Songs*, *NEWSDAY* (Aug. 6, 2012), <http://www.newsday.com/entertainment/music/billy-joel-talks-about-his-top-long-island-songs-1.3880655>.

¹⁰⁵ *Scenes From an Italian Restaurant*, SONG FACTS, <http://www.songfacts.com/detail.php?id=2831> (last visited Feb. 17, 2016).

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ BILLY JOEL, *THE NYLON CURTAIN* (Columbia Records 1982).

¹⁰⁹ BILLY JOEL, *Allentown*, on *THE NYLON CURTAIN* (Columbia Records 1982).

town,¹¹⁰ after the Hicksville, Long Island town where he grew up.¹¹¹ While the song is actually about the steel mills in Bethlehem, PA, Allentown is located in the Lehigh Valley region and the name just seemed to work better. This was confirmed by Billy Joel in an interview with People Magazine, in which he said “[b]elieve it or not, I tried to write the song Levittown before I tried to write Allentown, but it didn’t sing as well.”¹¹² The lyrics recount the plight of families, who for generations relied on the steady work generated by the steel mill company until one day the jobs dried up.¹¹³

Adding to the Levittown discussion earlier, it was one of the first Long Island towns that demonstrated the success of “mass-built, inexpensive, postwar subdivisions.”¹¹⁴ The creation of Levittown opened the suburbs up to low and moderate income groups, and was a major catalyst in the mass migration of these less affluent workers from the urban city to Long Island. The planning for the development of Levittown began in 1944, and was facilitated by the passage of the Housing Act of 1949.¹¹⁵ The community was made affordable by the Levitts, who priced it in accordance with the average income of returning veterans; Fortune Magazine (August 1947) put this income limit of the average family as being eligible for a \$7000 mortgage, with payments of \$60 per month.¹¹⁶ These homes were not large, only 750 square feet, but were comfortable for these families and satisfied their desires to live in a suburban community.¹¹⁷ It was “[w]ith the help of modern production and financing methods, builders like Levitt and Sons made the American dream of homeownership affordable to millions.”¹¹⁸

¹¹⁰ Kester Alleyne-Morris, *Joel: From ‘Allentown’ to Chitown*, CHICAGO TRIBUNE (Nov. 28, 2007), http://articles.chicagotribune.com/2007-11-28/news/0711270798_1_steel-industry-billy-joel-25th-anniversary.

¹¹¹ The BFSFAN, *Levittown Medley – Miami 2017 – Billy Joel – Lynn University*, YOUTUBE (Feb. 23, 2012), <https://www.youtube.com/watch?v=Nu-svzbOhPA>.

¹¹² Cable Neuhaus, *He Sang of Their Troubles, but Grateful Citizens Say Thank You Anyway to Billy Joel*, PEOPLE MAGAZINE (Jan. 10, 1983), <http://www.people.com/people/archive/article/0,,20084021,00.html>.

¹¹³ *Id.*

¹¹⁴ Jenni Buhr, *Levittown as a Utopian Community*, LONG ISLAND THE SUBURBAN EXPERIENCE 67-68 (Barbara M. Kelly ed., Heart of the Lakes Publishing 1990).

¹¹⁵ *Id.* at 68-69.

¹¹⁶ *Id.* at 71.

¹¹⁷ *Id.* at 72-73.

¹¹⁸ *Levittown, Pa., Building the Suburban Dream*, THE STATE MUSEUM OF PENNSYLVANIA, <http://statemuseumpa.org/levittown/one/b.html> (last visited Feb. 15, 2016).

In 1970, 21% of employed Long Islanders were working in the manufacturing industry.¹¹⁹ The song, *Allentown*,¹²⁰ alluded to a nationwide shift in the availability of manufacturing jobs; in 1950, manufacturing jobs were 33.7% of the work force, but by 1992 this number was decreased to 16.6%.¹²¹ Indicative of this downtrend were corporations such as Bethlehem Steel, which began laying off its workers in droves during this time.¹²² However, it was not just Bethlehem Steel, as the New York Times wrote, “[n]early half of the nation’s 450,000 steelworkers have been laid off and half of those on layoffs are not expected to work in the industry again.”¹²³ National unemployment was at an all-time high: 9.7% in 1982, and 9.6% in 1983.¹²⁴

It was not until 1986, after *Allentown*,¹²⁵ that this federal downtrend reached Long Island when Grumman Corp. began laying off its employees.¹²⁶ In 1988, Grumman had employed 33,000 people on Long Island; however, by the end of 1994, the number of those still employed was approximately 500.¹²⁷ The impact of the layoffs was devastating and widely felt. For example, the Bethpage School District was impacted after Grumman left Long Island, suffering up to \$4 million a year in property taxes.¹²⁸ The property tax agreement raised the tax rate of the 7,200 homeowners in the Bethpage district to \$6 per \$100 of assessed valuation over two years.¹²⁹ By 2010, the

¹¹⁹ Christopher Jones, *Long Island's Transformation: 1970-2010*, LONG ISLAND INDEX (Jan. 2015), http://historiccensus.longislandindexmaps.org/img/LongIslandsTransformation1970to2010_GuidetotheInteractiveMaps.pdf, at 9.

¹²⁰ BILLY JOEL, *Allentown*, on *THE NYLON CURTAIN* (Columbia Records 1982).

¹²¹ Ronald E. Kutscher, *Historical trends, 1950-92 and current uncertainties*, MONTHLY LABOR REVIEW (Nov. 1993), <http://www.bls.gov/mlr/1993/11/art1full.pdf>, at 7.

¹²² Lydia Chaves, *Bethlehem Steel to Cut 7,300 Jobs at Upstate Plant*, N.Y. TIMES (Dec. 28, 1982), <http://www.nytimes.com/1982/12/28/business/bethlehem-steel-to-cut-7300-jobs-at-upstate-plant.html>.

¹²³ *Id.*

¹²⁴ *Labor Force Statistics from the Current Population Survey*, U.S. DEP'T OF LAB., http://data.bls.gov/timeseries/LNU04000000?years_option=all_years&periods_option=specific_periods&periods=Annual+Data (last visited Feb. 15, 2016).

¹²⁵ JOEL, *supra* note 119.

¹²⁶ Guy Halverson, *Historic Move: Grumman Corp. Leaves Long Island*, THE CHRISTIAN SCIENCE MONITOR, (Jan. 21, 1994).

¹²⁷ *Id.*

¹²⁸ Stewart Ain, *Grumman's Exit Is a Blow to Bethpage*, N.Y. TIMES (Mar. 17, 1996), <http://www.nytimes.com/1996/03/17/nyregion/grumman-s-exit-is-a-blow-to-bethpage.html?pagewanted=all>.

¹²⁹ *Id.* at 1.

manufacturing industry employed less than 7% of Long Islanders, a share that declined steadily with each decade through 2000.¹³⁰

The welfare of veterans has also been an issue of great importance to Billy Joel, and his song *Goodnight Saigon* is a tribute to Vietnam Veterans. In an appearance on a Howard Stern hosted town hall in 2014, Joel explained:

I wanted to do that for my friends who did go to ‘Nam. A lot of them came back from being in country and really had a hard time getting over it, and still to this day I think a lot of them are having a hard time. They were never really welcomed back, and whether you agreed with the war or not, these guys really took it on the chin. They went over there and they served, and they never really got their due.¹³¹

Because of this deeply held sentiment, Billy Joel would bring Vietnam veterans on stage to sing with him when he performed *Goodnight Saigon*. Joel explains “[i]t’s finally like bringing them home and giving them a little bit of a parade and a welcome back.”¹³² Joel continues, “I like to do that for them.”¹³³ Billy Joel’s statement about the unfair treatment of veterans still resonates with many Long Islanders even today. In 2013, nationally 29 out of every 10,000 veterans were homeless, accounting for “almost 10 percent of the homeless population” or 62,619 people.¹³⁴ In 2014 this number decreased by to 27 out of every 10,000 veterans experiencing homelessness on a single night.¹³⁵ Although homelessness among veterans has declined since 2010, veterans still are overrepresented in the homeless population, and homeless veterans continues to be a significant problem.

The release of *Glass Houses* in 1980 also contained references to life in suburbia. The album cover shows Billy Joel throwing a rock through a window of his home in Oyster Bay, Long Island.

¹³⁰ *Long Island’s Transformation: 1970-2010*, LONG ISLAND INDEX (Jan. 2015), http://historiccensus.longislandindexmaps.org/img/LongIslandsTransformation1970to2010_GuidetotheInteractiveMaps.pdf.

¹³¹ *Goodnight Saigon*, SONGFACTS, <http://www.songfacts.com/detail.php?id=7694> (last visited Feb. 15, 2016).

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *The State of Homelessness in America*, HOMELESSNESS RESEARCH INSTITUTE (Apr. 2013), http://b.3cdn.net/naeh/bb34a7e4cd84ee985c_3vm6r7cjh.pdf, at 3, 7.

¹³⁵ *The State of Homelessness in America*, HOMELESSNESS RESEARCH INSTITUTE (2014), http://b.3cdn.net/naeh/d1b106237807ab260f_qam6ydz02.pdf, at 4.

On the song *It's Still Rock and Roll to Me*, Joel sings, "Are you gonna cruise the Miracle Mile," a reference to the Americana Manhasset, "a 220,000 square foot open-air"¹³⁶ luxury shopping center, located on Northern Boulevard in Manhasset.¹³⁷

In 1989 Joel released *Storm Front*, containing the ballad *Downeaster Alexa*, making a strong statement about the environment. The lyrics below describe how the fishing industry on Eastern Long Island (and in other nearby fishing communities) has nearly vanished:

We took on diesel back in Montauk yesterday
And left this morning from the bell in Gardiner's Bay
Like all the locals here I've had to sell my home
Too proud to leave I've worked my fingers to the bone

I've got bills to pay and children who need clothes
I know there's fish out there but where God only knows
They say these waters aren't what they used to be
But I've got people back on land who count on me

Now I drive my Downeaster Alexa
More and more miles from shore every year
Since they tell me I can't sell no stripers
And there's no luck in swordfishing here

I was a bayman like my father was before
Can't make a living as a bayman anymore
There ain't much future for a man who works the sea
But there ain't no island left for islanders like me¹³⁸

When asked how he got so involved with the plight of the

¹³⁶ *Our History*, AMERICANA MANHASSETT, <http://www.americanamanhasset.com/about/our-history/> (last visited Feb. 15, 2016).

¹³⁷ Kevin Amorim, *A Billy Joel Tour of Long Island*, NEWSDAY, <http://www.newsday.com/entertainment/music/a-billy-joel-tour-of-long-island-1.6476344> (last visited Feb. 15, 2016); see also, *An Undefinable Thing: Manhasset's Miracle Mile*, MANHASSET PRESS (Aug. 21, 2015), <http://manhassetpress.com/an-undefinable-thing-manhassets-miracle-mile/>.

¹³⁸ BILLY JOEL, *The Downeaster Alexa*, on *STORM FRONT* (Columbia Records 1989).

baymen, Joel responded in a 1992 interview, “I used to oyster in Oyster Bay when I was in my teens, and all through my life I was able to go clamming. I always considered it the birthright of Long Islanders to pull shellfish from the local waters.”¹³⁹ Joel states that the baymen are “being put out of business by the politicians, developers, industrial pollution, agricultural insecticide, run-off and the sport-fishing lobby.”¹⁴⁰ In describing the baymen, Joel thinks of other artists when he states: “Herman Melville wrote stories about them. Winslow Homer painted them. Walt Whitman wrote poems about them A lot of cultural identity of Long Island has to do with these people. If they go, we’re just a suburb. We’re no longer an island. People forget that – we’re an island.”¹⁴¹ A long-time supporter of Long Island’s commercial fishermen, Joel has walked the talk, and has donated the time and use of his landing craft in support of a shellfish seeding program jointly run by the Town of Oyster Bay and the Oyster Bay Baymen’s Association.¹⁴²

In a recent interview with Paul Risi,¹⁴³ Council Member on the Marine Resources Advisory Council¹⁴⁴ to the New York State Department of Environmental Conservation, the need for regulation of fisheries was apparent.¹⁴⁵ As a native Long Islander and Captain of numerous fishing vessels, Mr. Risi has a love for Long Island and its waters. Mr. Risi explains that Long Island is a “unique estuarine complex . . . with a high ratio of wetlands to open water which make

¹³⁹ Judy Chicurel, *The Long Island Interview with Billy Joel: Big Money is at War with Working People*, *NEWSDAY*, Sept. 23, 1992; see also, Bill Bleyer, *Shelling out for clams, Billy Joel assists with putting young shellfish into Oyster Bay as part of seeding program conducted by town, baymen’s group*, *NEWSDAY*, Oct. 8, 2006 (“Joel said his interest in the program stemmed from working one of the Flower oyster dredges as a teenager and years of aiding East End baymen.”).

¹⁴⁰ Wayne Robins, *Billy Joel: It’s a period of transition for the Singer Songwriter*, *NEWSDAY* (Nov. 29, 2013), <http://www.newsday.com/entertainment/music/billy-joel-it-s-a-period-of-transition-for-the-singer-songwriter-1.6516145> (originally appeared in the Oct. 29, 1989 edition of *Newsday*).

¹⁴¹ *Id.*

¹⁴² Bleyer, *supra* note 138.

¹⁴³ Telephone Interview with Paul Risi, Council Member, Marine Resources Advisory Council (Feb. 2, 2016).

¹⁴⁴ N.Y. ENVTL. CONSERV. LAW § 13-0350 (McKinney) (The Marine Resources Advisory Council was created due to the finding that the “finfish and shellfish industry . . . plays a vital part of the economy” in New York State and on Long Island in particular. The council is “mandate[d] to monitor and review fishery management regulations, programs, allocations and expenditures of the department of environmental conservation for the care, management, protection and enlargement of finfish and shellfish.”).

¹⁴⁵ Email from Paul Risi to author (Feb. 2, 2016, 13:19 EST) (on file with author).

the island a natural habitat for spawning, juvenile growth and feeding of shellfish and finfish. This was recognized by the Native Americans and the European settlers also took advantage of these resources.”¹⁴⁶ The waters of Long Island and its natural resources seemed inexhaustible to Long Islanders for many years, but the tremendous migration of population to the island¹⁴⁷ and the growth of the suburbs brought with it more pollution which had a significant negative effect on the island’s fisheries. In Mr. Risi’s opinion “the greatest damage to the health and abundance of most species of local fish is the hardening of the shoreline, and the pollution of the water.”¹⁴⁸ Risi continues that the “harvest has a significant impact in the health of most fisheries . . . , but no fishery could withstand unregulated harvest in this century, because of the advances in technology, exponential increases in population and the high demand for protein.”¹⁴⁹ Mr. Risi believes, “Everyone has the right to fish. Everyone should have access to fish. Everyone should have access to public places and public resources; but the right to use those resources doesn’t give you the right to pilfer them. Without regulation there would be no fish left.”¹⁵⁰

When Joel sings, “Now I drive my Downeaster Alexa, [m]ore and more miles from shore every year,” he is singing about the state of fisheries management at the time the song was written. Joel’s lyrics “and there’s no luck in swordfishing here”¹⁵¹ refer to the scarcity of swordfish back in the 1990s. Risi explains the regulation of harvest can have a positive effect, because the swordfish that were so scarce back in the 1990s have rebounded and are now fished under quota every year.

The lyrics of *Downeaster Alexa*, “I know there’s fish out there but where God only knows . . . they say these waters aren’t what they used to be” allude to the decreasing availability of fisheries off the Long Island coast.¹⁵² “Since they told me I can’t sell no stripers,” refers to the regulation of striped bass.¹⁵³ In the middle to late twenti-

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ Email from Paul Risi to Irene Crisci (Feb. 2, 2016, 13:19 EST) (on file with author).

¹⁴⁹ Telephone Interview with Paul Risi, Council Member, Marine Resources Advisory Council (Feb. 2, 2016).

¹⁵⁰ *Id.*

¹⁵¹ BILLY JOEL, *The Downeaster Alexa*, on *STORM FRONT* (Columbia Records 1989).

¹⁵² *Id.*

¹⁵³ *Id.*

eth century, both the rampant overfishing of striped bass and the loss of viable spawning habitats devastated the striped bass population.¹⁵⁴ By the 1980s, the scores of migratory striped bass that at one time amazed the early colonists had all but disappeared from the Atlantic coastline.¹⁵⁵ The near extinction of striped bass, and the significant impact this would have on the economies of these Atlantic states, demonstrated that the get-it-while-you-can mentality of the 1980s' fishermen posed a legitimate threat to the migratory fishery.¹⁵⁶

In 1984, Congress enacted the Striped Bass Act in order to eliminate the deadlock that had occurred when these neighboring coastal states failed to resolve the problem.¹⁵⁷ The Striped Bass Act immediately empowered a multistate fisheries advisory commission known as the Atlantic States Marine Fisheries Commission (ASMFC) to enforce state compliance with its recommendations for size and harvest limits.¹⁵⁸ Today, states that have been found to be in violation of the ASMFC's management plan, and any subsequent amendments, face a complete federal closure of their state fishery.¹⁵⁹ Such punishment is a strong deterrent since the closure would subject non-compliant states to the loss of millions of dollars in revenues from tackle sales, travel expenses, charter boat fees, and other activities re-

¹⁵⁴ Thomas Rapone, *The EEZ Solution to Striper Management: Why the Federal Government Should Ban the Commercial Harvest of Striped Bass Once and For All*, 44 SUFFOLK U. L. REV. 567 at 568 (2011); see also 16 U.S.C. § 5151(a)(3) (2006) (noting increased fishing pressure as factor in decline of striped bass population). In 1979, as a response to dwindling striped bass numbers, Congress appropriated funds for an emergency study to determine the causes of the decline. See Anadromous Fish Conservation Act, Pub. L. No. 96-118, 93 Stat. 859 (1979) (codified as amended at 16 U.S.C. § 757b (2006)).

¹⁵⁵ See Nat'l Marine Fisheries Serv., *Atlantic Striped Bass Biomass and Landings*, NAT'L OCEANIC AND ATMOSPHERIC ADMIN., http://www.nmfs.noaa.gov/fishwatch/images/atl_striped_bass_chart_bio.gif (last visited Feb. 15, 2016) (indicating striped bass biomass in early 1980s was at the lowest levels in recorded history).

¹⁵⁶ See Nelson Bryant, *Maryland Weighs Bass Plan*, N.Y. TIMES, Sept. 23, 1984, at 56 (noting fierce interstate competition for resource). Maryland anglers, faced with state-mandated catch restrictions at the peak of the striped bass collapse in 1984, expressed the common sentiment that "[a]ny catch we forgo . . . simply means more stripers for fishermen in the other states." See *id.*

¹⁵⁷ See Atlantic Striped Bass Conservation Act, Pub. L. No. 98-613, 98 Stat. 3187 (1984) (codified as amended at 16 U.S.C. §§ 5151-5158 (2006)).

¹⁵⁸ See 16 U.S.C. § 5153(a)(1) (2006) (mandating annual state-by-state audit of compliance with ASMFC management plan).

¹⁵⁹ See *id.* § 5154 (providing procedure for federal moratorium). The statute instructs: "if the State is not in compliance, the Secretaries [of State and Interior] shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State." *Id.* § 5154(a).

lated to the striped bass fishery.¹⁶⁰ It can therefore be said that the Striped Bass Act provided the ASMFC plan with the necessary teeth by using the threat of federal sanctions to mandate a curative measure.¹⁶¹ This was a huge step forward in the scope of federal fisheries law, since up until this point Congress had never intervened in a fishery based primarily in state territorial waters prior to the enactment of the Striped Bass Act.¹⁶²

Another number one hit on the album *Stormfront* was *We Didn't Start the Fire*,¹⁶³ containing lyrics that walk quickly through a very long history lesson for every high school student. One stanza with some Long Island connections is:

Birth control, Ho Chi Minh, Richard Nixon back again
Moonshot, Woodstock, Watergate, punk rock
Begin, Reagan, Palestine, Terror on the airline
Ayatollah's in Iran, Russians in Afghanistan
Wheel of Fortune, Sally Ride, heavy metal, suicide
Foreign debts, homeless Vets, AIDS, Crack, Bernie Goetz
Hypodermics on the shores, China's under martial law
Rock and Roller Cola wars, I can't take it anymore¹⁶⁴

The reference to "Hypodermics on the shores" was something that happened in the late 1980s when needles started showing up on the Jersey Shore.¹⁶⁵ A company was hired to dispose of garbage from hospitals, and instead, dumped the materials in the Atlantic Ocean, closing beaches. Materials were also found in Huntington (Long Island) a few years later.¹⁶⁶ Beachgoers feared stepping on AIDS in-

¹⁶⁰ Southwick Assocs., Inc., *The Economics of Recreational and Commercial Striped Bass Fishing*, SOUTHWICK ASSOCS., INC. (2005), http://www.southwickassociates.com/wp-content/uploads/2011/10/Striped_Bass.pdf (analyzing economic impact of striped bass fishery on economies of Atlantic states).

¹⁶¹ Dick Russell, STRIPER WARS: AN AMERICAN FISH STORY 13-14 (2005) (describing the failings of the ASMFC plan prior to the enactment of the Striped Bass Act, as a result of the plan having "no real teeth").

¹⁶² *Id.* at 145 (describing unprecedented nature of federal striped bass initiative).

¹⁶³ BILLY JOEL, *We Didn't Start the Fire*, on *STORM FRONT* (Columbia Records 1989).

¹⁶⁴ *Id.*

¹⁶⁵ Mike Franolich, *Garbage Washes Up at Shore Debris Includes Needles, Syringes*, THE INQUIRER (May 23, 1988), http://articles.philly.com/1988-05-23/news/26261136_1_bags-of-medical-waste-marine-police-medical-debris.

¹⁶⁶ Chester L. Arnold Jr., *Connecticut Sea Grant Marine Advisory Program and the New York Sea Grant Extension Program Long Island Sound Study*, LONG ISLAND SOUND STUDY, <http://longislandsoundstudy.net/wp-content/uploads/2010/03/fact8.pdf> (last visited Feb. 15).

fected needles, and an environmental scare ensued, closing New York and New Jersey beaches and costing the states roughly \$1.5 billion in revenue.¹⁶⁷

The problem of dangerous waste washing up on beaches continues to plague New York, New Jersey, and parts of Long Island. In 1991, a Queens beach was forced to close when over 400 needles and 100 empty medicine vials washed up across the mile long beach.¹⁶⁸ In July 1998, Rockaway Beach had to be closed again after officials had “recovered 53 hypodermic needles, 92 crack vials, assorted needle caps and an intravenous pouch over a five-mile stretch.”¹⁶⁹ Consequently, New York has adopted more stringent laws regulating the disposal of medical waste, part of the 1989 Legislative Program created a comprehensive system for the effective regulation and tracking of regulated medical waste.¹⁷⁰ The Environmental Conservation Law § 27-1503 was enacted in 1988, and amended in 1989 and 1993 in order to “regulate the transportation of regulated medical waste in a uniform manner throughout the state.”¹⁷¹

Joel also references “homeless vets.”¹⁷² While perhaps not specifically about Long Island, it is closely connected to Suffolk County, NY, home to the largest veteran population in the state.¹⁷³

2016).

¹⁶⁷ Sarah Lyall, *Beach Medical Waste: Debris but No Panic*, N.Y. TIMES (Sept. 11, 1991), <http://www.nytimes.com/1991/09/11/nyregion/beach-medical-waste-debris-but-no-panic.html?pagewanted=all>.

¹⁶⁸ Manny Strumpf, *Medical Waste Closes New York Beach*, THE J. TIMES (Sept. 1, 1991), http://journaltimes.com/news/national/dirty-needles-close-new-york-beach/article_67f311b9-3e6b-597d-bd5b-e213c93becaf.html.

¹⁶⁹ David W. Chen, *Beach Closed In Rockaways as More Debris Washes Ashore*, N.Y. TIMES (July 29, 1998), <http://www.nytimes.com/1998/07/29/nyregion/beach-closed-in-rockaways-as-more-debris-washes-ashore.html>.

¹⁷⁰ *Envirotech of Am., Inc. v. Dadey*, 639 N.Y.S.2d 890, 895 (N.Y. Sup. Ct.), *aff'd as modified*, 234 A.D.2d 968 (1996) (discussing the purpose of an adopted bill regulating medical waste, “the bill parallels the federal regulatory system created in the Medical Waste Tracking Act of 1988 (MWTa) but provides even greater protection to the people of this State against the mishandling of regulated medical waste. The need for stringent regulation of medical waste has been dramatically demonstrated by the continuing problem of such wastes in the waters and on the beaches of the State.”).

¹⁷¹ N.Y. ENVTL. CONSERV. LAW § 27-1503 (McKinney 2007).

¹⁷² BILLY JOEL, *We Didn't Start the Fire*, on STORM FRONT (Columbia Records 1989).

¹⁷³ *Suffolk County Serving Veterans*, SUFFOLK CTY. VETERANS SERVS., <http://www.suffolkcountyny.gov/veterans/home.aspx> (last visited Feb. 15, 2016). In fact Touro Law Center's Veterans' and Service members' Rights clinic was established to provide desperately needed legal services to this population. For information about Touro Law Center's clinical programs, see *Clinics*, TOURO LAW, <https://www.tourolaw.edu/academics/clinics> (last visited Feb. 15, 2016).

Also, how ironic that so many vets came to live in suburban Long Island and despite the housing boom, they were bust, unable to afford housing on the Island.¹⁷⁴

IV. THE STORY CONTINUES IN THE 1990s

River of Dreams was released in 1993.¹⁷⁵ The song, *No Man's Land*, is an “in your face” expose of suburban life. The lyrics read:

I've seen those big machines come rolling through the quiet pines
 Blue suits and bankers with their Volvos and their valentines
 Give us this day our daily discount outlet merchandise
 Raise up a multiplex and we will make a sacrifice
 Now we're gonna get the big business
 Now we're gonna get the real thing
 Everybody's all excited about it

Who remembers when it all began - out here in No Man's Land
 Before they passed the master plan - out here in No Man's Land
 Low supply and high demand - here in No Man's Land

There ain't much work out here in our consumer power base
 No major industry, just miles and miles of parking space
 This morning's paper says our neighbor's in a cocaine bust
 Lots more to read about Lolita and suburban lust
 Now we're gonna get the whole story
 Now we're gonna be in prime time
 Everybody's all excited about it

Who remembers when it all began - out here in No Man's Land
 We've just begun to understand - out here in No Man's Land
 Low supply and high demand - here in No Man's Land

I see these children with their boredom and their vacant stares
 God help us all if we're to blame for their unanswered prayers

¹⁷⁴ Crystal Galyean, *20th Century: Levittown: The Imperfect Rise of the American Suburbs*, U.S. HISTORY SCENE, <http://ushistoryscene.com/article/levittown/> (last visited Feb. 15, 2016).

¹⁷⁵ *Behind-the-Scenes Photos: A look back at Billy Joel's 'River of Dreams,'* BILLY JOEL (Aug. 14, 2014), <http://www.billyjoel.com/news/behind-scenes-photos-look-back-billy-joels-river-dreams>.

They roll the sidewalks up at night this place goes underground
 Thanks to the Condo Kings there's cable now in Zombietown
 Now we're gonna get the closed circuit
 Now we're gonna get the Top 40
 Now we're gonna get the sports franchise
 Now we're gonna get the major attractions

Who remembers when it all began - out here in No Man's Land
 Before the whole world was in our hands - out here in No Man's
 Land
 Before the banners and the marching bands - out here in No Man's
 Land
 Low supply and high demand - here in No Man's Land¹⁷⁶

Billy Joel reportedly said about this track:

What's happening is rampant consumerism We
 have destroyed a lot of the physical aspects of the
 country, and the spiritual aspects. It's this ongoing
 development of suburbia [that] for so many years
 we're all programmed to think we want, that every-
 body wants. We'll make a unique manicured place to
 live out in the sticks, or we'll gentrify the city or all
 these things that they look nice on the surface.¹⁷⁷

One critic commented, *No Man's Land* "is a bleak portrait of a face-
 less, soulless modern suburbia dominated by multiplex theaters and
 discount outlets."¹⁷⁸ The lyrics "There ain't much work out here in
 our consumer power base/ No major industry, just miles and miles of
 parking space . . ." express this sentiment.¹⁷⁹

At the same time, in the 1990s, the New York State Legisla-
 ture was busy modernizing the State's antiquated planning and zon-
 ing laws that had largely enabled suburban sprawl.¹⁸⁰ Through this

¹⁷⁶ BILLY JOEL, *No Man's Land*, on RIVER OF DREAMS (Columbia 1993).

¹⁷⁷ FRED SCHRUEERS, *THE DEFINITIVE BIOGRAPHY BILLY JOEL* 222 (2014).

¹⁷⁸ Stephen Holden, *Recordings View: Billy Joel: A Pundit of Suburbia*, N.Y. TIMES (Aug. 8, 1983), <http://www.nytimes.com/1993/08/08/arts/recordings-view-billy-joel-a-pundit-of-suburbia.html>.

¹⁷⁹ *Id.*

¹⁸⁰ James A. Coon, Sheldon W. Damsky & Dianne L. Rosen, *The Land Use Recodification Project*, 13 Pace L. Rev. 559 (1993).

effort, new laws were enacted that enabled transfer of development rights, something important to the preservation of the farmland on the North Fork of Suffolk County as well as for the preservation of the Long Island Pine Barrens.¹⁸¹ The Legislature also took note of the challenges posed when urbanites move to the “country” and find that they don’t like their expensive new homes abutting the working farms.¹⁸² Nationally, planners were also talking about the need to bring more mixed uses and walkable communities to suburban developments – perhaps recreating some of the socialization, exercise and convenience of city life that got lost in suburbia.¹⁸³

V. THE NEW LYRICS END IN THE 2000S BUT NOT THE COMMITMENT TO SUSTAINABILITY

The instrumental song, *Elegy: The Great Peconic*, appears on the 2005 box set of *My Lives*. Located in eastern Long Island, near Riverhead, Southampton, and Mattituck, the Peconic Bay is situated at the point where Long Island splits into the South Fork and the North Fork.¹⁸⁴ The song “is an expressive and expansive work dedicated to a body of water loved dearly by Joel. He bewails the condition of what was once a vibrant environment full of marine life.”¹⁸⁵

Even in the 21st century, Billy Joel and his lyrics have stood strong and established the messages he intended to portray. Now in his mid-60s, Joel is still touring around the country and providing his fans with music that is both enjoyable and meaningful.¹⁸⁶

¹⁸¹ N.Y. TOWN LAW § 261-a (McKinney 2013), N.Y. VILLAGE LAW § 7-701 (McKinney 2011), N.Y. GEN. CITY LAW § 20-f (McKinney 2003). See also N.Y. Division of Local Government Services, Transfer of Development Rights, James A. Coon Local Government Technical Series (revised 2010, reprinted 2015), http://www.dos.ny.gov/lg/publications/Transfer_of_Development_Rights.pdf.

¹⁸² N.Y. AGRIC. & MKTS. LAW § 308 (McKinney 2004 & Supp. 2016).

¹⁸³ *What is New Urbanism?* CNU, <https://www.cnu.org/resources/what-new-urbanism> (last visited Feb. 19, 2016); see also, Robert H. Freilich & Neil M. Popowitz, *The Umbrella of Sustainability: Smart Growth, New Urbanism, Renewable Energy and Green Development in the 21st Century*, 42 URB. LAW. 1, 4 (2010).

¹⁸⁴ Robin Finn, *On the North Fork, the Un-Hamptons*, N.Y. Times (June 21, 2013), http://www.nytimes.com/2013/06/23/realestate/on-the-north-fork-the-un-hamptons.html?_r=0.

¹⁸⁵ Judy Chicurel, *The Long Island Interview with Billy Joel: Big Money is at War with Working People*, NEWSDAY, Sept. 23, 1992.

¹⁸⁶ Most recently Joel began a monthly residency at Madison Square Garden, setting and breaking the record for the most appearances on the stage there, and he announced that in the summer of 2016 he will begin stadium tours.

Despite the fact that Billy Joel is not currently engaged in writing lyrics for commercial release, he still donates countless hours of time for some of the causes he passionately chronicled in his lyrics.¹⁸⁷ He recently appeared with New York Governor Andrew Cuomo and other political leaders to personally work at cleaning the shoreline off of Oyster Bay Harbor.¹⁸⁸ The authors can only imagine that if Joel were writing lyrics today he might address the problems of sustainability and resiliency following Superstorm Sandy that caused havoc throughout his Long Island community. He might write more about sprawl and smart growth, the inequality that exists in our suburban school districts, the lack of affordable housing for people of all ages, and the challenges of suburban life for an aging population.

Thank you Billy Joel for helping to chronicle the effects of suburbanization, consciously or not, and for not just creating an historical record but for calling upon others to stand with you to restore our environment and create a sustainable tomorrow.

¹⁸⁷ Aisha Al-Muslim, *Billy Joel, Cuomo Help at Shoreline Cleanup Event*, NEWSDAY, Sept. 22, 2013 (Joel told a reporter, “I am a resident, and I love this area, and I want to make sure it is a healthy fishery.”).

¹⁸⁸ *Id.*