



STRATEGIES AND
RESOURCES
TO HELP IMPLEMENT
ECONOMICALLY VIABLE
SMART GROWTH
DEVELOPMENT

**POLICY
PLAYBOOK**



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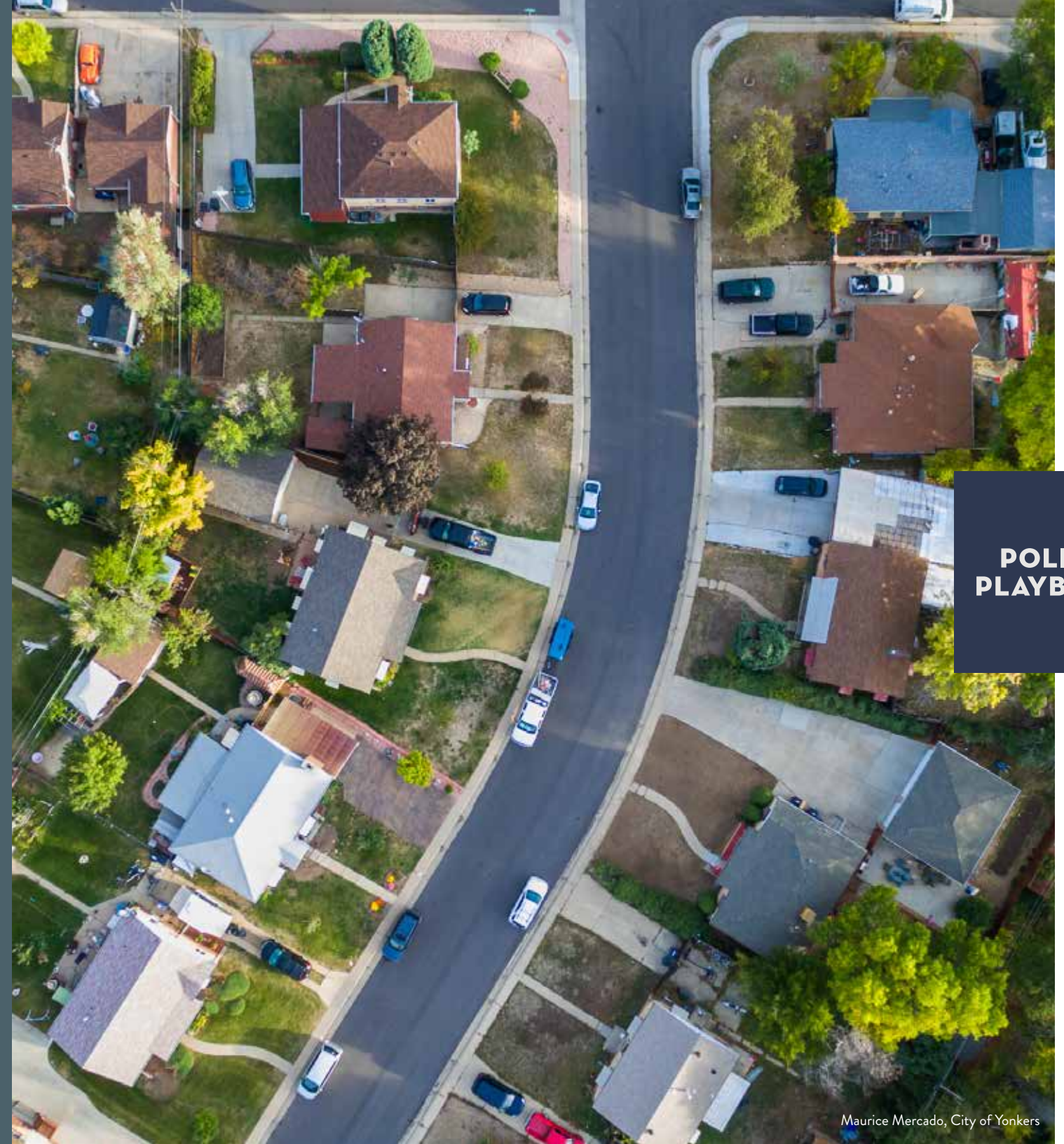
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INTRODUCTION

& OVERVIEW

This guide was developed to provide planning, regulatory, and other strategies and resources that will help Westchester County municipalities implement economically viable smart growth development. According to the NYS Department of Environmental Conservation, smart growth is a development approach that encourages a mix of building types and uses; compact design; diverse housing and transportation options; walkable, distinctive neighborhoods; development within existing neighborhoods; reuse of vacant or underutilized properties and buildings; and community engagement. Restrictive land use plans and regulations may prohibit developers from building walkable, urban places where people want to live, work, and play. In contrast, land use plans and regulations that implement smart growth principles are flexible and facilitate pedestrian friendly, mixed use projects.



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This guide's focus on local smart growth strategies aligns with the core values expressed in the Regional Plan Association's The Fourth Regional Plan for the New York-New Jersey-Connecticut Metropolitan Area, available at <http://www.fourthplan.org/>. The Fourth Regional Plan's core values aim to achieve greater equity, shared prosperity, better health, and sustainability throughout the region. Its recommendations include building modern infrastructure, improving the transit system, supporting healthy, livable mixed-use communities that are walkable, developing affordable housing for everyone, and creating quality job opportunities.

To further promote smart growth development, this guide also provides municipalities with strategies for ensuring their land use plans and regulations clearly communicate development expectations to developers, helping them determine whether a project is market realistic and making development decisions predictable, fair, and cost effective.

Westchester communities that implement the strategies outlined in this guide will be recognized for their leadership in promoting economically viable smart growth. The Westchester County Association's Incentive Recognition Program will formally acknowledge these municipalities by awarding them with a recognition plaque and photo opportunity at the WCA Annual Real Estate Summit. The program will also offer them the opportunity to contribute to a Real Estate Summit panel; announce their recognition awards and achievements in a press release sent to local and regional media outlets; highlight their best practices in future editions of the Playbook; recognize them in future email campaigns that promote the Playbook and the Real Estate Summit, and a possibly feature them in the WCA Newsletter. If your community chooses to adopt the strategies outlined in this guide, please complete and submit the self-certification recognition program form.

Below, this guide presents planning, regulatory, and other strategies local governments can use to implement smart growth development.

It begins by listing funding and related opportunities that local governments can access to fund these initiatives. The following five sections then present strategies for (1) developing comprehensive plans, (2) creating target area plans, (3) developing land use regulations that implement these plans in flexible ways, (4) streamlining the review and approval process for priority projects that adhere to these land use plans and regulations, and (5) quasi-public corporations that local governments can form to further facilitate these projects. Each of these sections defines the strategy, explains why the strategy is beneficial, and details how local governments can implement the strategy. Each section also includes best practice examples that illustrate how some Westchester municipalities have already employed these strategies, as well as helpful resources communities can access to help implement the strategies.

FUNDING AND RELATED OPPORTUNITIES

When embarking on a land use planning or regulatory initiative, municipalities use a range of approaches, from using only in-house staff to hiring a team of consultants, and the cost typically ranges from \$75,000 to \$500,000, depending on the municipality's approach, its size, and the breadth of the initiative. Communities often use municipal and private funds to finance these efforts but may leverage that funding with public grants geared toward specific types of initiatives. The sources listed below provide New York municipalities with several funding opportunities for local land use planning and regulatory initiatives, as well as Westchester County resources that municipalities can access to support these efforts.

CLIMATE SMART COMMUNITIES GRANT PROGRAM *NYS Department of Environmental Conservation*

This program provides 50/50 matching grants to NYS municipalities for eligible climate adaptation and mitigation projects in two broad categories (1) implementation projects related to climate change

adaptation (e.g., for flood risk reduction) and the reduction of greenhouse gases outside the power sector (e.g., for the reduction of vehicle miles travelled) and (2) planning projects that advance actions aligned with Climate Smart Communities Certification requirements, especially in the areas of climate change adaptation, land use, transportation, and organic waste management. *For more information about the Climate Smart Communities Grant Program, visit <http://www.dec.ny.gov/energy/109181.html>. To learn more about Climate Smart Communities Certification, go to <http://www.dec.ny.gov/energy/96511.html>.*

CLEAN ENERGY COMMUNITIES PROGRAM

New York State Energy and Research Development Authority
Local governments in New York State can use the Clean Energy Communities program to implement clean energy actions, save energy costs, create jobs, and improve the environment. In addition to providing tools, resources, and technical assistance, the program recognizes and rewards leadership for the completion of clean energy projects. *To learn more, visit <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities>.*

EMPIRE STATE DEVELOPMENT GRANT FUNDS

NYS Empire State Development

ESD's Strategic Planning and Feasibility Studies Program provides funding for working capital grants of up to \$100,000 each to support (1) strategic development plans for a municipality or a significant part thereof and (2) feasibility studies for site(s) or facility(ies) assessment and planning. Eligible projects should focus on economic development purposes, and preference is given to projects located in highly distressed communities (characterized by pervasive poverty, high unemployment, and general economic distress). ESD also offers grant funding for capital-based economic development projects, including planning projects that help create or retain jobs, decrease unemployment and underemployment, or increase business or economic activity in a community or Region. Additionally, every year each Regional Economic Development Council nominates

a municipality in its Region to receive a \$10 million Downtown Revitalization Initiative grant to develop a downtown strategic investment plan and implement key catalytic projects that advance the community's vision for revitalization. Nominated communities can use that award to create or update a comprehensive plan. *To learn more about ESD grant funds, visit <https://esd.ny.gov/businessprograms/econdevpurposesgrants.html>. For more information about ESD's Strategic Planning and Feasibility Studies Program, go to <https://esd.ny.gov/strategic-planning-and-feasibility-studies-program>, and to access information about the Downtown Revitalization Initiative, visit <https://www.ny.gov/programs/downtown-revitalization-initiative>.*

ENVIRONMENTAL PROTECTION FUND: LOCAL WATERFRONT REVITALIZATION PROGRAM GRANTS *NYS Department of State Office of Planning and Development*

This reimbursement program provides grants on a competitive basis to eligible municipalities located along New York's coasts or designated inland waterways to revitalize communities and waterfronts through planning, design, and construction projects. Design and construction must be tied to a prior approved or substantially completed Local Waterfront Revitalization Program or relevant component. Construction projects must be on public property or where a permanent public interest, such as conservation easement, has been established. *For more information about Local Waterfront Revitalization Program Grants, visit https://www.dos.ny.gov/opd/grantOpportunities/epf_lwrrpGrants.html.*

LOCAL GOVERNMENT EFFICIENCY PROGRAM

NYS Department of State Division of Local Government Services

This program helps local leaders identify best practices and implement actions to reduce municipal expenditures, limit growth in property taxes, and increase efficiencies in service delivery. Local governments may apply for intermunicipal implementation planning and implementation projects. *To learn more about the Local Government Efficiency Program, go to <https://www.dos.ny.gov/lg/lge/grant.html>.*

NYS BROWNFIELD OPPORTUNITY AREA (BOA) PROGRAM

NYS Department of State

The BOA Program provides grants to help New York municipalities and community organizations establish effective revitalization strategies that return dormant and blighted parcels into productive, catalytic properties. BOA-funded projects may be reimbursed for up to 90 percent of the total eligible project costs. *For more information about the BOA Program, see <https://www.dos.ny.gov/opd/programs/brownFieldOpp/index.html>.*

GENERIC ENVIRONMENTAL IMPACT STATEMENTS (GEIS)

NYS Department of Environmental Conservation

Local officials can use a GEIS to help pay for comprehensive planning in environmentally sensitive and developing areas. SEQRA regulations allow localities to charge a portion of GEIS preparation costs to developers of later projects as development applications are submitted.

To learn more about GEISs, go to <https://www.dec.ny.gov/permits/56701.html>.

IDA TAX INCENTIVES & BOND FINANCING

County of Westchester Industrial Development Agency (CWIDA)

CWIDA assists businesses with new construction and renovation of existing office parks or buildings; mixed-use projects; and extensive multi-family and multi-use residential projects through tax exempt bonds and notes; sales tax exemptions on new construction, expansion, or renovation projects or the acquisition of new equipment; and mortgage recording tax exemptions on real estate purchases. In addition, the CWIDA can make a property eligible for potential property tax relief for a defined time period through a PILOT Agreement negotiated with the applicable municipality and school district.

For more information about CWIDA tax incentives and bond financing, visit <http://business.westchestergov.com/incentives/ida>.

COMMUNITY DEVELOPMENT

BLOCK GRANT (CDBG) PROGRAM

US Department of Housing and Urban Development

The CDBG program provides municipalities with resources to address community development needs, including access to affordable housing, services for vulnerable communities, and job creation through business expansion and retention. Eligible activities include those that benefit low- and moderate-income community members, prevent or eliminate slums or blight, or address community development needs stemming from existing conditions that pose a serious and immediate threat to the health or welfare of the community for which other funding is not available. *To learn more about the CDBG Program, see https://www.hud.gov/program_offices/comm_planning/communitydevelopment/programs.*

PRIVATE FUNDING

In addition to the many public sources of funding available to municipalities for land use planning and regulatory initiatives that facilitate economically viable smart growth development, municipalities can seek private grants or partnerships with developers to help fund these efforts. Several sections of this guide feature best practice examples in which municipalities were able to fund planning and regulatory initiatives using private funding sources.

WESTCHESTER COUNTY RESOURCES

Westchester County provides a variety of resources, knowledge, and advice for municipal governments, community-based organizations, and developers. Some services may be provided as “in-kind” match when assembling projects or applying for and implementing grants. The Department of Planning’s Community Liaison program provides each municipality with a dedicated staff person to assist them on any County Government matters.

For more information about the Westchester County Department of Planning, visit <https://planning.westchestergov.com/> or call (914) 995-4400 for assistance. Weblinks and contact information for specific County planning and related services are listed below.

Within the Department of Planning:

Census and Research

<https://planning.westchestergov.com/census-statistics/>

Comprehensive Plans

- Library of municipal plans
<https://planning.westchestergov.com/images/stories/pdfs/CompPlanStatusJan2013.pdf>
- Mapping and data services
(914) 995-4769

Flood Mitigation

<https://planning.westchestergov.com/environment/flooding>

Affordable Housing development, funding, and monitoring

<https://homes.westchestergov.com/>

Trailway Design and Connectivity Analysis

<https://planning.westchestergov.com/initiatives/westchester-trails/>

Watershed Planning

<https://planning.westchestergov.com/environment/watershed-protection>

Historic Preservation

<https://planning.westchestergov.com/land-use-development/historic-preservation/>

Community Development

<https://planning.westchestergov.com/community-development>

In Cooperation with Other County Departments and Agencies:

Transit, Bicycle, and Pedestrian Planning

Department of Public Works and Transportation Planning Division
<http://transportation.westchestergov.com/planning-division>

Healthy Communities

Departments of Health, Adult Mental Health Services, and Senior Programs and Services
(914) 995-4769

IT Assistance

Department of Information Technology’s Shared Services
<http://doit.westchestergov.com/projects-and-services/shared-services>

Tax Incentives and Bond Financing

County of Westchester Industrial Development Agency
<http://business.westchestergov.com/incentives/ida>

Economic Development Coaching

Office for Economic Development
<https://business.westchestergov.com/>

Emergency Services and Hazard Mitigation and Resiliency Planning

Office of Emergency Management
<http://emergencyservices.westchestergov.com/divisions/office-of-emergency-management>

Tourism

Office of Tourism
<https://www.visitwestchesterny.com/>

Infrastructure Planning for sewer, water, roads, data, solid waste, etc.

Department of Planning
(914) 995-4769



COMMUNITY

RECOGNITION FORM

The WCA Playbook was developed to provide planning, regulatory, and other strategies and resources that will help Westchester County municipalities implement economically viable smart growth development. To promote smart growth development, the Playbook provides strategies for (1) developing comprehensive plans, (2) creating target area plans, (3) developing land use regulations that implement these plans in flexible ways, (4) streamlining the review and approval process for priority projects that adhere to these land use plans and regulations, and (5) creating quasi-public corporations that local governments can use to further facilitate these projects.



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WESTCHESTER COMMUNITIES THAT IMPLEMENT THE STRATEGIES OUTLINED IN THIS GUIDE WILL BE RECOGNIZED FOR THEIR LEADERSHIP IN PROMOTING ECONOMICALLY VIABLE SMART GROWTH.

The WCA Playbook was developed to provide planning, regulatory, and other strategies and resources that will help Westchester County municipalities implement economically viable smart growth development. To promote smart growth development, the Playbook provides strategies for

- (1) developing comprehensive plans,**
- (2) creating target area plans,**
- (3) developing land use regulations that implement these plans in flexible ways,**
- (4) streamlining the review and approval process for priority projects that adhere to these land use plans and regulations, and**
- (5) creating quasi-public corporations that local governments can use to further facilitate these projects.**

RECOGNITION PROGRAM

The goal of the Westchester County Association's Recognition Program is to highlight and promote communities that implement innovative strategies and ultimately work towards implementing best practices highlighted in the Playbook.

Westchester communities that implement the strategies outlined in this guide will be recognized for their leadership in promoting economically viable smart growth.

AS PART OF THE ANNUAL RECOGNITION PROGRAM, COMMUNITIES WILL BE

ELIGIBLE FOR A VARIETY OF OPPORTUNITIES INCLUDING, BUT NOT LIMITED TO:

- formal acknowledgement of communities with a recognition plaque and photo opportunity at the annual WCA Real Estate Summit
- opportunity to participate in one of the WCA Real Estate Summit panels or workshops throughout the year
- the announcement of recognition awards and achievements in a press release sent to local and regional media outlets that highlights community best practices in future editions of the Playbook; and
- community recognition in email campaigns promoting the Playbook and the Real Estate Summit, as well as a possible feature story in the WCA Newsletter.

SUBMISSION PROCESS

If your community chooses to adopt one or more of the strategies outlined in Playbook, please email the following information to Julia Emrick at jemrick@westchester.org. Submissions will be accepted all year.

- (1) Briefly describe your initiative, project, or strategy.**
- (2) Attach or provide a link to the implemented strategy.**
- (3) Include the following contact information:**
 - Point of Contact Full Name, Position, Email, Address, Phone Number.

Any questions, please contact the WCA at 914-948-6444.



COMPREHENSIVE PLANS

A comprehensive plan, also called a master plan, is a written document supported by maps, charts, and other graphics. Formally adopted by the local legislature, a comprehensive plan contains goals, objectives, and strategies for the future development and conservation of the community. It guides the municipality's physical and economic development, accommodates its social, environmental, and regional concerns, and may include economic development strategies, zoning recommendations, waterfront plans, downtown corridor or hamlet plans, and other general plans.



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WHY CREATE A COMPREHENSIVE PLAN?

Land use planning presents an opportunity for a local government to inventory the needs and assets of its community, develop a shared vision for the future, and build consensus and support for actions that will implement the plan.

The comprehensive plan creates a blueprint for a community's future development and preservation and provides the policy foundation upon which the community is built. Additionally, a comprehensive plan enables the locality to adopt strategic zoning controls and other land use regulations that implement the plan's vision. The New York State zoning enabling acts require land use regulations to be "in accordance with a comprehensive plan" or "in accordance with a well considered plan." NYS Village Law § 7-704; Gen. City Law § 20(25); Town Law § 263. The enabling statutes encourage local governments to adopt comprehensive plans and review these plans regularly to ensure that policy documents keep abreast of current community goals, zoning revisions, local and state regulation, and market conditions.

HOW TO CREATE A COMPREHENSIVE PLAN

To develop a comprehensive plan, municipalities should consider the following steps:

APPOINT A SPECIAL BOARD FOR THE COMPREHENSIVE PLAN.

The local legislature is authorized by statute to prepare or amend the comprehensive plan but, by resolution, may direct the planning board or a special board to perform this task. See Village Law § 7-722; Town Law § 272-a; General City Law § 28-a. The municipality should consider appointing a special board and tasking it with leading the comprehensive planning process. In addition to a designated chairperson, vice chairperson, and secretary, the special board could include local board members, residents, business owners, and other

interested stakeholders. The special board must include at least one planning board member and should set a meeting schedule, assign specific responsibilities for data collection and review, and establish an overall schedule for completion. The special board often is supported by paid consultant(s).

GATHER DATA.

The special board should gather information about the municipality's current conditions, including demographics, infrastructure, housing, commercial uses, and natural, historic, cultural, and geographic assets (visit County Census and Statistics for data sources). The comprehensive plan should consider how to enhance or protect important features and how to address any community needs, such as increased housing stock, capital infrastructure, and economic development. When making these assessments, the municipality should consider the regional economic, environmental, and social context.

INCLUDE CLEAR GOALS, OBJECTIVES, STRATEGIES, IMPLEMENTATION TECHNIQUES.

Using gathered information, the municipality should develop long-term goals, shorter-term objectives, and strategies and implementation steps for accomplishing each objective. Long-term goals present broad statements of ideal future conditions, while objectives list statements of attainable, quantifiable, intermediate-term achievements that help accomplish each goal. For example, a community may aim to connect its downtown with waterfront recreational areas and then accomplish this goal through an objective like the design and construction of bike lanes. Strategies present a set of concrete actions that the locality will undertake to accomplish each objective using implementation techniques, such as zoning methods or non-regulatory tools like tax incentives and infrastructure investment. Typically, comprehensive planning goals, objectives, and strategies are organized by component or element. The NYS enabling statutes suggest 15 components for inclusion in a plan, including land uses, natural and other resources, transportation facilities, utilities and infrastructure, and housing.

ENSURE THE PLAN IS MARKET REALISTIC.

During plan development, a municipality should conduct a market analysis that studies demographic and market trends to identify what types of housing and businesses a defined geographical area can support. For example, a municipality could collect market data from the U.S. Department of Labor to identify local trends and demographic data from the U.S. Census Bureau to assess changes in population that may inform community needs. Market analysis results should inform planning recommendations to ensure they will attract employers and developers that the local economy can support and that are consistent with the plan's overall vision. To accomplish this, municipalities should consider adopting an Economic Development component in the comprehensive plan. For an example Economic Development component, see resources below.

BUILD COMMUNITY SUPPORT.

Community support is essential for creating successful comprehensive plans. Without buy-in from local officials, land use board members, local businesses, real estate experts, environmental leaders, residents, and local media, a municipality may find it close to impossible to implement the plan. For any planning effort, a municipality should identify key stakeholders and facilitate their deep involvement in plan development, hold target community meetings for residents, host visioning charrettes, establish an interactive planning website, advertise the planning process in local media, and update local officials via email correspondence.

INCLUDE AN IMPLEMENTATION PLAN.

An implementation plan designates the agencies or officials responsible for each planning action, identifies necessary resources, and establishes time periods for completing each action. By attempting to assign responsibilities, identify necessary resources, and adopt a timeframe to accomplish specific actions, the local legislative board will discover whether strategies being explored are realistic or should be revised.

COMPLETE REQUIRED PROCESS STEPS.

As required by NYS Village Law §7-722; Gen. City Law § 28-a; and Town Law § 272-a, the special board must forward the completed comprehensive plan to the local legislature, along with the board's adopted resolution recommending the plan. The special board also may forward the plan to the planning board for review and recommendations and must refer the plan to the Westchester County Department of Planning for recommendations. The local legislature must make the plan publicly available and hold a public hearing within 90 days of receiving the plan. Finally, the local legislature must review the draft plan under the New York State Environmental Quality Review Act (SEQRA). As the only board with the authority to adopt a comprehensive plan, the local legislature would serve as "Lead Agency" for this SEQRA review.

COMPLETE A GENERIC ENVIRONMENTAL IMPACT STATEMENT ON THE COMPREHENSIVE PLAN.

SEQRA requires local agencies, including local legislatures and boards, to consider the potential environmental impacts of their actions, including plan adoptions and site-specific project approvals. Comprehensive plans and the large-scale development projects they envision often each require the preparation of an environmental impact statement (EIS). To reduce the need for an EIS for every subsequent large-scale development project, a municipality can prepare a Generic Environmental Impact Statement (GEIS) for the plan, as authorized by 6 N.Y.C.R.R. § 617.10. A GEIS identifies environmental conditions and develops standards and review thresholds to ensure that future development is compatible with or protective of those conditions. A GEIS may be broader and more general than a project- or site-specific EIS and should discuss the logic and rationale for the choices advanced. GEISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site-specific impacts, that were not adequately addressed or analyzed in the GEIS. When a final GEIS has

been filed, no further SEQRA compliance is required if a subsequent proposed project will conform with the GEIS's established conditions and thresholds; however, a supplement to the final GEIS must be prepared if the final GEIS did not adequately address the subsequent proposed project and that project may have one or more significant adverse environmental impacts.

A GEIS may help attract redevelopers because it can significantly shorten the project development timeline and diminish the time and money required to prepare site-specific EISs. Additionally, Section 617.13(a) authorizes the municipality to charge a portion of the GEIS preparation costs to developers of later projects as they submit permit applications, a highly cost-effective approach. Several Westchester municipalities have adopted GEISs, including the City of New Rochelle, which adopted a Final GEIS for its Downtown Overlay Zone and Zoning Map Amendments in 2015. Once a final GEIS is adopted and SEQRA review concludes, the local legislature may adopt the final comprehensive plan.

To view New Rochelle's Final GEIS for the Downtown Overlay Zone and zoning map amendments, go to <http://newrochelleny.com/DocumentCenter/Index/256>.

BEST PRACTICE EXAMPLES

THE 2017 NEW CASTLE COMPREHENSIVE PLAN: A FRAMEWORK FOR THE FUTURE OF NEW CASTLE

On June 21st, 2017, the Town of New Castle adopted The 2017 New Castle Comprehensive Plan: A Framework for the Future of New Castle. Financed with general municipal funds, the plan benefited from a strong public participation process and features a chapter dedicated to a resilient economy, as well as a living implementation plan. The plan began with a robust community engagement process involving several volunteer working groups and a five-member Comprehensive Plan Steering Committee that worked with the Town's planning staff to create the plan. In addition, the Town collected resident input

during public outreach events. The community engagement process documented residents' goals, objectives, and vision for the Town and identified the Town's priority issues, assets, and challenges with regard to its land use patterns. Community engagement shaped the plan's policy discussion and its planning goals, which reflect preferences and feedback from all stakeholders. Additionally, the plan features a chapter focused on New Castle's economy that details the Town's current fiscal condition, its employment and workforce inventory, hamlet economic activity, and the Town's economic preparedness and resiliency. This chapter features goals to create a resilient economy that are based on the Town's economic status and recognizes the need to revitalize its two hamlets to support the Town's businesses in a changing economy. The plan utilizes the APA Sustaining Places Framework, which is featured in the resources below.

The plan concludes with a detailed implementation table that identifies actions to achieve each of the plan's goals. The Town incorporates these actions in its yearly budget process, and the Town Board, with advice from the Development Department, incorporates priority actions into the Town's daily work program. Through this process, the Town revises the implementation plan yearly to reflect the Town's current status.

To learn more, go to [Town of New Castle, NY, Comprehensive Plan](http://mynewcastle.org/master-plan/about-the-project/), available at <http://mynewcastle.org/master-plan/about-the-project/>.

THE CITY OF NEW ROCHELLE'S ENVISIONNR

In 2016, the City of New Rochelle adopted EnvisionNR, the City's comprehensive plan. The City funded the planning process through a \$175,000 grant awarded by the New York State Energy Research and Development Authority (NYSERDA) under the Cleaner, Greener Communities Program. The EnvisionNR planning process began with a strong, multi-year public engagement process that included initial visioning sessions, the establishment of a Comprehensive Planning Committee that worked with City staff, six public workshops attended by residents and local business owners, and an interactive website. EnvisionNR is based on goals developed and refined during the public

engagement process and includes a chapter focused on the City's economy. This chapter inventories and analyzes New Rochelle's labor force and employment base, major industries and employers, public administration, and real estate market. The chapter then presents economic development recommendations based on this analysis. EnvisionNR also incorporates goals from GreeNR, the City's existing sustainability plan, as well as recommendations from New Rochelle's Sustainability Working Group. GreeNR sustainability goals incorporated into EnvisionNR include energy conservation and renewable energy, green infrastructure, and complete streets. Finally, EnvisionNR also includes a robust implementation plan that identifies the responsible implementing party and a general timeframe for implementation of each of the plan's recommendations.

For more information about EnvisionNR, see [City of New Rochelle, NY, EnvisionNR](http://www.newrochelleny.com/944/EnvisionNR), available at <http://www.newrochelleny.com/944/EnvisionNR> and [GreeNR](http://www.newrochelleny.com/349/GreeNR-Sustainability-Plan), available at <http://www.newrochelleny.com/349/GreeNR-Sustainability-Plan>.

ENVISION CORTLANDT – 2016 SUSTAINABLE COMPREHENSIVE PLAN

The Town of Cortlandt received a \$175,000 grant from NYSERDA under the Cleaner, Greener Communities Program to fund Envision Cortlandt, the Town's 2016 Sustainable Comprehensive Plan. Awarded the 2016 New York Planning Federation Comprehensive Plan Award, Envision Cortlandt integrates sustainability principles throughout the master plan and includes metrics to measure sustainability progress toward the master plan's vision. A strong public engagement process informed Envision Cortlandt, including the creation of a Master Plan Committee (MPC) composed of diverse citizens, monthly public MPC meetings, a Town survey, workshops, public meetings, and MPC presentations.

The plan identifies four geographic areas ripe for economic growth, including the area around the Cortlandt Train Station, as well as the Town's waterfront. After adopting the master plan, Cortlandt undertook an economic development analysis to identify the best use of properties along its waterfront. The Town began a process to update

its zoning in accordance with Envision Cortlandt, specifically for the proposed Medical Oriented District (MOD) located in the vicinity of the New York Presbyterian/Hudson Valley Hospital Center. Additionally, the Town established a Master Plan Implementation Committee (MPIC) that is creating a citizen's guide to engage the public in the master plan implementation process.

For more information about Envision Cortlandt, visit <http://www.townofcortlandt.com/cn/webpage.cfm?TID=20&TPID=14613>.

RESOURCES

For more information about creating comprehensive plans, consult the following resources.

Well Grounded: Using Local Land Use Authority to Achieve Smart Growth (Chapters 1-3)

John R. Nolon
Environmental Law Institute (2002)
<https://www.eli.org/eli-press-books/well-grounded-using-local-land-use-authority-achieve-smart-growth>

Westchester County Department of Planning

<https://planning.westchestergov.com/>

Westchester County Census and Statistics

<https://planning.westchestergov.com/census-statistics/>

Zoning and the Comprehensive Plan

New York State Department of State (2015)
https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf

Guide to Planning and Zoning Laws of New York State

New York State Department of State (current 2018)
https://www.dos.ny.gov/lg/publications/Guide_to_Planning_and_Zoning_Laws.pdf

Creating the Community You Want: Municipal Options for Land Use Control New York State Department of State (current 2018)

https://www.dos.ny.gov/LG/publications/Creating_the_Community_You_Want.pdf

PE6 Action: Comprehensive plan with Sustainability Elements Climate Smart Communities (current 2018)

<https://climatesmart.ny.gov/actions-certification/actions/#open/action/66>

The SEQR Handbook

NYS DEC Department of Environmental Conservation (2010 3rd Ed.)

https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf

Gaining Ground Database Economic Development Resources Land Use Law Center at Pace Law School

Includes model economic development policy designed to supplement the comprehensive plan

<https://appsrv.pace.edu/>

[GainingGround/?do=TopicSearch&Topic=127#bottom](https://appsrv.pace.edu/GainingGround/?do=TopicSearch&Topic=127#bottom)

Advancing the Economic Development Element in Comprehensive Plans

Luis Nunez

American Planning Association PAS Memo (2017)

<https://www.planning.org/pas/memo/2017/jan/>

The Local Comprehensive Plan (PAS QuickNotes 52)

American Planning Association (2014)

<https://www.planning.org/media/document/9007647/>

Sustaining Places: The Role of the Comprehensive Plan (PAS 567)

David Godschalk, FAICP & William Anderson, FAICP

American Planning Association (2012)

<https://www.planning.org/publications/report/9026891/>

Sustaining Places: Best Practices for Comprehensive Plans (PAS 578)

David Godschalk, FAICP & David Rouse, FAICP

American Planning Association (2015)

<https://www.planning.org/publications/report/9026901/>

Sustaining Places Practices for Comprehensive Planning (PAS EIP-35)

American Planning Association (2015)

Includes example comprehensive plans and companion matrix for PAS 578

<https://www.planning.org/pas/infopackets/#35>

Best Practices for Integrating Sustainability into Long-Range Planning Video

APA Sustainable Communities Division (2015)

<http://vimeo.com/116200297>

On Demand: Sustaining Places through the Comprehensive Plan Webinar

David Rouse, et al.

American Planning Association (2015)

<https://www.planning.org/events/course/9026948/>

Make the planning and development process more inclusive, predictable, and efficient

The Fourth Regional Plan Recommendations

Regional Plan Association (2017)

<http://fourthplan.org/action/planning-process>



TARGET AREA PLANS

Like the comprehensive plans described in the previous section, a target area plan is a written document formally adopted by the local legislature that contains planning goals, objectives, and strategies for a specially selected area within a municipality. Localities create target area plans to guide development along a waterfront, for example in a riverfront plan or an Local Waterfront Revitalization Plan (LWRP), in a downtown area or corridor, at a transit station, at a brownfield site, or at any other selected area where a community wishes to guide development.



**POLICY
PLAYBOOK**

WHY CREATE A TARGET AREA PLAN?

Often, the unique character of an area lends itself to a targeted approach. A municipality may wish to expand use of desirable waterfront property for public parks and recreation, as well as economic development opportunities, while protecting natural resources and habitat. Similarly, a locality may seek to concentrate housing and commercial development around transit hubs, redevelop previously contaminated properties into productive uses, or preserve the historic and cultural character of a particular corridor. If resources are limited, a municipality may find that target area planning is easier to finance than a full comprehensive plan. Also, because it focuses on a smaller area within a municipality, the target area planning process typically takes less time to complete than a comprehensive planning process but is often more detailed.

HOW TO CREATE A TARGET AREA PLAN

To create a target area plan, a community should consider the following steps:

IDENTIFY A TARGET AREA WITH A PARTICULAR NEED OR ECONOMIC POTENTIAL. Some municipalities will identify a target area because of its particular needs, such as vacant, underutilized, or contaminated land, or its assets, such as a transit station or waterfront. Other municipalities may use economic impact analyses to identify an appropriate target area with existing infrastructure and development potential. Focusing on a target area helps prioritize use of resources.

PREPARE A DETAILED MASTER PLAN FOR THE TARGET AREA. Communities should apply the planning steps detailed above in the Comprehensive Plan section to the target area planning process. This process should engage all interested stakeholders, such as residents, local businesses, municipal officials and staff, and local organizations, as well as resource-rich state agencies and anchor

institutions, to help develop the plan's goals, objectives, strategies, and implementation techniques. Implementation measures could include zoning amendments and other land use regulations to guide development in the target area. Additionally, the plan should incorporate an economic impact analysis that studies demographic and market trends to identify what types of housing and businesses the target area can support. The target area plan should conclude with a detailed implementation schedule that includes short-, medium-, and long-term measures, as well as specific responsibilities for planning actions, resources for these actions, and a timeframe to ensure the final plan is executed.

COMPLETE A GENERIC ENVIRONMENTAL IMPACT STATEMENT ON THE TARGET AREA PLAN. As with comprehensive plans, target area plans also must undergo SEQRA review and often require the preparation of an environmental impact statement (EIS), as do any subsequent large-scale development projects in the target area. To reduce the need for in-depth SEQRA reviews for future projects, the municipality can prepare a Generic Environmental Impact Statement (GEIS) for the target area plan. To learn more about GEISs and their benefits, review the Comprehensive Plan section above.

ADOPT THE TARGET AREA PLAN AND INCORPORATE IT INTO THE COMPREHENSIVE PLAN. To clarify planning priorities and facilitate zoning that implements the target area plan, the municipality can adopt the plan as a new component of the community's existing comprehensive plan after the SEQRA process concludes. Formal adoption will ensure any new zoning adopted to implement the target area plan conforms to the comprehensive plan, which is required by law, thus insulating the new zoning from legal challenges.

INVEST IN AREA THROUGH CAPITAL PLAN AND BUDGET. Municipalities should coordinate adoption of plans and implementing regulations with capital budget planning and budgets or secure outside funding to ensure that public amenities and infrastructure are supportive of anticipated private sector development.

BEST PRACTICE EXAMPLES

CITY OF PEEKSKILL LOCAL WATERFRONT REVITALIZATION PROGRAM

In 2015, Peekskill updated and adopted its Local Waterfront Revitalization Program (LWRP), which implements NYS Coastal Management Program policies through local plans and regulations. With funding from the NYS Environmental Protection Fund's Local Waterfront Revitalization Program, Peekskill coordinated with NYS Department of State (DOS) to prepare the LWRP, which includes a comprehensive land and water use plan for the City's waterfront and developed waterfront resources, as well as a local consistency review law. Eager to facilitate transit oriented development (TOD) around the Peekskill Metro-North Train Station that is situated along the City's waterfront, Peekskill incorporated an array of TOD policies and zoning changes in its LWRP. These policies include allowing a mix of uses and mixed-use buildings in the waterfront's southern planning area, increased building heights in the central planning area, and reduced parking requirements within a third-mile of the train station. The policies also include planning for infill of underutilized sites, structured parking, on-street parking, and improved pedestrian connections along the waterfront and with downtown. After the NYS Secretary of State and the federal Office of Coastal Resources Management approve Peekskill's 2015 LWRP, state and federal actions must be consistent with the adopted Plan. *For more information about the LWRP process, visit the City's Local Waterfront Revitalization Program (LWRP) Update 2015 webpage at <https://www.cityofpeekskill.com/planning-and-development/pages/local-waterfront-revitalization-program-lwrp-update-2015>.*

CITY OF WHITE PLAINS TRANSIT DISTRICT STRATEGIC PLAN

In 2016, White Plains released the White Plains Transit District Strategic Plan, which was funded by a \$1 million grant awarded by the New York State Energy Research and Development Authority (NYSERDA) under the Cleaner, Greener Communities Program. This Plan is part of the City's Multimodal Transportation Center Redevelopment Project to transform its transit center, an area encompassing a third-mile radius around the White Plains Metro-North Station, into an integrated regional transportation hub. The Plan creates a redevelopment strategy to (1) integrate transit services, including the existing Westchester County Bee-Line TransCenter Bus Terminal and future stops on the planned Lower Hudson Transit Link Bus Rapid Transit, (2) reestablish the surrounding area with pedestrian friendly streets, a balanced mix of land uses, and engaging public spaces, and (3) strengthen connections between transit nodes and downtown White Plains. The Plan was informed by an extensive, 15-month community engagement process that included public meetings, City events, "Question of the Week" surveys, and solicitation and review of web-based comments. Robust public engagement and a thorough analysis of market conditions influenced the plan's goals and objectives, which include catalyzing economic development and opportunities for transit oriented development. Using the Plan's framework, White Plains will rezone several blocks to facilitate the redevelopment of 4.5 acres of City-owned land near the transit center.

For more information, visit the City's Downtown White Plains Transit District Study webpage at <http://www.wptransitdistrict.com/>. To learn more about the Multimodal Transportation Center Redevelopment Project, go to <http://www.cityofwhiteplains.com/index.aspx?nid=588>.

CITY OF YONKERS WATERFRONT MASTER PLAN & HUDSON PARK

In the 1990s, Yonkers sought to revitalize its downtown waterfront, a vacant former industrial site, and engaged in a waterfront planning process. In 1996, Yonkers adopted a waterfront master plan that

proposed extending the urban fabric of downtown Yonkers to the waterfront through a medium-scale, urban and residential community with irregular streets, appropriately scaled buildings, interconnected public places, including the Yonkers Metro North Train Station, and a variety of pedestrian friendly public open spaces. Funded through a Community Development Block Grant, the plan includes highly prescriptive development guidelines for infrastructure, streets and blocks, utilities, open space, and building design. When the waterfront master plan was adopted, City Council concurrently zoned the waterfront area as a planned development and redevelopment zone (PDR), with the master plan development guidelines providing the use, density, parking, open space, and street configuration requirements for that PDR district. This technique permitted development in accordance with the master plan. The City then embarked on a collaborative effort with Collins Enterprises, LLC to redevelop the Yonkers waterfront into Hudson Park, a transit oriented, mixed-use development adjacent to the train station. To obtain a building permit for Hudson Park, the developers submitted a site plan to the City's planning board showing master plan compliance. Built in three phases over a 17-year period beginning in 2001, Yonkers and the developer utilized several public/private partnership tools to finance the project. The project also benefited from the City's downtown infrastructure investments and the Metropolitan Transportation Agency's restoration of the Yonkers train station and track infrastructure, as well as the Sawmill River daylighting project in later years. The Hudson Park project now features four buildings with residential apartments, retail, and a pedestrian esplanade along the water. Since the Hudson Park project was approved, City Council has rezoned this waterfront area and now approves projects in this area via the City's PUR special use regulations that still require compliance with the waterfront master plan.

For a copy of the master plan, contact the Land Use Law Center. For more information about Hudson Park, visit https://newyork.uli.org/wp-content/uploads/sites/35/2018/09/ULI-TSLUC_Hudson-Park-Case-Study-Report_FINAL.pdf.

RESOURCES

For more information about creating target area plans, consult the following resources.

Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities

NYS Department of State Guidebook (2009)

https://www.dos.ny.gov/opd/programs/pdfs/LWRP_guidebook.pdf

Coastal Zone Management (PAS 581)

Elizabeth Felter & Marya Morris

American Planning Association (2016)

<https://www.planning.org/publications/report/9026904/>

Mixed-Income Transit-Oriented Development Action Guide

MITOD.org

Transit-Oriented Development (EIP-19)

American Planning Association (2008)

<https://www.planning.org/pas/infopackets/#19>

Brownfield Redevelopment Toolbox: A Guide to Assist Communities in Redeveloping New York State's Brownfields

NYS Department of Environmental Quality (updated 2015)

http://www.dec.ny.gov/docs/remediation_hudson_pdf/bftoolbox.pdf

Community-Based Brownfield Redevelopment

David Morley

American Planning Association PAS Memo (2008)

<https://www.planning.org/pas/memo/2008/jan/>

Downtown Revitalization in Small and Midsized Cities (PAS 590)

Michael A. Burayidi

American Planning Association (2018)

<https://www.planning.org/publications/report/9142015/>

Planning and Zoning for Downtown Redevelopment (EIP-26)

American Planning Association (2010)

<https://www.planning.org/pas/infopackets/#26>

Breaking Ground: Planning and Building in Priority Growth Districts

John R. Nolon & Jessica Bacher

Yale School of Forestry & Environmental Studies (2005)

https://environment.yale.edu/publication-series/land_use_and_environmental_planning/942.html



LAND USE REGULATIONS

Zoning and other land use regulations are key tools local governments can use to implement comprehensive plans and target area plans. Land use regulations are not confined to zoning provisions, which separate the community into zoning districts and specify the land uses and building dimensions that are permitted in each zone. They also may include regulations that govern the subdivision of land and development of individual sites, as well as provisions that protect trees, slopes, historic districts, and viewsheds.



**POLICY
PLAYBOOK**

WHY CREATE LAND USE REGULATIONS?

A municipality must adopt land use regulations that conform to its comprehensive plan or target area plan in order to implement these plans and enforce related development standards. Land use regulations also communicate development expectations to developers, so they can determine if anticipated development is market realistic.

HOW TO CREATE A LAND USE REGULATION?

After formally adopting a comprehensive plan or target area plan, a municipality may implement the plan by adopting an appropriate land use regulation that meets local needs. To develop the regulation, municipalities should consider the following steps:

COLLECT RELEVANT INFORMATION ABOUT INFRASTRUCTURE.

The municipality should consult with transportation agencies regarding ridership, parking, and connectivity to transit stations and confer with public works departments regarding water, sewer, and other infrastructure.

ENSURE THE REGULATION CONFORMS TO COMPREHENSIVE PLAN AND TARGET AREA PLAN GOALS, OBJECTIVES, AND STRATEGIES.

New York State law requires land use regulations to be in accordance with a comprehensive plan or well considered plan. Land use regulations should implement an existing comprehensive plan or target area plan's long-term goals, related objectives, and concrete planning strategies or actions. For example, regulations could implement a comprehensive plan's smart growth goals by properly managing stormwater through green infrastructure techniques that are central

to public health and livability; coordinating smart growth provisions with the preservation and enhancement of the historic character of the affected area; and adhering to the community's equity goals, focusing on the need for affordable housing and the retention of existing lower-income residences.

ENSURE THE REGULATION IS MARKET REALISTIC FOR DEVELOPERS AND ECONOMICALLY FEASIBLE FOR THE MUNICIPALITY.

Consult the comprehensive plan or target area plan's market analysis and economic development component and meet with development advisers, as well as affected property owners and developers, to assess market needs and financial realities in affected neighborhoods. Marketable development often requires pedestrian friendly amenities and available services. Additionally, consult the relevant plan's analysis of the anticipated development's potential fiscal impacts on the municipality, including impacts on utilities, transportation, fire safety, schools, and property tax revenues. Consider all of these economic realities when selecting development uses and densities for a particular area.

INVOLVE STAKEHOLDERS IN PROCESS.

Although a comprehensive plan or target area plan is developed with input from relevant stakeholders, a process for involving stakeholders in regulation development and implementation is also crucial. Plans are advisory; regulations are mandatory and effect real change. Community support and buy-in is essential for creating successful land use regulations. As in the planning process, a municipality should identify key stakeholders and facilitate their involvement in regulation development.

CHOOSE THE RIGHT REGULATORY TOOL.

Local governments are given broad authority to adopt flexible zoning techniques that encourage the most appropriate use of land. Below, this section describes these regulatory techniques in detail. Using these techniques, municipalities can exercise their zoning authority creatively

to develop a regulation that fits a community's unique land-use needs and goals. A municipality could choose to implement only one of the regulatory tools, take a hybrid approach that incorporates several regulatory techniques, or create an entirely new approach, such as the 'regulatory plan' technique described in the Yonkers best practice featured in the Target Area Plan section above. The regulatory tools described below offer different mechanisms and incentives to facilitate smart growth development. Municipalities should review these options and select those that are most appropriate given local goals and circumstances. Possible regulatory tools include:

Conventional zoning.

The century-old NYS planning and zoning enabling acts authorize municipalities to adopt zoning laws that divide land within a municipality into districts and prescribe the land uses allowed within each district. For each zone, a local zoning law also establishes building restrictions limiting the height, lot area coverage, and other dimensions of structures that are permitted in the district. The accompanying zoning map shows zoning district lines overlaid on a street map of the community. Users can refer to this map to identify the district within which any parcel of land is located and then consult the zoning law to discover both the permitted uses within that district and the dimensional restrictions that apply to development on that land. Historically, municipalities adopted conventional zoning with districts that separate land uses and require uniform dimensional and density standards for each class or kind of building in each district. Town Law § 262; Village Law § 7-702; General City Law § 20(24)-(25). This often resulted in homogenous, "cookie cutter" development that was unresponsive to market conditions and changes in the community. Municipalities that desired more flexibility in their zoning districts relied on the enabling act's provision which states that zoning regulations should be designed to "encourage the most appropriate use of the land throughout the municipality." Town Law § 263; Village Law § 7-704; General City Law § 20(24)-(25).

Planned Unit Development (PUD) zoning provisions.

Any doubt about municipalities' power to incorporate flexible provisions in their zoning were removed when the enabling acts were amended to allow PUD zoning. Town Law § 261-C; Village Law § 7-703; General City Law § 81-f. PUD zoning provisions permit development of land in a more flexible manner than is typically achieved by conventional zoning. These zoning provisions permit development projects that adhere to a comprehensive development plan that includes a variety of uses, densities, development types, and building design. In addition, PUD provisions often require development plans to compensate for project impacts by preserving significant and usable open space, providing infrastructure necessary to service the development, or supplying other community facilities and services. PUD provisions could apply to large tracts of land, as well as areas with predominately small- and medium-sized lots where owners cannot assemble parcels at a scale of operation sufficient to develop feasibly. After an applicant submits a PUD proposal, the planning board conducts a comprehensive review and approves the entire proposal, which includes the development plan, project map, and regulations under which the project will be built. In negotiations with private developers interested in developing in a PUD zone, public-private partnerships can emerge through municipal infrastructure, state funding, and developer investments that combine to make projects economically feasible.

Overlay zoning.

Without changing underlying zoning, a municipality can superimpose an overlay district with separate development standards onto its zoning map, designating the precise area in which they apply in addition to the existing zoning. Overlay provisions may provide zoning incentives and waivers to encourage certain types and styles of development. Municipalities can use overlay zoning to apply smart growth standards to development proposals that must also conform to important standards in existing zoning. By leaving development options under the existing zoning in place, overlay zones can avoid

resistance from property owners who have invested in reliance on the current zoning standards.

Floating zones.

A local government may add a new zoning district in its zoning code but wait to amend the zoning map until a project or area is identified for application of this zone. This is called “floating zoning” because, until the map is amended to affix the new district to an area, it essentially floats in the zoning code. A locality can apply the zone to a particular area upon the petition of a developer, at the local legislature’s initiative, or upon the recommendation of the planning board or commission. When a property owner applies for the floating zone to be affixed to her property by a zoning map amendment, she must show compliance with the floating zone’s conditions and performance objectives to develop under its standards, which typically allow greater density. This provides flexibility to the community and developer in determining how to apply the standards to each site and what benefits the developer must provide to the community to develop under the floating zone.

Form-based codes.

Instead of conventional zoning requirements, form-based codes (FBCs) regulate building form, site design, and circulation. FBCs typically specify a few generally defined land uses that are permitted in a defined neighborhood but primarily focus on building scale and character and its relationship to and effect on streets, vehicles, pedestrians, and public spaces. Because these codes are very prescriptive, development outcomes under FBCs are more predictable for both the community and developers. In order to develop the prescriptive designs required, however, the costs of developing FBCs can be high.

Bonus density incentives.

Bonus density incentives allow developers to build at greater development densities than permitted under existing zoning in exchange for providing one or more community benefits, such as off-site infrastructure, public spaces and facilities, public art, open

space or parks, affordable housing, or some other physical, social, or cultural amenity. Authorized by Town Law § 261-b, Village Law § 7-703, and General City Law § 81-d, density incentives may allow upward adjustments to zoning requirements for the number of dwelling units allowed in a building, maximum floor-area ratio (FAR), or maximum building height, among other requirements. This increased development density helps developers finance provided community benefits. If it is not feasible to provide a benefit directly, the incentive system may allow developers to make cash payments to a municipal trust fund to provide specified benefits elsewhere.

ADD SMART GROWTH ZONING PROVISIONS.

After selecting the regulatory tool that best meets the community’s objectives, consider adding other zoning provisions to help facilitate smart growth. Other zoning provisions may include affordable housing set asides, renewal energy siting, and resilience, in addition to the following provisions:

Design standards.

Incorporating design standards for buildings, sites, and street fronts into existing zoning helps create a pedestrian friendly, human scale and livable sense of place. The book *Reinventing Development Regulations* describes design standards communities can adopt to control the relationship between private properties and public spaces, shape public spaces to enhance buildings, regulate street design, and enhance architectural character. Additionally, municipalities can use the U.S. Green Building Council’s Technical Guidance Manual for Sustainable Neighborhoods to create design standards using relevant criteria from the 2009 LEED for Neighborhood Development (LEED-ND) Rating System, which offers a full menu of standards for implementing sustainable neighborhood development. These references are listed in the resources below.

Parking provisions.

With the arrival of autonomous vehicles, ride hailing services, and changing demographics, existing parking standards, especially in

compact, higher density districts, may be excessive, adding significant expense to development. Municipalities should consider decreasing onsite parking requirements when shared parking arrangements and other strategies that reduce parking demand are incorporated into a land use regulation.

Green infrastructure standards.

Increasingly, communities require developments to incorporate green design elements into land use regulations to help manage stormwater runoff and retain it onsite. Federal and state stormwater management regulations may require green design standards, or a municipality may adopt these provisions to create and connect urban and neighborhood green infrastructure.

Regulations that allow increased building diversity.

Some communities are considering micro-unit apartment buildings, quadraplexes, in-fill buildings, accessory dwelling units, automated parking facilities, and other building types for which there are emerging market demands. For these to be consistent with zoning, the use regulations and bulk and area requirements in the newly adopted regulations must permit them.

Historic preservation provisions.

If a regulation will affect an area with historic buildings, design standards could incorporate design elements from those buildings. Additionally, the regulation could include provisions to preserve historic buildings, whether or not the area is designated an historic district.

COMPLETE A GENERIC ENVIRONMENTAL IMPACT STATEMENT ON THE LAND USE REGULATION.

As with comprehensive plans and target area plans, land use regulations also must undergo SEQRA review and often require the preparation of an environmental impact statement (EIS), as do any subsequent large-scale development projects approved under those regulations. To reduce the need for in-depth SEQRA reviews for future

projects, the municipality can prepare a Generic Environmental Impact Statement (GEIS) for the land use regulation. To learn more about GEISs and their benefits, review the Comprehensive Plan section above.

BEST PRACTICE EXAMPLES

SLEEPY HOLLOW RIVERFRONT DEVELOPMENT DISTRICT & GENERAL MOTORS SITE

In 2016, the joint venture of SunCal and Diversified Realty Advisors broke ground on a \$1 billion mixed use-development, called Edge-on-Hudson, at the former General Motors assembly plant site in Sleepy Hollow. The former industrial site is ripe for redevelopment due to its location on the Hudson River and proximity to the Village’s Philipse Manor Metro-North Train Station and to the Tarrytown Metro-North Station.

Defined as mixed-use planned developments with a hamlet center pattern and architectural style of pre-1900 Hudson River communities, “riverfront development projects” like Edge-on-Hudson are allowed in the Village’s Riverfront Development (RF) District by special use permit. The zone requires two review and approval phases: (1) a special permit and riverfront development concept plan approval by the Village Board of Trustees, followed by (2) a site plan approval by the Village Planning Board. An applicant’s riverfront development concept plan must show proposed land uses and their spatial arrangement to ensure proposed development conforms with an overall comprehensive plan, and the applicant’s subsequent site plan application must adhere to the approved concept plan, as well as the RF district’s riverfront development design standards, which require proposed developments to encourage economic stimulus and revitalization and adhere to architectural, energy conservation, landscaping, and other requirements. Further, the RF district authorizes an award of increased building bulk beyond the zone’s minimum floor area ratio and building height restrictions in exchange for certain public benefits, including improved public waterfront access for non-occupant users, shoreline erosion protection not associated with proposed development, and

public-park and other improvements.

The developers obtained a special use permit for Edge-on-Hudson, which features residential units, restaurants, retail, office space, a hotel, and approximately 16 acres of riverfront and public-use property. Additionally, the 28-acre, former GM parking lot was transferred to the Sleepy Hollow Local Development Corporation (LDC), as part of the special permit approval, for redevelopment into various public uses, including the new Department of Public Works facility, open green space, pedestrian walkways, an amphitheater, and outdoor recreational facilities. After obtaining a site plan and subdivision approval from the planning board, the developers sold Phase 1 of the Edge-on-Hudson project to Toll Brothers for residential development, which should be completed in 2019, while subsequent phases will be completed in following years. The Village hopes that Edge-on-Hudson will spur economic development.

Access the Village's Riverfront Development District zoning at Village Code Ch. 450, Art. IV, visit <https://www.ecode360.com/15974362>.

For more information about Edge-on-Hudson, visit <http://www.edgeonhudson.com/former-gm-property-on-hudson-river-gets-new-life/>.

VILLAGE OF PORT CHESTER PLANNED MIXED USE DISTRICT ZONING

Port Chester's 2012 comprehensive plan recommended redeveloping the Village's former United Hospital site, a Village gateway situated near Port Chester's western border and in proximity to two major roads. In partnership with Starwood Capital, the site's owner at that time, the Village rezoned this area as a Planned Mixed Use (PMU) District to facilitate replacing the former hospital with high-quality, mixed-use development that encourages active pedestrian uses through appropriately designed, furnished, lighted, and planted streetscapes and open spaces. The PMU District is defined by a complete topographical survey and allows reductions in its off-street parking requirements for applicants who submit shared parking analyses. PMU design criteria include smart growth, green building, and pedestrian friendly design requirements, and the district's green building and site

planning provisions require the applicant to submit a checklist based on one of several third-party rating systems, including the US Green Building Council's LEED for Neighborhood Development (LEED-ND) Rating System. Additionally, the PMU District provides a 100-percent density bonus in exchange for a \$3,000,000 contribution to a Village community benefit fund, doubling the District's as-of-right density requirement from 0.80 FAR to 1.6 FAR. The contribution is used to fund neighborhood revitalization, affordable housing, community planning, and housing rehabilitation.

To learn more about Port Chester's Planned Mixed Use District, visit section 345-62 of the Village Code, available at <https://www.ecode360.com/10912436>.

MOUNT VERNON WEST TRANSIT ORIENTED DEVELOPMENT FORM BASED ZONING ORDINANCE

Originally developed as an industrial area centered around the Mount Vernon West Train Station, the City of Mount Vernon's Mount Vernon West (MVW) area experienced decline in recent decades as industry dwindled. A public visioning exercise commenced in 2008 with the Regional Plan Association's Mayor's Institute. Following this process, Mount Vernon embarked on a rezoning effort to spur economic development in and transform MVW into a transit oriented community. With funding from a private developer and MVW property owners, the City prepared a generic environmental impact statement (GEIS) for the rezoning effort. The GEIS identified the theoretical build out potential for MVW properties and indicated that the area could support higher density, mixed-use development around the train station. The GEIS recommended that the City adopt a form-based code to organize MVW development according to building façade, form, and mass, as well as street and block type and scale, instead of through traditional use and dimensional regulations. With additional funding from a private developer, the City created the Mount Vernon West Transit Oriented Development Form Based Zoning Ordinance, which facilitates higher density residential development around the train station, physical integration and coordination of diverse land uses, pedestrian friendly streets, improved public spaces, and high-quality design.

For more information about this effort, visit the City's Mount Vernon West Rezoning Initiative page at <http://cmvny.com/comprehensive-plan/mount-vernon-west-rezoning-initiative/>.

NEW ROCHELLE DOWNTOWN OVERLAY ZONE

In fall of 2014 the City of New Rochelle selected RDRXR as the Master Developer for the City's Redevelopment Cluster Sites, 37 sites comprised of City- and privately-owned properties in Downtown New Rochelle that are identified for priority investment and redevelopment. Through redevelopment of these and other downtown sites, the City aims to revitalize its Downtown into an active, mixed-use district with convenient access to the New Rochelle Transportation Center and a well-designed, pedestrian friendly streetscape with open, green spaces.

Together with RDRXR, the City created the August 2015 Recommended Action Plan (RAP) to guide this redevelopment. A proactive and inclusive public engagement process informed the RAP through NR Future, an online crowdsourcing placemaking site through which over 1,300 registered users were able to upload and "like" ideas, uses, retail and tenant types, and amenities they wanted the RAP to include. The public process also included 11 community meetups, 28 public meetings with City officials, and 12 group events. Additionally, the RAP relied on market studies to identify realistic retail, office, and residential market opportunities in Downtown New Rochelle. The RAP concluded by recommending the adoption of the Downtown Overlay Zone to replace the existing floating and overlay districts in Downtown. In November 2015, New Rochelle adopted the Downtown Overlay Zone (DOZ), an optional overlay zone that uses form-based code provisions to prioritize form and placement of buildings and streetscape. The DOZ includes a series of zoning standards that regulate building form, uses, frontages, streets, civic spaces, terminating vistas, and significant corners. The DOZ also features Community Benefit Bonuses that offer additional building height in exchange for providing community benefits, such as an arts and cultural space, a community facility, a pedestrian passage, a public open space, historic structure preservation, or a contribution to the City's Community Benefits Fund.

Prior to adopting the DOZ, the City and RDRXR completed a Final GEIS to reduce financial and procedural impediments to future investment. Through the Master Developer Agreement, RDRXR agreed to fund the RAP, DOZ, and GEIS in exchange for exclusive development rights to certain City-owned property and the ability to develop those parcels under the DOZ.

For more information about the DOZ and RAP, visit <http://newrochelleny.com/1015/TOD-Downtown-Cluster>.

MT VERNON NY SENIOR CITIZEN HOUSING FLOATING ZONE

In December 2013, the City of Mount Vernon adopted its Senior Citizen Housing Floating (RMF-SC) zone to accommodate the City's growing senior population in areas of Mount Vernon that can support higher density development, while preserving the existing character of these areas. Parcels eligible for RMF-SC designation are located in residential and commercial zones that are close to mass transportation, shopping, and other senior services, and that are within the area delineated on the City's RMF-SC designation map. RMF-SC-designated sites in residential zones must limit ground-floor uses to certain accessory uses in order to preserve existing residential character. Similarly, RMF-SC-designated sites in certain commercial zones must preserve those zones' existing commercial and mixed-use character by occupying ground floors with principal permitted uses in underlying zoning. Additionally, the RMF-SC floating zone includes design standards for windows and doors, architectural massing, and ground-floor entryways to facilitate creative development and preserve Mount Vernon's unique character. The floating zone also offers a density bonus of up to ten additional dwelling units in exchange for public amenities, including plazas, arcades, and public art displays. In 2014 the Westchester Municipal Planning Federation awarded Mount Vernon a Planning Commendation for the floating zone.

To learn more about Mount Vernon's RMF-SC floating zone, visit section 267-23 of the City Code, available at <https://ecode360.com/6606154>.

WESTCHESTER COUNTY MODEL ORDINANCE PROVISIONS FOR FAIR AND AFFORDABLE HOUSING

Local governments can adopt Westchester County's Model Ordinance Provisions to facilitate the development of fair and affordable housing in their communities. The Model Ordinance Provisions require at least ten percent of all larger residential developments (ten or more units in size) to be affordable affirmatively furthering fair housing (AFFH) units. In residential developments of five to nine units, at least one AFFH unit must be created. The Model Ordinance Provisions also limit sale and rental prices, as well as eligible household income, for a minimum 50-year period and encourage extensive marketing for these units.

For more information about the Model Ordinance Provisions, visit <https://www.ecode360.com/14056320https://homes.westchestergov.com/resources/affordable-housing-ordinances/model-ordinance>.

RESOURCES

For more information about creating target area plans, consult the following resources.

Planning & Land Use Regulation Resources

DOS Division of Local Government Services

<https://www.dos.ny.gov/lg/publications.html#Planning>

Westchester County Department of Planning Publications

<https://planning.westchestergov.com/publications-list>

Reinventing Development Regulations

Jonathan Barnett and Brian W. Blaesser

Lincoln Institute of Land Policy (2017)

<https://www.lincolninst.edu/publications/books/reinventing-development-regulations>

Technical Guidance Manual for Sustainable Neighborhoods

US Green Building Council & Land Use Law Center (2013)

<https://www.usgbc.org/resources/technical-guidance-manual-sustainable-neighborhoods>

Neighborhood Development Floating Zone

US Green Building Council & Land Use Law Center (2013)

<https://www.usgbc.org/resources/neighborhood-development-floating-zone>

Creating the Community You Want: Municipal Options for Land Use Control

NYS Department of State (2009)

https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf

A Guide to Promoting Healthy Communities Through Planning & Zoning

Lael Locke

NY Planning Federation (2015)

<http://www.nypf.org/editable/bookstore1.html>

Planned Unit Developments (PAS 545)

Daniel Mandelker

American Planning Association (2007)

<https://www.planning.org/publications/report/9026871/>

The Congress for New Urbanism Resources

<https://www.cnu.org/resources>

Urban Land Institute Publications

<https://uli.bookstore.ipgbook.com/>

Form-Based Codes Institute

<http://formbasedcodes.org/>

Smart Growth America Resources

<https://smartgrowthamerica.org/resources/>



STREAMLINING

THE REVIEW & APPROVAL PROCESS

Communities have been processing applications for land use approval for decades, encountering new challenges and difficulties, and crafting solutions to each one when encountered. Because of this, many communities have developed their land use approval processes, standards, and forms incrementally over years, resulting in an inefficient process. In many municipalities, the land use review and approval process has become hard to understand, time consuming, and expensive, in some cases preventing developers from undertaking priority sustainable economic development projects. To reduce these obstacles, municipalities can streamline the review and approval process by clarifying how the process works for applicants, consolidating and simplifying processes for approvals where possible, and reducing process length.



**POLICY
PLAYBOOK**

WHY STREAMLINE THE REVIEW AND APPROVAL PROCESS?

Required by local land use regulations, as well as relevant state and federal law, local permitting systems typically involve several local agencies that undertake complicated, single-issue reviews of a proposed project, often without any coordination between these reviews. Disjointed approval processes, coupled with unclear instructions, are difficult for applicants to understand and navigate, often resulting in project delays that reduce a project's profitability by increasing developers' debt costs as they struggle to estimate process length. To help navigate a difficult process, applicants may hire consultants to help obtain approvals and permits, further adding to project expenses. Such process inefficiencies and costs can discourage property improvement and lower property values; drive major developers away, preventing tax-base additions; and frustrate staff and local board members as they are confronted with applicants' complaints. When municipalities streamline their land use review and approval processes, they save applicants time and money and help expedite priority sustainable economic development projects. A locality with a streamlined approval process earns its reputation with local residents, property owners, businesses, and large-scale developers as a community that minimizes time and costs associated with land use approvals and a go-to location for economic development projects.

HOW TO STREAMLINE THE REVIEW AND APPROVAL PROCESS?

Municipalities should examine their development process periodically to ensure it is as streamlined and economical as possible for applicants. To streamline your municipality's review and approval process, consider taking the following steps:

ASSESS CURRENT PROCESS.

Examine the current review and approval process to identify common delays, unnecessary redundancies, and any difficulties applicants have understanding or navigating the process.

Communication with staff. Begin by discussing the current application and land use review and approval process with involved staff to determine whether they or applicants are frustrated with any inefficiencies in the system.

Survey of past applicants. Working with staff members, identify several applicants who represent a variety of application types and interview those applicants to uncover any complaints about process inefficiencies.

Process discussion with land use board members. Meet with each permit-issuing and advisory board to identify any steps, standards, or other aspects of their work that seem unnecessary or that frustrate the application process. What legitimate complaints have they heard from applicants appearing before them?

Recommendation development. Based on this assessment, complete a set of preliminary recommendations for revising the review and approval process to eliminate inefficiencies. Select recommendations from the process streamlining strategies listed below.

SIMPLIFY THE PROCESS.

Reduce complexities in the review and approval process by simplifying application requirements, coordinating board reviews, engaging the public early in the review process, and allowing administrative approvals when appropriate.

Reduced Application Requirements. Applications should require an appropriate level of detail. Municipalities should review all application forms and remove unnecessary or cumbersome requirements,

especially for projects that are exempt from requirements, such as non-material or non-visible changes to a structure in a historic district or a project that does not trigger SEQRA review.

Coordinated board reviews. Amend the schedule of meetings for all local boards to ensure the smoothest possible sequence of most applications and, whenever possible, allow for concurrent, not additive or sequential reviews. Simultaneous reviews allow different steps in an application to be reviewed together as a package or at least during the same timeframe, reducing review time.

Early public engagement. For appropriate projects, hold public meetings before project approval to involve the public early, foster community engagement, and build support for projects. Early public engagement and support paves the way for smoother approvals.

Administrative approvals. Municipalities should consider modifying the approval process to allow municipal staff or a board secretary or chair to handle more objective decisions administratively if these decisions do not require full review and to allow self-certification of plans and inspections by engineers as appropriate. For example, consent agendas allow boards to approve relatively routine applications as a group without applicants' attendance at a board meeting. Eligible applications could adhere to defined guidelines, such as pre-approved exterior paint colors in a historic district. Applications are initially screened to identify those that are appropriate for board approval, as submitted, without a need for discussion before the vote to approve. Then they are placed on the consent agenda, which the board considers and approves collectively.

CONSOLIDATE THE REVIEW AND APPROVAL PROCESS.

Further simplify the review and approval process by consolidating process steps to avoid backtracking to boards and to create one-stop permitting. Process consolidation involves forming a central permitting desk, developing a consolidated application form, consolidating administrative staff and boards as appropriate, creating

an interdepartmental review committee with a designated coordinator to help coordinate reviews, and cross-training staff on the consolidated process. Use a universal computerized tracking system for this consolidated process as described below in "automate the process."

Central permit desk. Create a central permit information desk or office that manages all permit applications and approval processes. In this position, a process manager should handle the intake of all applications, manage any pre-application meetings or workshops, guide sequencing of approvals, schedule and manage cut-off dates and public meetings, and guide applicants through each stage of the approval process. The process manager should ensure that this central process incorporates all federal, state (DEC, DOS, CAF) and county processes into pre-application steps, sequencing, and scheduling.

Consolidated application. To ensure different permit applications are not duplicative and do not require applicants to submit the same information multiple times, consolidate all permit and approval applications into one form. The consolidated application form should collect all the applicant and project information the planning board, zoning board, and other local boards will require for all review and approval processes.

Consolidated administrative staff and boards. To break down informational silos, consolidate, as appropriate, the roles of municipal officials and staff, local boards' secretarial staff, and boards with overlapping or related functions. Consolidating staff who enforce building and zoning codes makes it easier to track a project for the duration of its life, ensures that administrative staff are aware of each project's building code and zoning issues and can address these issues in context, and frees remaining staff to focus on other important roles. Consolidated board secretarial staff saves money, ensures projects are tracked properly as they shift between board reviews, and reduces miscommunication risks. For example, the same secretary can serve all land use boards, shepherding an application between reviews. Finally, consolidating local boards that share functions helps speed the

approval process. Some municipalities have achieved efficiencies by combining related boards like a shade tree commission, conservation advisory council, and waterfront advisory committee into a single environmental advisory board.

Review committee & coordinator. Create an interdepartmental review committee with a designated coordinator to help coordinate reviews by multiple departments and boards and work out discrepancies between reviews.

Cross-trained staff. Cross-train staff to reduce specialization, ensure all staff understand how different approvals work together, and improve coordination. Staff training helps expedite the approval process while increasing the number of employees who can staff a central permit desk.

CLARIFY THE REVIEW AND APPROVAL PROCESS. The review and approval process can be complicated and difficult for applicants to understand. Consider clarifying the process for applicants by creating clear guidelines, developing a road map for them, revising application materials, ensuring transparency throughout the process, and proactively educating the public about the process.

Clear Guidelines and helpful information. Clear guidelines should present an overview of the permit process and provide tips for navigating this process. Helpful guidelines for applicants may include:

- A short, descriptive guide to project review.
- A list of all permits and approvals with short descriptions.
- A table listing which office applicants should go to for various permits and services, along with anticipated timelines.
- How-to instructions for the most frequent approvals.
- Checklists for each approval that describe what applicants must include in each application, the materials and information they must gather to undertake the process, how to calculate permit fees, and how to record and file approvals after they are obtained.
- A list of regularly scheduled meetings for land use boards,

committees, and commissions that includes meeting times and addresses.

- Contact information for each department and board.
- Frequently asked questions.

Clear road map that delineates all process steps for applicants.

To help applicants navigate the project review and approval process, create a clear “road map” for approvals of various types of projects. The road map should feature process flowcharts showing specific steps applicants must take for each approval and demonstrating the most efficient approval sequence for applicants who must obtain more than one permit. Flowcharts should feature optional, but recommended, steps that further assist applicants and should explain the process responsibilities of all agencies and governmental bodies involved in the approval processes. Flowcharts also should include relevant county, state, and federal processes; mandatory timeframes as necessary for certain steps; and steps for recording and filing approvals after they are obtained.

Clear application materials. Application materials should define key terms using simple, direct language in layman’s terms and, as applicable, should be available in languages other than English. Additionally, applications should clearly state submittal requirements, as well as where to submit applications.

Online resources. To ensure ease of access, municipal websites should provide links to all application materials and resources, along with information related to board meetings and answers to frequently asked questions regarding the approval process.

Transparency. Municipal staff should ensure a transparent process that everyone can follow by documenting everything during review and approval procedures for each application and making these records publicly available in real time.

Public education. Once the land use approval process is streamlined, municipalities should proactively reach out to land owners to educate them about the process.

AUTOMATE THE PROCESS.

Simplify the submission and progress of applications by automating the permitting system and making it as user friendly as possible. Expanding the municipal website to include an online permitting system and a computerized tracking system helps automate the process.

Online permitting system. Online permitting systems provide electronic permit applications and submittals for applicants, as well as easy-to-access guidelines and helpful information. Online systems can receive applicants’ required plans and other documentation electronically and can facilitate board coordination and communication by alerting boards immediately to newly submitted applications and providing internal results for projects that come before boards.

Centralized electronic tracking system. Communities should also invest in universal computerized tracking systems that enable staff to communicate application status to applicants and identify coordination problems between departments and boards.

PRE-APPLICATION CONSULTATIONS.

Pre-application informational reports, workshops, and roundtables help get all parties on the same page early in the process, avoiding conflict and confusion later. Municipalities can offer applicants a range of pre-application services based on project type.

Informational reports. Upon request, municipalities could prepare informational reports for potential new development projects. Reports could indicate whether a proposed use is permitted under current zoning, note existing certificates of occupancy, and describe necessary approvals, process steps, and requirements that the applicant must

achieve and meet to obtain permits.

Pre-application workshops. For more complicated projects like commercial developments, subdivisions, or projects that involve more than one board, workshops or work sessions with staff are very useful. During pre-application workshops, staff review relevant code and application requirements with applicants to ensure proposed projects comply. Staff also help applicants identify and map the sequence of required approvals and may provide applicants with technical assistance for complicated application requirements. Workshops may be mandatory or voluntary as appropriate.

Monthly roundtables. Municipalities can offer monthly roundtables or informationals for smaller project applicants and other interested landowners. Monthly roundtables should offer general information and advice regarding development permits, requirements, and incentives to multiple applicants at one time and help familiarize attendees with the locality’s approval processes. Roundtables should include municipal staff and members from all boards, and staff could require applicants to submit completed questionnaires prior to attending a roundtable.

SIMPLIFY SEQRA COMPLIANCE.

Create ways priority projects can comply with the State Environmental Quality Review Act (SEQRA) without unnecessary delay, such as through a generic environmental impact review of the target area. Also, consider adopting local SEQRA regulations that include presumptive negative declarations for sustainable economic development projects or publishing a local Type II list that designates such projects as exempt from SEQRA review. Finally, ensure permit applications include links to relevant SEQRA forms, as appropriate, and do not duplicate questions included on those required forms.

ADOPT A FAST TRACK PROCESS FOR PRIORITY PROJECTS.

Create a fast track process for priority projects through board resolutions that commit to a firm review process and timeline for certain economic development projects. A fast track should result in

final action on applications within a fixed period, subject to developer cooperation. The fast track process would place priority projects first on all board meeting agendas and would avoid re-opening settled issues. Once the fast track process is in place, create a system for consistently evaluating and improving the process and advertise the fast track process to developers.

TRAIN LOCAL BOARDS.

Trained boards help create a smooth process. Adopt a formal policy for board member training that complies with New York State law, which requires all board members to attend four hours of training annually, and require all members of local boards to receive training in accordance with that policy. Training should ensure that board members understand their boards' unique functions within the overall system and should teach members the rules for approvals, public participation, and ethics. Trainings also should ensure that local board members are familiar with the new clarified and expedited development review process and their roles in it. Typically, municipalities approve a list of training providers and charge board members with choosing which trainings to attend, but local governments could better ensure board members receive suitable training by identifying and approving specific trainings that cover appropriate topics or by internally organizing community-specific trainings for board members. Finally, develop a tracking system that logs required trainings for individual board members, as well as completed trainings, and certify that each serving board member has completed the training program satisfactorily.

BEST PRACTICE EXAMPLES

The following examples illustrate how municipalities have implemented the streamlining strategies outlined above.

SIMPLIFIED AND CONSOLIDATED PROCESS

CITY OF WHITE PLAINS

CONCURRENT APPLICATION REVIEW

In the City of White Plains, if an application requires more than one concurrent site plan or special permit approval that would otherwise be within the jurisdiction of more than one approving agency, the City appoints one board to approve such concurrent approvals. Common Council serves as the approving agency when it would be responsible for any of the approvals. In all other circumstances, the Planning Board serves as the approving agency.

To learn more, visit section 4.1.3 of the City's zoning code, available at <https://www.cityofwhiteplains.com/DocumentCenter/View/1682/Official-Zoning-Ordinance-City-of-White-Plains-Amended-through-January-31-2016?bidId>.

VILLAGE OF DOBBS FERRY SITE PLAN REVIEW

To avoid duplicative efforts and segmentation of the site plan review process, the Village of Dobbs Ferry Planning Board and an applicant may agree to conduct a single site plan review for a proposed subdivision, allowing concurrent site plan and subdivision reviews.

For more information, see Village Code section 300-56(C), available at <https://ecode360.com/10566856>.

TOWN OF POUGHKEEPSIE

REDUCED APPLICATION REQUIREMENTS

The Town of Poughkeepsie offers streamlined applications with reduced requirements for certain projects that do not require extended review. These projects include the installation of generators, heating systems, security systems, fire alarms, and similar projects.

Access these applications at

<http://townofpoughkeepsie.com/building/permits.html>.

RANDOLPH COUNTY'S CENTRAL PERMITTING OFFICE

Randolph County, North Carolina has a Central Permitting Office where cross-trained technicians guide applicants through the review process. The types of permits that can be obtained from, and submitted to, this office include zoning, building, electrical, plumbing, and other specialized zoning permits (i.e., flood permits, special use permits, etc.).

For more information on this Central Permitting Office, see <http://www.randolphcountync.gov/Your-Government/Central-Permitting>.

TOWN OF LAGRANGE

CONSOLIDATED ADMINISTRATIVE STAFF

In LaGrange, one staff person fills the roles of zoning administrator, fire inspector, and building inspector and is responsible for all enforcement and approval decisions, freeing Town planners and building inspectors to focus on their other roles. The consolidated position enables LaGrange to track each department's issues with a particular application, avoid repetition, and gain a comprehensive understanding of the relationship between building code and zoning code enforcement. The administrator consults with experts to resolve a project's technical problems.

Find out more about LaGrange's organizational structure at <http://www.lagrangeny.gov/government/buildingzoningfire.htm>.

CITY OF SARATOGA SPRINGS, NY

The City of Saratoga Springs has a Land Use Board Coordinator that oversees all of the City's land use boards from a secretarial perspective and staffs the Planning and Economic Development Department.

See more about the City of Saratoga Springs's organizational structure at <http://www.saratoga-springs.org/192/Planning-Department>.

TOWN OF FISHKILL CONSOLIDATED ENVIRONMENTAL ADVISORY COMMITTEE

Fishkill's environmental advisory committee advises the town board and planning board on a wide range of environmental issues. Its scope includes areas often overseen by separate advisory boards, such as shade tree protection, land conservation, and sustainability.

Learn more about this board at

<https://www.fishkill-ny.gov/advisory-boards--committees.html>.

TOWN OF RHINEBECK PROCESS REVIEW COMMITTEE

Rhinebeck's Building, Planning and Zoning Process Review Committee reviews the permitting and approval process in the building, planning, and zoning departments and provides recommendations to the boards on how to make the process as user friendly and streamlined as possible.

Learn more about this committee at <https://www.rhinebeckny.gov/building-planning-and-zoning-process-review-committee.html>.

CLARIFIED PROCESS

NEW ROCHELLE ONLINE DEVELOPER'S GUIDE

The City of New Rochelle offers an online developer's guide to facilitate development in the City's Downtown Overlay Zone (DOZ). The guide provides step-by-step guidance for developing a parcel in the DOZ.

Learn more at <http://newrochelleny.com/1205/Developing-in-the-DOZ>.

CITY OF RYE CLEAR, INFORMATIVE APPLICATIONS

Rye's planning department website provides applicants with well-organized and user friendly applications for various permits and approvals all in one place. The applications include clear instructions, and a consolidated land development application is available for site plan, subdivision, and special use approvals. Additionally, the City provides applicants with detailed submission requirements for subdivision applications and a helpful checklist for site plan applications.

Learn more at <http://www.ryeny.gov/planning.cfm>.

CITY OF WHITE PLAINS ONLINE SITE PLANS

City of White Plains Planning Board posts all site plans and revised site plans filed with the board online for easy access and transparency. *These site plans can be found at www.cityofwhiteplains.com/index.aspx?NID=153.*

TOWN OF GREENBURGH ONLINE BOARD MEETING INFORMATION

Greenburgh's user friendly website provides dates of past and pending meetings for all of its land use boards, meeting agendas and minutes, and videos of past meetings. Meetings are also broadcasted on Public Access Television. *Access Greenburgh's website at <http://www.greenburghny.com>.*

TOWN OF RED HOOK LAND USE AND ZONING APPROVAL CHECKLIST

Red Hook provides applicants with a Land Use and Zoning Approval Checklist. This document tells applicants what is required during the pre-application, review, post-approval, and construction phases of the review process. The form also advises applicants from which board or administrative official they can obtain a building permit, certificate of occupancy, zoning variance/interpretation, or zoning code amendment, as well as approvals for site plans, subdivision, and special permits. The form notes which attachments are generally required and which are optional but strongly encouraged. It also provides a general overview of the approval process.

The Town further provides a separate building permit fee schedule and other documents required for submission prior to the issuance of a building permit. All documents are available at <https://redhook.org/150/Building-Zoning>.

TOWN OF RED HOOK BUILDING PERMIT REVIEW PROCEDURE FLOWCHART

Red Hook offers applicants a flowchart illustrating the building permit review process, from application submission to the issuance of a certificate of occupancy. The flowchart shows three potential paths to

approval, detailing the necessary steps for each path.

Access the flowchart at <https://redhook.org/DocumentCenter/View/72/Building-Permit-Flow-Chart-Review-Procedure-PDF>.

TOWN OF POUGHKEEPSIE ONLINE APPLICATION RESOURCES & FAQs

The Town of Poughkeepsie's building department webpage provides a substantive list of answers to frequently asked questions regarding building applications, as well as a detailed look at the process by which building permits are issued. The planning department's webpage offers a method for submitting questions, provides deadlines for submittals, and links to application forms. The zoning department's webpage offers links to applications and application instructions, a description of procedures, and the zoning board's monthly meeting schedule.

For more information, visit these departments' webpages at <http://townofpoughkeepsie.com/departments/index.html>.

PORTLAND'S APPLICANT WORKSHOPS

The City of Portland, OR offers the "ABCs of Land Use," which is a free workshop designed to teach neighborhood activists, business association members, and land use volunteers how the City develops its land use policies and plans, how the development review process works, and how community members and neighborhood/business associations can take action.

More can be found out about this workshop at <https://www.portlandoregon.gov/civic/66053>.

HOUSTON'S SPANISH APPLICATION MATERIALS

To work more efficiently with a large number of its applicants, Houston has begun to offer several permit applications in Spanish. Translated forms and applications exist for inspections, sidewalk installations, building permits, earth removal, zoning, and more.

Access these forms at <https://www.houstonpermittingcenter.org/code-enforcement/publications.html>.

AUTOMATED PROCESS

NEW ROCHELLE EPROPERTY INFORMATION PORTAL

New Rochelle's eProperty Information Portal is a central, online system for building permits and board approvals that helps the City streamline the various review processes. The portal allows applicants to submit and modify applications, extend or amend a permit, add a contractor, submit required information, pay permit fees, and track approval status. It also provides applicants with specific property information, including information regarding its title and certificate of occupancy. City staff use the portal to communicate with applicants and track applications and existing permits.

Access the portal at <https://epropertyportal.com/>.

VILLAGE OF DOBBS FERRY ONLINE PERMIT APPLICATIONS

The Village of Dobbs Ferry uses an eProperty Information Portal to facilitate convenient access to basic property information, online applications for building permits, and board approvals. The Portal streamlines the delivery of a wide range of services.

Access the application portal at <https://www.dobbsferry.com/building-department/pages/building-department-info>.

NEW YORK CITY DOB NOW WEBSITE

Part of NYC's Building One City plan to provide better customer service and increased access to information, the DOB Now website is an online tool that allows applicants to submit applications, make payments, schedule appointments, check the status of an application or inspection, pull permits, and make renewals.

For more information about DOB Now, visit <https://www1.nyc.gov/site/buildings/industry/dob-now.page>.

To learn more about Building Once City, visit https://www1.nyc.gov/assets/buildings/pdf/building_one_city.pdf.

PRE-APPLICATION CONSULTATIONS

VILLAGE OF BRONXVILLE PRE-APPLICATION MEETING

For a fee and prior to submitting a development application, an applicant may request an informal conference with the Planning Board and the Design Review Committee to obtain information and guidance and to discuss the proposed development. This review is voluntary and not required. Although not a hearing, the meeting is open to the public.

Find out more at www.villageofbronxville.com/sites/bronxvilleny/files/file/file/planning_board_application_6-25-14_fillable_form.pdf.

TOWN OF CORTLANDT PRE-APPLICATION MEETING

The Town of Cortlandt requires all applicants seeking building permits for single- and two-family homes to attend a pre-application meeting with Town planning and building staff. Additionally, applicants seeking subdivision approvals are encouraged to meet with the Planning Board in a pre-application meeting to discuss subdivision proposals and to become familiar with the board's procedures.

To learn more about pre-application meetings for building permits, visit <http://www.townofcortlandt.com/cn/formcenter/>. For information about subdivision pre-application meetings see section 265-5 of the Town Code, available at <https://ecode360.com/7695332>.

NEWBURGH'S INFORMATIONAL REPORT

The City of Newburgh allows applicants to request an Informational Report for potential new development proposals. The report notes whether the proposed use is permitted under current zoning, as well as any existing certificates of occupancy. The report also indicates whether the applicant must apply for a use, area, and/or parking variance from the zoning board of appeals; a special permit, site plan approval, subdivision approval, lot line change, or sign permit from the planning board; or a certificate of appropriateness from the architectural review commission. Finally, the report lists required process steps the applicant must take after obtaining all approvals. These include submitting a building permit application, using a City-

licensed electrician and plumber for trades work, and obtaining a certificate of occupancy. The request application for this Informational Report is on file with the Land Use Law Center.

WASHOE COUNTY BIMONTHLY PRE-DEVELOPMENT MEETINGS

Washoe County, Nevada offers a pre-development meeting twice a month with developers, design professionals, owner-builders, and contractors to address permit issues related to their projects prior to application submission. The roundtable discussions include municipal staff from the planning, building, engineering, fire, health, parks, utilities, and air quality departments, as well as the regional transportation commission. Attendees are asked to fill out a questionnaire before attending a meeting.

Find out more at https://www.washoecounty.us/csd/planning_and_development/applications/files-planning-development/application_files/Request%20a%20Predev%20Meeting.pdf.

SIMPLIFIED SEQRA PROCESS

NEW ROCHELLE GEIS FOR THE DOWNTOWN OVERLAY DISTRICT

Prior to adopting its Downtown Overlay District (DOZ), New Rochelle completed a Final GEIS to reduce financial and procedural impediments to future investment in the DOZ.

For more information about the GEIS, visit <http://newrochelleny.com/DocumentCenter/Index/256>.

TOWN OF BROOKHAVEN LIST OF TYPE II ACTIONS

Brookhaven has adopted a list of Type II actions that the Town anticipates will not result in detrimental environmental impacts and that therefore do not require SEQRA review. These actions include the installation of traffic control devices, individual setback and lot line variances, the extension of utility distribution facilities to serve new or altered single- or two-family residential structures, and more.

For information about Brookhaven's Type II actions list, see section 80-4(B) of the Town Code, available at <https://www.ecode360.com/8596039>.

TOWN OF NORTH CASTLE SUBDIVISION AND SITE DEVELOPMENT APPLICATIONS

The Town of North Castle's final subdivision application and site development plan application both instruct applicants to complete a SEQRA environmental assessment form and include the short environmental assessment form within the applications.

Access the subdivision application at www.northcastleny.com/sites/northcastleny/files/file/file/final_subdiv_2012.pdf and the site development plan application at www.northcastleny.com/sites/northcastleny/files/uploads/site_devel_2017.pdf.

FAST TRACK PROCESS

TOWN OF HARRISON EXPEDITED APPROVAL PROCESS FOR 'TEARDROP AREA'

Harrison created a fast track process to expedite approvals for priority projects in the Town's 'teardrop area,' a teardrop-shaped subarea within the Platinum Mile, which is a stretch of corporate office complexes in Westchester County. Once a thriving office park in the mid-1980s, this teardrop area experienced a steady decline in occupancy and tax base, culminating in significant vacancy issues by the early 2010s. To combat vacancy, the Town's comprehensive plan suggested creating a mixed-use zone for the area, and Harrison encouraged private developers to suggest potential developments. In response, developers proposed high-quality projects, including a health club, a supermarket, and repurposing old office buildings for residential development. To facilitate these projects, Harrison created an expedited review and approval process. Teardrop project streamlining includes:

- Achieving SEQRA compliance through negative declarations by thoroughly reviewing project submittals from quality developers who performed trustworthy studies,

- Flexible submission deadlines,
- Negotiating conditions of approval early in the process,
- Hiring special consultants to help developers streamline technical studies for site plans, resulting in a collaborative effort to resolve site-plan issues, and
- Modified application fees.

For more information about the teardrop area, see Harrison's 2013 comprehensive plan, available at https://www.harrison-ny.gov/sites/harrissonny/files/file/file/adopted_master_plan_2013.pdf

VILLAGE OF SCARSDALE EXPEDITED PROJECT REVIEW PROCESS

To expedite the project review process, affordable housing applicants in Scarsdale attend at least one pre-application meeting with staff from each municipal agency and board involved in the process to identify possible issues and areas for coordination and to establish a comprehensive review outline and conceptual timeline. Involved agencies then must adhere to the timeline.

For information about this expedited project review process for affordable housing applications, see section 310-119 of the Village's Code, available at <https://ecode360.com/15555928>.

TOWN OF NORTH CASTLE RESIDENTIAL PROJECT REVIEW COMMITTEE

The Town of North Castle created the Residential Project Review Committee to streamline the review process for residential projects with no impacts and to direct complicated projects to the appropriate board.

Find out more about the Residential Project Review Committee at www.northcastleny.com/residential-project-review-committee-rprc.

TRAINING FOR LOCAL BOARDS

TOWNS OF CLINTON AND BEDFORD AND CITY OF MOUNT VERNON TRAINING REQUIREMENTS FOR BOARD MEMBERS

Clinton adopted training requirements for members of its planning

board and zoning board of appeals. Compliant with NYS law, the training regulations require board members to undergo four hours of training within a 12-month period or risk removal from their respective boards. The regulation lists organizations that may provide the training. Bedford and Mount Vernon have similar training requirements but also host specialized, community-specific training programs annually.

For information about Clinton's board training requirements, see section 65-3 of the Town's Code, available at <https://www.ecode360.com/14131861>.

RESOURCES

For more information about creating target area plans, consult the following resources.

Annual Training Requirement Information

NYS DOS

https://www.dos.ny.gov/lg/lut/mandatory_training.html

Training Resources

Westchester Municipal Planning Federation

<http://www.wmpf.org/education/links-to-training-resources>

Training for Planning and Zoning Board Members

NY Planning Federation

<http://www.nypf.org/editable/training.html>

Urban Plan for Public Officials Training

ULI New York

<https://newyork.uli.org/events/list/>

Land Use Leadership Alliance Training Program

Land Use Law Center, Pace Law School

<https://law.pace.edu/land-use-leadership-alliance-training-program>



QUASI-PUBLIC CORPORATIONS

A quasi-public corporation is a government-backed, private corporation with a public mandate to provide services that benefit the public. These entities are operated privately but have either some government funding or a government-chartered mission. In NYS, municipalities can create a number of quasi-public corporations to support their economic development initiatives and facilitate sustainable development. These include local economic development corporations, business improvement districts, local development corporations, and industrial development agencies, among others.

A background image showing a blurred crowd of people walking on a city street. The scene is captured from a low angle, looking down the street. The people are out of focus, creating a bokeh effect. The lighting is bright, suggesting a sunny day, and the overall color palette is warm and golden. The street has white crosswalk lines.

**POLICY
PLAYBOOK**

WHY CREATE A QUASI-PUBLIC CORPORATION?

Quasi-public corporations are created to advance employment opportunities, health, general prosperity, and economic welfare by helping local governments create jobs, supply housing, and retain industry and services through various kinds of financial assistance for industrial, commercial, recreation, and other economic development projects. Among other things, these entities collectively are able to:

- Provide private entities with tax incentives, such as mortgage recording tax exemptions, sales and use tax exemptions and real property tax abatements;
- Make loans and borrow money;
- Issue tax-exempt bonds and negotiable bonds, notes, or other obligations;
- Administer a revolving loan fund;
- Execute and administer payment-in-lieu-of-tax (PILOT) agreements and Tax Increment Financing (TIF);
- Purchase, develop, sell, lease, mortgage, gift, bequest, devise, or otherwise dispose of real or personal property; and
- Undertake capital improvements on municipal land, acquire municipal real property outside the public bidding process, and flexibly dispose of this land.

HOW TO CREATE A QUASI-PUBLIC CORPORATION

Select the most appropriate quasi-public corporation to meet your community's specific needs. Available entities include business improvement districts, land banks, community development corporations, community development entities, community land trusts, housing development fund corporations, urban renewal agencies, industrial development agencies, or local development corporations. This guide will focus on industrial development agencies (IDA) and local development corporations (LDC).

INDUSTRIAL DEVELOPMENT AGENCIES.

An Industrial Development Agency (IDA) may be established under the NYS Industrial Development Agency Act, N.Y. Gen. Mun. Law § 850 et seq by special act of the NYS Legislature. Considered governmental agencies and instruments of the state, IDAs are public benefit corporations formed to encourage economic welfare and discourage unemployment and economic deterioration. They are charged with advancing job opportunities, health, general prosperity, and economic welfare through industrial, commercial, recreation, and other economically sound projects. A municipality may apply to the Legislature for IDA formation when it determines that an IDA will achieve a specific land use or planning objective more efficiently than ordinary governmental action. IDAs may acquire, own, and dispose of properties; enter into contracts and execute legal instruments; issue debt; borrow money; and provide businesses with bonds, straight leases, or tax exemptions for specific projects that promote economic welfare or recreational opportunities for residents. Tax exemptions include mortgage recording tax exemptions, sales and use tax exemptions, real property tax abatements, and interest rate savings via tax-exempt financing. IDAs are funded by payments-in-lieu-of-taxes (PILOTS) charged to businesses for the IDA-provided services and tax exemptions. IDAs can also generate revenue from the sale or leasing of IDA-owned properties, which are tax-exempt. IDAs can offer incentives to expand and retain existing businesses, as well as attract new businesses to the locality. Any entity, including non-profits, can apply for IDA assistance, but IDAs are generally prohibited from providing financial assistance to retail projects, including stores; hotels and motels; and legal and medical offices, because retail generally does not create new jobs and may outcompete existing retail. All proposed projects are subject to public hearings, and IDAs must submit annual financial statements. IDAs operate perpetually but will terminate automatically ten years after creation if no outstanding bonds or other obligations remain.

LOCAL DEVELOPMENT CORPORATIONS.

LDCs may be formed as charitable corporations by business owners, government officials, or community leaders pursuant to Not-For-Profit Corporation Law Section 1411. Once formed, an LDC acts as the liaison between private concerns and all levels of government to enable projects that enrich the public. An LDC may only operate for the purposes stated in its certificate of incorporation or reincorporation. LDCs may provide financial assistance for the construction, acquisition, rehabilitation, and improvement of facilities and may purchase, lease, gift or bequest real property, borrow money, make loans, and issue negotiable bonds. Municipalities and IDAs often create LDCs to construct, acquire, rehabilitate, and improve industrial or manufacturing plants within a limited geographical area. LDCs provide greater transactional flexibility in economic development projects, are not subject to several public entity regulations, and possess added liability protections because they are bankruptcy remote entities. These features lessen the burden on local government and allow municipalities more leeway in their economic development initiatives than they normally enjoy, while also providing an added layer of legal protection for the municipality.

Additionally, a county, city, town, or village may sell or lease its real property to an LDC without appraisal or public bidding, so long as the lease term does not exceed 99 years. Thus, an LDC may own all or an interest in real or personal property, and it may dispose of such interest in any way that is consistent with its public purpose. It has broad discretion to improve and rehabilitate sites within a geographically prescribed area. It may act directly by acquiring, constructing, or rehabilitating industrial or manufacturing plants, help others do the same, or may maintain such plants for others. An LDC may offer technical and financial assistance to redevelopers and is authorized to liaison with federal, state, and local authorities in order to manage complex, multi-agency projects. Further, LDCs may borrow money, issue notes, bonds and other obligations, and may mortgage property for such purposes. The income and operations of an LDC are tax-exempt. LDCs may also make and receive capital contributions to and

from other like corporations. Furthermore, a local governing body may sell or lease municipally owned property to an LDC without going through public bidding, public notice (except for a public hearing, which must be held), or appraisals.

BEST PRACTICE EXAMPLES

COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY

The County of Westchester Industrial Development Agency (CWIDA) promotes economic development in Westchester through projects that create, attract, and retain jobs. To achieve this goal, CWIDA assists businesses with new construction and renovation of existing office parks or buildings; mixed-use projects; and extensive multi-family and multi-use residential projects. To facilitate these projects, CWIDA offers tax exempt bonds and notes; sales tax exemptions on new construction, expansion, or renovation projects or the acquisition of new equipment; and mortgage recording tax exemptions on real estate purchases.

Learn more at

<http://business.westchestergov.com/incentives/ida>.

MOUNT PLEASANT INDUSTRIAL DEVELOPMENT AGENCY

The Town of Mount Pleasant Industrial Development Agency (MPIDA) promotes and assists the development and maintenance of industrial, manufacturing, warehousing, commercial, research, and recreation facilities to advance job opportunities, as well as the public health and economic welfare. MPIDA projects include sales and use tax exemptions, as well as a PILOT agreement, for the PepsiCo 35-acre Research and Development campus in the Valhalla hamlet, which will retain 375 employees and 70 contractor jobs and add 20 new full-time employees and 300 temporary construction jobs. Additionally, MPIDA supported building renovations for Regeneron Pharmaceuticals, Inc. (Regeneron) with a capital investment to generate 100 construction jobs and 100 new Regeneron employees. MPIDA also supports a project to review and propose revisions to Mount Pleasant's zoning

code and comprehensive plan governing the downtown business hamlets, including funding for community outreach.

To learn more, visit

<https://www.mtpleasantny.com/industrial-development-agency>.

NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY

To promote economic vitality, prosperity, and recreational opportunities for the New Rochelle community, the New Rochelle Industrial Development Agency (NRIDA) provides business support through financial assistance and tax incentives to eligible projects. NRIDA grants applicants exemptions from sales and use taxes and mortgage recording taxes and offers real estate tax abatements for development and adaptive reuse projects that increase the City's housing, commercial, and retail opportunities.

For more information, visit <http://www.newrochelleny.com/315/IDACLD>.

YONKERS INDUSTRIAL DEVELOPMENT AGENCY

The Yonkers Industrial Development Agency (YIDA) was established in 1982 as a public benefit corporation to encourage job growth and improve the local economy. YIDA has assisted many projects since its formation including Hudson Park, a luxury apartment community on the banks of the Hudson River that is the keystone of Yonkers' riverfront redevelopment initiative. Through YIDA, the developer received 12 years of tax certainty via a negotiated payment in lieu of tax agreement. Hudson Park has revitalized a deteriorated area of the City and sparked interest in, and redevelopment of, the entire waterfront.

For more information about YIDA, visit <http://yonkersida.com/>.

WESTCHESTER COUNTY LOCAL DEVELOPMENT CORPORATION

The Westchester County Local Development Corporation (LDC) was created in 2012 as a source of financial assistance for non-profit organizations located in or relocating to Westchester County. Its recent projects include refinancing the existing debt related to capital improvements for Kendal-on-Hudson, a retirement and assisted

living facility in Sleepy Hollow. The refinancing will produce an annual savings of \$100,000 for over 30 years. Additionally, Westchester County LDC helped refinance existing debt related to the construction of dorms at Purchase College for the Purchase College Foundation Housing Corporation.

For more information about the Westchester LDC, visit <http://business.westchestergov.com/incentives/ldc>.

YONKERS LOCAL DEVELOPMENT CORPORATIONS

The City of Yonkers is home to several LDCs, including the New Main Street Development Company, Yonkers Pier Development, Inc., and Yonkers Economic Development Corporation. These entities have been utilized for a variety of projects within the City. For example, NYS awarded the New Main Street Development Co. a grant of \$16 million to acquire property near the area known as "Chicken Island." Utilizing these funds, the New Main Street Development Co. engaged in the "daylighting" of various parcels, turning older and underproductive property into a thriving, sustainable green space for the public by introducing native flora and placing park benches. Additionally, Yonkers Pier Development, Inc. assisted in gathering funds to rehabilitate the City's pier, which now features X20 Xaviars on the Hudson, a restaurant that attracts people from the region. The Yonkers Economic Development Corporation also has assisted many Yonkers businesses with a variety of projects ranging from new housing, renovation of abandoned buildings into housing, and boarding homes to schools and daycare facilities.

To learn more about Yonkers Pier Development, Inc. go to <http://www.yonkersny.gov/government/boards-commissions/boards-commissions-n-z/yonkers-pier-development-inc>. For more information about Yonkers Economic Development Corporation, visit <http://yedcorp.com/>.

SLEEPY HOLLOW LOCAL DEVELOPMENT CORPORATION

The Sleepy Hollow Local Development Corporation's mission is to promote and support employment opportunities and economic development in Sleepy Hollow and surrounding communities through the use of selective financing, real estate development, public works,

and related business partnerships. In 2016, the Sleepy Hollow LDC took title to a 28-acre parcel on the former General Motors site, conducted reviews of the site prior to redevelopment, and is facilitating the redevelopment of the former parking lot into various public uses, including a new Department of Public Works facility, open green space, pedestrian walkways, an amphitheater, and outdoor recreational facilities.

To learn more, go to

<https://www.sleepyhollowny.gov/local-development-corporation>.

RESOURCES

For more information about quasi-public corporations, consult the following resources.

Economic Development Handbook

Harris Beach PLLC (2017)

<https://www.harrisbeach.com/wp-content/uploads/2016/05/Harris-Beach-Law-Firm-Public-Finance-Economic-Development.pdf>

Municipal Use of LDCs and Other Private Entities: Background, Issues and Recommendations

New York Office of the State of the Comptroller, Div. of Local Government and School Accountability (2011)

<https://www.osc.state.ny.us/localgov/pubs/research/ldcreport.pdf>

Reinventing Redevelopment Law

John R. Nolon & Jessica Bacher

Real Estate Law Journal, Vol. 37, No. 234 (2008)

<https://digitalcommons.pace.edu/cgi/viewcontent.cgi?referer=https://www.bing.com/&httpsredir=1&article=1599&context=lawfaculty>

Industrial Development Agencies in NYS

Office of NYS Comptroller (2006)

<https://www.osc.state.ny.us/localgov/pubs/research/idabackground.pdf>



HOUSING

INITIATIVES

Increased housing diversity is essential for communities to accommodate an ever-increasing variety of household configurations, and necessary for income and age groups who cannot afford available housing stock. Housing initiatives increase housing diversity and affordability through local policies or regulations that encourage a variety of housing that is for sale or rent, including multifamily townhouses, garden apartments, attached low-rise units, single-family modular units, assisted living housing for seniors, accessory apartments, or any other housing type that can be constructed affordably. To ensure housing stock increases overall, housing initiatives also should preserve existing housing stock. Housing policies and regulations must be calibrated to local capacity, especially for discretionary and judgment-based requirements and processes, as opposed to metric-based standards.

A photograph of a modern, multi-story apartment building with a dark blue facade and balconies, set against a blue sky with light clouds. The building is viewed from a low angle, looking up.

**POLICY
PLAYBOOK**

WHY CREATE A HOUSING INITIATIVE?

Westchester County's Housing Needs Assessment studied the County's housing cost burden, housing conditions, and current housing needs and concluded that the County currently requires over 11,000 new affordable housing units to accommodate all Westchester households, as well as non-Westchester Homeseeker registrants. This lack of affordable housing affects not only low-income workers but also senior citizens, middle-income and young families, municipal employees, first responders, farm workers, women and single-parent households, apartment renters, and first-time homebuyers in Westchester County—groups who are important to community life but who may be unable to afford market-rate housing.

Local businesses that require skilled workers and a stable workforce suffer when workers cannot afford to live where they work. A community may experience a depleted hiring pool if housing prices are too high, starving local businesses of workers or forcing these businesses to pay higher salaries to subsidize commuting costs. Communities also suffer when workers who serve the public interest, such as teachers, police, fire personnel, and local government workers, look elsewhere for affordable housing and employment. Additionally, long-time residents in high cost areas, including older residents who have lived in a community for decades and young adults who grew up in the community, may be forced to move elsewhere if they cannot find affordable housing.

When affordable housing is separated from commercial and industrial areas, workers must commute long distances to their workplaces, often by car, contributing to traffic congestion and costs associated with highway maintenance and road construction. Also, long-distance commuters experience higher transportation costs and increased stress resulting from extended hours away from their families and time spent in traffic. Further, long commutes increase automobile emissions associated with vehicle miles traveled, degrading air quality and forcing larger businesses to pay penalties and subsidize car-pooling

arrangements or other methods for reducing job-related car trips where air pollution exceeds federal standards.

Housing initiatives respond to these problems by providing housing for households that the municipality wishes to accommodate to create a more efficient, workable, and equitable community.

HOW TO CREATE A HOUSING INITIATIVE?

To develop a housing initiative, municipalities should consider implementing the following steps:

CREATE A HOUSING TASK FORCE OF CITIZEN LEADERS COMMITTED TO MEETING HOUSING NEEDS.

The municipality should consider establishing a housing task force to assess local housing needs, study possible solutions, and recommend economically and politically workable housing strategies that are appropriate for the community. The housing task force should include a variety of stakeholders with different viewpoints, including local landowners, developers, religious leaders, business owners, housing advocates, and other interested citizens. This task force can evolve into a permanent local housing committee that ensures alignment of local policies and actions and provides ongoing leadership and capacity for affordable housing initiatives. For example, permanent local housing committees can help identify and develop affordable housing sites, sometimes working with non-profits or local development corporations. If possible, the municipality should designate planning staff or hire a planner to support this volunteer board.

CONDUCT COMMUNITY EDUCATION AND ENGAGEMENT.

To ensure a housing initiative's success, the municipality should engage local officials, land use board members, local businesses, real estate experts, environmental leaders, residents, and local media in the initiative's process. A robust public engagement process builds community buy-in and support for the housing initiative, educates residents about the need for additional housing, and helps dispel

misinformation about impacts associated with meeting housing needs. Municipalities should identify key stakeholders and ensure their involvement in housing initiative development. Successful public engagement may include holding targeted community meetings for residents, host visioning charrettes, establishing an interactive website, advertising the initiative process in local media, and updating local officials via email correspondence.

CONDUCT A HOUSING NEEDS STUDY WITHIN THE LOCALITY AND ITS IMMEDIATE REGION.

A housing needs study allows municipalities to listen to community concerns and address any inequalities within available housing stock. The municipality, together with the housing task force, should consult with local citizens and community leaders, as well as housing agencies, to identify housing stock, demand, and affordability and define the community's entire housing market and needs. Westchester County's Housing Needs Assessment presents relevant data and existing conditions and is a resource to help communities initiate a housing needs study, which should:

- Investigate current community demographics to determine who currently lives in the community, how they are housed, and their present and future housing needs, as well as the community's future population and likely housing needs.
- Determine if aging residents will require new housing types at more affordable prices and whether young-adult residents are forming new households and can afford to live in the municipality's current housing stock.
- Investigate who works locally, how they are housed, and whether they require local housing.
- Identify the current housing stock, how many homes of each type exist, and how much they cost, as well as the types of new housing developers are building and what these new homes will cost.
- Assess whether existing and projected housing will accommodate current and future housing needs.
- Investigate unmet housing needs in the region, the municipality's

share of that need, and whether those households can find suitable housing accommodations locally.

- Identify land and buildings that can be dedicated to affordable housing projects, including opportunities for adaptive reuse.
- Possibly culminate in a tracking system of the municipality's available affordable housing.

ADOPT A HOUSING COMPONENT FOR THE LOCAL COMPREHENSIVE PLAN.

Local comprehensive plans often consider regional housing demand and include policies to help local governments meet their residents' present and future housing needs. The comprehensive plan's housing component should describe a community's housing needs as identified through a housing needs study, establish housing goals, objectives, and strategies to meet those needs, and identify implementation techniques, including land use regulations, that could accomplish the community's housing strategies. Housing components often focus on ensuring housing stock meets a range of needs within the community, preserving existing affordable housing, and creating new alternative and affordable housing types. These goals and strategies set the necessary policy foundation for any land use regulations that implement the plan's vision. Successful comprehensive plans are market realistic, build community support through an effective public engagement process, and adhere to NYS process and SEQRA review requirements. To create a housing component, municipalities should follow the planning steps outlined in the Comprehensive Plans section of the WCA Policy Playbook (Playbook). If the planning effort is limited to a particular geographic location within the locality, the municipality may prefer to create a Target Area Plan and should consult the Target Area Plan section of the Playbook for more details.

ADOPT LOCAL HOUSING REGULATIONS.

After formally adopting a housing component for the comprehensive plan, a municipality may adopt land use regulations to implement it. When drafting regulations that foster affordable housing, municipalities should follow the steps outlined in the Land Use Regulations section of

the Playbook, which recommends considering relevant infrastructure constraints, ensuring regulations are market realistic and conform to the comprehensive plan, including stakeholders in the process, and adhering to SEQRA review requirements. Following these steps, a municipality can use its zoning authority to adopt one or more of the regulatory tools described below, as appropriate given local goals and circumstances. The following regulatory tools offer different mechanisms and incentives to facilitate affordable housing:

Zoning for mixed uses. Conventional zoning districts with use regulations that allow a variety of compatible land uses facilitate affordable housing. In addition to allowing affordable housing types like townhomes and multifamily housing, mixed-use districts locate this housing near jobs, retail, and service establishments, further decreasing the cost of living for these households by driving down their transportation costs. Affordable mixed-use zones should allow multiple housing types, food and community retail establishments like grocery stores and pharmacies, services like banks and restaurants, and civic and community facilities like entertainment venues and childcare centers, as well as office space. In addition, some municipalities use planned unit development (PUD) zoning to permit development projects that adhere to a comprehensive development plan with a variety of uses, densities, development types, and building design and that mitigate project impacts. Because PUD zoning is more flexible than underlying zoning provisions, a community can facilitate affordable housing by adopting a PUD ordinance that allows multiple housing types and a mix of land uses.

Overlay zoning. An overlay zone is a mapped district superimposed on one or more established zoning districts with requirements that supplement the underlying zoning standards. Municipalities may use overlay zones to facilitate affordable housing in a specific area where it is not currently allowed under existing zoning law. Overlay district standards may require or allow a certain amount of affordable housing units in new development projects and provide developers with zoning incentives, such as waivers for setback or height requirements, in

exchange for affordable housing construction. Because overlay zones leave existing standards in place, they may avoid resistance from existing property owners who rely on current zoning standards.

Floating zones. A floating zoning district defines a use, such as multifamily housing, that the community wants to encourage and that can be affixed to a qualifying parcel of land upon application. After approval, a parcel is rezoned to reflect the new use and becomes a small zoning district with the floating zone's use, dimensional, and other requirements. Floating zones may offer zoning incentives, such as increased building density or relief from dimensional requirements, in exchange for a certain amount of affordable housing units. Floating zones give developers maximum flexibility to find appropriate sites and design developments that mix housing types, tenures, and costs to accomplish the municipality's affordable housing objectives while requiring a project to fit properly within its neighborhood. Since affordable multifamily housing can be buffered, serviced, and designed to fit a variety of contexts, a floating zone may enhance a community's chances of attracting private capital for affordable housing without unduly impacting adjacent properties.

Special Use Permits. A municipality can allow multifamily housing, accessory dwelling units, modular homes, and other affordable housing types by special use permit (SUP). For example, a SUP can be used to permit conversion of single-family residences to multifamily housing. SUPs authorize the use of property in a manner expressly permitted by zoning under certain conditions that ensure the proposed use will not adversely affect neighboring properties. Conditions may regulate a proposed affordable development's size and layout, as well as parking, screening, and lighting. Through conditioned approvals, SUPs allow flexibility in land uses and dimensional requirements necessary to permit affordable developments in zoning districts that otherwise only allow market rate housing. When authorizing the responsible board to grant a SUP for affordable housing, the local legislature must adopt standards to guide the board in reviewing, conditioning, and approving these special uses. Once an applicant shows that all SUP conditions are

met, the responsible board must approve the application.

Accessory Dwelling Units (ADUs). ADUs can provide additional housing opportunities for citizens of moderate income. An ADU is a second residential unit that is contained within an existing single-family parcel but is subordinate to the primary unit in size, location, and appearance. ADUs typically function as a complete housekeeping unit independent from the primary unit. These structures can be constructed at relatively low cost and rented at affordable rates. In addition, they create a revenue stream that makes the primary housing more affordable and increases property tax revenue for municipalities. ADUs may be authorized by special use permit in single-family residential zones, with approvals conditioned upon specific design, building, and dimensional standards that protect neighborhood character and reduce impacts on traffic, parking, and community infrastructure and services. Permit conditions may restrict applications to owner-occupants, require that a maximum percentage of the house be dedicated to the ADU, impose on-site parking restrictions, and permit up to a maximum number of ADUs within the municipality.

Inclusionary zoning. Under Town Law § 261-b, Village Law § 7-703, and General City Law § 81-d, municipalities are encouraged to adopt inclusionary zoning that facilitates development of more affordable housing types, including multifamily dwellings and townhomes, accessory dwelling units, factory-constructed and modular homes, and garden apartments, among others. Inclusionary zoning offers incentives to developers in exchange for reserving a percentage of residential units in a proposed development for affordable housing priced at a certain income level or percentage of area median income (AMI). Possible incentives include fee waivers and reimbursements, a fast-track review process, flexibility in dimensional requirements, and bonus density incentives. In exchange for providing affordable housing units, bonus density incentives give applicants upward adjustments to zoning requirements for the number of dwelling units allowed in a building, maximum floor-area ratio (FAR), or maximum building height. Revenue generated from increased development density can

help finance affordable housing development. Inclusionary zoning can be mandatory or voluntary for proposed developments and often requires units to remain affordable for a minimum period, uniform integration of units within a development, affirmative marketing, and compulsory resale and lease renewal standards. If it is not feasible to provide affordable housing directly, the incentive system may allow developers to pay a linkage fee, a cash payment to a municipal trust fund to provide affordable housing elsewhere. However, municipalities should beware that linkage fees may result in less affordable housing and further economic segregation, as land is often less expensive in low-income areas.

Cluster developments. Authorized by Town Law § 278, Village Law § 7-738, and General City Law § 37, cluster developments are subdivisions in which lots, buildings, structures, and other infrastructure are clustered onto a smaller portion of the land to preserve open space. Under existing subdivision regulations, developers may create cluster developments by varying the use and dimensional requirements of underlying zoning without exceeding overall maximum density. Municipalities can use cluster developments to create affordable housing because they lower site development expenses through reduced infrastructure costs, allow a wide variety of layouts and design schemes, including townhomes and multifamily housing, and help preserve community character through increased open space.

INCORPORATE OTHER AFFORDABLE HOUSING PROVISIONS.

After selecting the regulatory tool that best meets the community's objectives, consider adding one or more of the following zoning provisions to further facilitate affordable housing:

Design standards and guidelines. Some community members may resist affordable housing because they fear it will be unattractive, out of scale, or out of character with the surrounding neighborhood. To avoid this and embrace all community members, municipalities can adopt design controls that ensure affordable housing is indistinguishable

from its surroundings. Affordable housing design controls should require buildings to be located on sites in a way that reflects general neighborhood pattern, building massing that incorporates architectural variation to avoid boxy structures, and buildings that display character (materials, form, scale, window and trim details, etc.) in keeping with the surrounding neighborhood. To control affordable housing design, municipalities can adopt both design standards and design guidelines. Design standards are quantitative standards that can be physically measured, such as yard setbacks, building and roof heights, and minimum window area, and that municipal staff can approve through administrative review without special expertise. Design guidelines are qualitative criteria related to building character that a panel of design experts, often an architectural review board, use to approve a proposed building design as “appropriate” or “excessively similar or dissimilar” to the guidelines through a discretionary review. Municipalities can aid this review by adopting a design guideline document with graphic examples of desired buildings and annotations that describe preferred building elements. To facilitate suitable, context-sensitive design, municipalities should consider implementing pre-application conferences or meetings with applicants prior to formal submissions.

Senior citizen housing. Demand for senior housing is escalating, a complex challenge given senior citizens’ variable needs. Senior housing needs range from independent but maintenance-free environments to assisted living with special design amenities and services or skilled nursing care. When a municipality does not address specialized senior housing needs, long-term residents may be forced to leave when they begin living on a fixed income and their housing needs change. Municipalities can adopt senior housing zoning districts that allow affordable and accessible condominiums, apartments, single-family homes, assisted living facilities, and nursing homes. They can also adopt SUPs, overlay zones, or floating zoning that facilitate these housing types. Additionally, municipalities could allow accessory apartments or small elder cottages in appropriate zoning districts. An elder or ECHO cottage is a small, separate, often temporary structure placed on an existing single-family lot to accommodate a senior citizen

who wishes to live independently near a caregiver, usually a family member.

Deed restrictions. Municipalities can use deed restrictions to ensure housing remains affordable. When a developer agrees to provide affordable housing through a regulatory tool described above, the municipality can require the developer to file a deed restriction that compels sale or rental to income-eligible households prior to building permit issuance. Deed restrictions allow a modest profit on re-sale or limited rent increases, within established limits. Local governments can maintain a list of income-eligible households, and the deed restriction can require owners to prioritize offering affordable housing units to households on this list.

COMPLETE A GENERIC ENVIRONMENTAL IMPACT STATEMENT ON HOUSING REGULATIONS.

Land use regulations must undergo SEQRA review and often require the preparation of an environmental impact statement (EIS), as do any subsequent large-scale development projects approved under those regulations. To reduce the need for an EIS for every subsequent large-scale development project, a municipality can prepare a Generic Environmental Impact Statement (GEIS), as authorized by 6 N.Y.C.R.R. § 617.10. When a final GEIS has been filed, no further SEQRA compliance may be required if a subsequent proposed project will conform with the GEIS’s established conditions and thresholds. A GEIS may help attract redevelopers because it can significantly shorten the project development timeline and diminish the time and money required to prepare site-specific EISs. To learn more, see the GEIS discussion in the Comprehensive Plan section of the Playbook.

STREAMLINE THE REVIEW PROCESS.

The land use review and approval process can be complicated, time consuming, and expensive, discouraging developers from building affordable housing projects. To reduce these obstacles, municipalities can streamline the permitting process for affordable housing projects by following the steps outlined in the Streamlined Review and Approval

Process section of the Playbook. Possible streamlining steps include assessing the process for current pitfalls, reducing complexities in the process, consolidating process steps, clarifying the process for applicants, automating the permitting system, offering pre-application assistance, simplifying SEQRA compliance, and adopting a fast track process for priority projects. For example, a municipality can expedite affordable housing approvals by having applicants attend pre-application meetings with staff from relevant municipal agencies and boards to identify obstacles, coordinate review requirements, and establish a review process outline and timeline, to which agencies and boards must adhere. Additionally, applicants may be afforded additional meetings if the review process extends beyond one year, and reviewing bodies can prioritize affordable housing applications by placing them first on all meeting and work session calendars and agendas and, when feasible, shortening minimum advance submission deadlines.

CREATE A QUASI-PUBLIC CORPORATION TO IMPLEMENT A LOCAL HOUSING STRATEGY.

To avoid burdening municipal officials and staff and to provide financial assistance (discussed below), the municipality should consider creating a quasi-public corporation dedicated to implementing the community’s affordable housing strategies. A quasi-public corporation is a government-backed, private corporation with a public mandate to provide services that benefit the public. Quasi-public corporations can help finance affordable housing through techniques such as tax-exempt bonds and notes; sales tax exemptions on affordable housing construction; and mortgage recording tax exemptions on real estate purchases. These entities are operated privately but have either some government funding or a government-chartered mission. In NYS, municipalities can create several quasi-public corporations to facilitate housing development. Available entities include land banks, community development corporations, community development entities, community land trusts, housing development fund corporations, urban renewal agencies, industrial development agencies, and local development corporations. Municipalities should select the most appropriate quasi-public corporation to meet the

community’s specific housing needs.

PROVIDE FINANCIAL ASSISTANCE.

Municipalities can encourage affordable housing by facilitating financial support for these projects through quasi-public corporations, public-private partnerships, and grants. Quasi-public corporations can:

- Provide private entities with tax incentives, such as mortgage recording tax exemptions, sales, and use tax exemptions and real property tax abatements.
- Make loans and borrow money.
- Issue tax-exempt bonds and negotiable bonds, notes, or other obligations.
- Administer a revolving loan fund.
- Execute and administer payment-in-lieu-of-tax (PILOT) agreements and Tax Increment Financing (TIF).
- Purchase, develop, sell, lease, mortgage, gift, bequest, devise, or otherwise dispose of real or personal property.
- Undertake capital improvements on municipal land, acquire municipal real property outside the public bidding process, and flexibly dispose of this land.

Additionally, public-private partnership approaches can harness resources from local businesses, foundations, and community-based non-profit housing providers. These include affordable housing task forces, developer partnerships, program-based partnerships, and public sector-partnerships. Finally, grant sources available to municipalities and partner organizations may provide financial resources for affordable housing initiatives or projects. See the Playbook’s Introduction & Overview for a list of financial opportunities that municipalities can harness to support affordable housing projects.

TRAIN LOCAL BOARDS.

Trained boards can smooth the process for affordable housing projects. To ensure local boards are ready to facilitate these projects, municipalities should adopt a formal policy for board member training that complies with New York State law, which requires all board

members to attend four hours of training annually. In addition to attending trainings that teach how local boards function together and the rules for approvals and public participation, local board members can attend trainings specifically focused on how to create an effective local housing initiative. Municipalities should identify and approve specific trainers and trainings that cover this and other essential topics and should create a tracking system to log and certify training attendance.

EXAMPLES

The following local examples illustrate how New York municipalities have implemented the housing initiative strategies described above.

HOUSING TASK FORCE

VILLAGE OF IRVINGTON HOUSING COMMITTEE

The Irvington Housing Committee works to provide and maintain housing for moderate income individuals and families, including seniors and people with disabilities. The committee's mission includes engaging the Irvington community to generate meaningful support for affordable housing, reviewing land use policies and legislation to encourage affordable housing development, working with leaders to ensure Village policies further affordable housing goals, and aiding identification and development of potential affordable housing sites that preserve the Village's character.

For information about the committee, visit <https://www.irvingtonny.gov/311/Housing-Committee>.

VILLAGE OF HASTINGS-ON-HUDSON AFFORDABLE HOUSING COMMITTEE

Hastings-on-Hudson's Affordable Housing Committee advocates for affordable housing and helps create affordable housing units. The committee works with the Hastings-on-Hudson Affordable Housing

Development Fund, a non-profit that builds, administers, and regulates affordable housing units, both rental and for-purchase, and receives the necessary funding support for these projects.

Learn more at <https://www.hastingsgov.org/affordable-housing-committee> and <https://hastingsaffordable.com/>.

HOUSING NEEDS STUDY

VILLAGE OF OSSINING HOUSING STUDIES

The Village of Ossining completed Housing Ossining, a six-month multidisciplinary study focused on identifying specific housing policies to meet the Village's diverse housing needs. The study included a quantitative analysis, a review of current regulations, and a community engagement effort that culminated in a proposed policy framework. The housing study revealed rising home costs that make it more difficult for new residents or young people to purchase single family homes, as well as an increase in taxes that make it difficult for seniors to age in place. The resulting policy framework recommends a new affordable housing policy for the Village that strengthens affordability requirements for new housing development to ensure access to affordable housing by lower income households and that supports mixed income housing.

For more information about Housing Ossining, visit <https://www.villageofossining.org/planning-department/pages/housing-studies>.

COMPREHENSIVE PLAN HOUSING COMPONENT

VILLAGE OF TARRYTOWN COMPREHENSIVE PLAN

Tarrytown Connected, the Village of Tarrytown Comprehensive Plan, includes a Built Environment theme or component that presents planning language aiming to increase housing stock availability and affordability for Village residents. The Built Environment theme includes a goal to "ensure housing stock supports diverse, multi-generational community," with associated policies to "preserve existing affordable housing" and "facilitate the creation of alternative

[and] affordable housing types." Related implementation actions include undertaking a housing study, identifying and preserving at-risk affordable housing, and adopting Village code amendments to encourage affordable housing development.

To review Tarrytown Connected, visit <https://www.tarrytownconnected.com/comprehensive-plan.html>.

OVERLAY ZONES AND FLOATING ZONING

VILLAGE OF SLEEPY HOLLOW STRATEGIC PROPERTY REDEVELOPMENT (SPR) FLOATING ZONE

Sleepy Hollow adopted its SPR Floating Zone to redevelop underutilized municipal properties and return these properties to Village tax rolls for mixed use, affordable, and market rate housing. The SPR floating zone may be applied to properties owned by the Village or the Sleepy Hollow Local Development Corporation that are located within the Inner Village and are a minimum distance from a Metro North train station or bus stop. Once applied, the SPR Floating Zone allows, by special permit, mixed-use buildings with non-residential uses on upper floors, increased building density, and relief from required setbacks and parking and loading requirements for SPRs that feature one or more public benefit, such as providing at least 10% of total dwelling units as affordable housing as defined by Westchester County. A proposed SPR must receive a special permit after complying with conditions ensuring the proposed development is compatible with its surroundings and other Village policies.

For more information, see [Village of Sleepy Hollow NY Code Ch. 450, Art. XVII](#).

CITY OF NEW ROCHELLE DOWNTOWN OVERLAY ZONE (DOZ)

New Rochelle's DOZ is an optional overlay zone that uses form-based code provisions to prioritize form and placement of buildings and streetscape. The DOZ also features community benefit bonuses that offer additional building height in exchange for providing community benefits, including a permanent provision of up to 5% of dwelling units at 60% of

AMI, 5% or more of units at 80% AMI, or 11 to 20% of units at 80% AMI. *For more information about the DOZ community benefit bonuses, visit <http://newrochelleny.com/1015/TOD-Downtown-Cluster> and <https://www.newrochelleny.com/DocumentCenter/View/11490/5---COMMUNITY-BENEFITS>.*

ACCESSORY DWELLING UNIT PROVISIONS

WESTCHESTER COUNTY ACCESSORY DWELLING UNIT (ADU) MODEL ORDINANCE.

Westchester County's ADU model ordinance allows a homeowner to add one attached accessory apartment or detached accessory cottage to a house on any owner-occupied, residentially zoned lot. The model ordinance exempts ADUs from underlying residential density standards and includes design standards that regulate ADU size and parking, entrance and exterior stairs location for accessory apartments, and bulk requirements for accessory cottages.

To access the model ordinance, see <https://homes.westchestergov.com/images/stories/pdfs/adumo1119.pdf>.

VILLAGE OF HASTINGS-ON-HUDSON ACCESSORY APARTMENT REGULATION

Hastings-on-Hudson's accessory apartment regulation applies to its One-Family Residence (R-20) zoning district. The regulation allows one accessory apartment for each single-family residence where the owner occupies the premises and an accessory apartment permit is received, among other conditions. To obtain an accessory apartment permit, the proposed accessory apartment must conform with specific bulk, parking, and occupancy requirements and may not alter the single-family character and appearance of the residence or neighborhood.

View these accessory apartment provisions at [Hastings-on-Hudson, NY Code sec. 295-67D](#).

INCLUSIONARY ZONING

WESTCHESTER COUNTY MODEL ORDINANCE PROVISIONS

Municipalities can adopt Westchester County's Affordable Affirmatively Furthering Fair Housing Units Model Ordinance Provisions to supplement existing zoning and ensure the provision and promotion of fair and affordable housing development in their communities. The model provisions require all residential developments of 10 or more units created by subdivision or site plan approval to provide at least 10% of total units as affordable at 80% of area median income (AMI) if for purchase and 60% of AMI if for rent. Applicants for residential developments of five to nine units must create at least one affordable unit. The model provisions also encourage the inclusion of at least one incentive to encourage affordable units, such as increased density or eased bulk requirements. In addition, the model provisions set maximum rent and sales prices in accordance with U.S. Department of Housing and Urban Development (HUD) guidelines, compel units to remain affordable for at least 50 years through restrictive covenants, require uniform appearance and integration with other units in a development, mandate affirmative marketing in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan, and include resale and lease renewal requirements. Several Westchester County municipalities have adopted the model provisions, including the Village of Ardsley, Town of Bedford, Village of Hastings-on-Hudson, Village of Irvington, Town of Mamaroneck, Town of New Castle, Town of North Salem, Town of Ossining, Village of Pleasantville, Town of Pound Ridge, Village of Rye Brook, Village of Scarsdale, Village of Tarrytown, and Town of Yorktown.

For more information about the model provisions, visit <https://homes.westchestergov.com/affordable-housing-ordinances/model-ordinance>.

VILLAGE OF HASTINGS-ON-HUDSON AFFORDABLE AND WORKFORCE HOUSING SET-ASIDE

Hastings-on-Hudson's affordable and workforce housing set-aside regulation requires residential buildings with eight or more dwelling

units to set aside 15% of all units for affordable and workforce housing distributed evenly throughout the development. At least two thirds of these units must be set aside at 80% AMI if for purchase and 60% AMI if for rent, and the remaining may be set aside at 120% of AMI if for purchase and 90% of AMI if for rent.

For more information, see Village of Hastings on Hudson NY Code Section 295-112.1.

CITY OF WHITE PLAINS AFFORDABLE RENTAL HOUSING PROGRAM

In 2019, White Plains adopted Chapter 9-7 of its zoning code, expanding its Affordable Rental Housing Program (ARHP) to apply to any zoning district that permits multifamily housing with 10 or more units and expanding eligibility to households with incomes at 50% of AMI. ARHP regulations require developers to either set aside 12% of units at 80% AMI or 8% of units at 50% and 60% AMI or contribute to the City's Affordable Housing Assistance Fund in lieu of building set-aside units. Dedicated set-aside units must remain affordable for the life of the project. White Plains may use the fund to provide down payment assistance, rehabilitate existing properties, subsidize existing housing stock, purchase properties for public-private partnerships, and defray some administrative costs associated with ARHP management.

For more information about the ARHP, visit <https://cityofwhiteplains.com/719/Affordable-Rental-Housing-Program>.

GEIS FOR HOUSING REGULATIONS

GEIS FOR NEW ROCHELLE DOWNTOWN OVERLAY ZONE (DOZ)

As described above, New Rochelle's DOZ offers additional building height in exchange for providing community benefits, including a minimum provision of permanent affordable housing. Prior to adopting the DOZ, the City, together with developer RDRXR, completed a Final GEIS to reduce financial and procedural impediments to future investment.

For more information about the DOZ GEIS, visit <http://newrochelleny.com/1015/TOD-Downtown-Cluster>.

STREAMLINED REVIEW PROCESS

WESTCHESTER COUNTY MODEL ORDINANCE PROVISIONS

Westchester County's Affordable Affirmatively Furthering Fair Housing Units Model Ordinance Provisions include an expedited project review process for applicants who build affordable units. The expedited process features at least one pre-application meeting with municipal staff and representatives from each municipal agency, board, and commission that will participate in the review process. Attendees would identify issues, concerns, and code compliance and coordination matters that may arise during the review and approval process and would establish a comprehensive review process outline, proposed meeting schedule, and conceptual timeline, which reviewing bodies would honor to the extent possible. If a review process extends beyond one year, the applicant would be entitled to at least one additional meeting per year with the same attendees to review all previously discussed matters. Reviewing bodies would prioritize applications by placing them first on all meeting and work session calendars and agendas and, when feasible, shorten minimum advance submission deadlines to the extent practicable.

For more information about these model provisions, visit <https://homes.westchestergov.com/affordable-housing-ordinances/model-ordinance>.

TOWN OF POUND RIDGE EXPEDITED REVIEW PROCESS FOR AFH

Pound Ridge adopted affordable fair housing (AFH) regulations requiring residential developments with 10 or more dwelling units to provide at least 10% of their units at 80% of AMI and requiring review and approval boards involved with an AFH project to make every practicable effort to hold their meetings and hearings concurrently. Additionally, review boards must place AFH projects at the beginning of all relevant meeting and work session agendas, and AFH project applicants are entitled to at least one additional board meeting per year should the approval process exceed one year. For more information, see Town of Pound Ridge NY Code sec. 113-100.

QUASI-PUBLIC CORPORATIONS AND FINANCIAL ASSISTANCE

COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY

The County of Westchester Industrial Development Agency (CWIDA) promotes economic development in Westchester through projects that create, attract, and retain jobs. In particular, CWIDA has assisted businesses with extensive multi-family and multi-use residential projects. To facilitate these projects, CWIDA offers tax exempt bonds and notes; sales tax exemptions on new construction, expansion, or renovation projects or the acquisition of new equipment; and mortgage recording tax exemptions on real estate purchases.

Learn more at <http://business.westchestergov.com/incentives/ida>.

NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY

To promote economic vitality, prosperity, and recreational opportunities for the New Rochelle community, the New Rochelle Industrial Development Agency (NRIDA) provides business support through financial assistance and tax incentives to eligible projects. NRIDA grants applicants exemptions from sales and use taxes, mortgage recording taxes, and real estate tax abatements for development and adaptive reuse projects that increase the City's housing, commercial and retail opportunities. NRIDA's Uniform Tax Exemption Policy ("UTEP") offers tax abatements to incentivize developers to build live/work spaces in New Rochelle's cultural district extension overlay zone, and UTEP addresses certain affordable housing developments as well.

For more information, visit <http://www.newrochelleny.com/315/IDACLD>.

WHITE PLAINS URBAN RENEWAL AGENCY

The White Plains Urban Renewal Agency (WPURA) is a public benefit corporation authorized to execute urban renewal projects approved by the Common Council that conform to and promote the City's comprehensive plan. WPRUA projects sometimes include affordable housing. For example, WPURA's Central Renewal Project NY-R 37

involved the redevelopment of the Bank Street Municipal Parking Lot at 55 Bank Street into two mixed-use towers with retail space and affordable units.

To learn more, visit <https://cityofwhiteplains.com/156/Urban-Renewal-Agency>.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

The US Department of Housing and Urban Development's CDBG program provides municipalities with resources to address community development needs, including access to affordable housing. Housing initiatives that will benefit low- and moderate-income community members are eligible for CDBG funding.

To learn more about the CDBG Program, see https://www.hud.gov/program_offices/comm_planning/communitydevelopment/programs.

WHITE PLAINS COMMUNITY DEVELOPMENT PROGRAM

The City's Community Development Program receives annual Community Development Block Grant (CDBG) program funding that the City uses to create affordable and accessible housing for low- and moderate-income residents.

For more information, see <https://www.cityofwhiteplains.com/433/C>

TRAINING FOR LOCAL BOARDS

COUNTY LULA TRAINING

The Land Use Law Center leads the nation in educating local land use leaders through its Land Use Leadership Alliance (LULA) training program, which trains local officials in land use law and community decision-making. Each four-day LULA training program is designed to meet the needs of its participants and their communities by focusing on both foundational and cutting-edge information related to their priority land use issues. Participants are given a range of tools and techniques to utilize in both the land use and decision-making contexts. Each year

the Center offers a LULA training program focused specifically on local affordable housing initiatives.

Learn more about LULA training programs at <https://law.pace.edu/land-use-leadership-alliance-training-program>.

URBAN LAND INSTITUTE (ULI) URBANPLAN FOR PUBLIC OFFICIALS

ULI's UrbanPlan for Public Officials workshops train local decision makers about the fundamental forces that shape and affect the built environment and the important leadership roles that elected and appointed officials play in the land use development process. ULI offers a one-day workshop at the annual ULI Fall Meeting and at the National League of Cities' two annual conferences. Additionally, ULI offers these workshops through local ULI District Councils and directly to local jurisdictions for a fee. Contact the local ULI District Council and ULI National at urbanplan@uli.org to arrange a workshop for a specific municipality.

For more information about these workshops, visit <https://americas.uli.org/programs/urbanplan/urbanplan-public-officials/>.

RESOURCES

For more information about creating housing initiatives, consult the following resources.

Housing Program Resources for Municipalities

Westchester County
<https://homes.westchestergov.com/municipalities/resources-for-municipalities>

Housing Needs Assessment

Westchester County (2018)
<https://homes.westchestergov.com/resources/housing-needs-assessment>

Housing Policy Guide

American Planning Association (2019)
<https://www.planning.org/publications/document/9178529/>

What Works to Promote Inclusive, Equitable Mixed-Income Communities

National Initiative on Mixed-Income Communities of Case Western Reserve University's Mandel School (2020)
<https://case.edu/socialwork/nimc/resources/what-works-volume>

Housing Research Library

National Housing Conference
<https://www.nhc.org/publication-category/research/>

Affordable Housing Research

NYU Furman Center
<https://furmancenter.org/research/area/affordable-housing>

What do We Know About Inclusionary Housing?

Grounded Solutions Network (2018)
http://inclusionaryhousing.org/wp-content/uploads/2018/02/grounded-solutions-network_ih_policy_highlight_january_2018.pdf

Crosswalk: Linking the eCon Plan Template to the Maximizing Investments Toolkit

United States Department of Housing and Urban Development
<https://files.hudexchange.info/resources/documents/Crosswalk-Linking-the-eCon-Plan-Template-to-the-Maximizing-Investments-Toolkit.pdf>

Building Public-Private Partnerships to Develop Affordable Housing (HUD-1583-CPD)

United States Department of Housing and Urban Development (1996)
https://www.hud.gov/program_offices/comm_planning/affordablehousing/library/modelguides/1996/1583

Effects of Low-income Housing on Property Values

National Association of Realtors
<https://www.nar.realtor/effects-of-low-income-housing-on-property-values#section-166089>

Local Inclusionary Housing Programs: Meeting Housing Needs

John R. Nolon and Jessica A. Bacher, Real Estate Law Journal, Vol. 36, p. 73 (2007)
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1345423

Higher-Density Development: Myth and Fact

Urban Land Institute (2005)
http://americas.uli.org/wp-content/uploads/sites/2/ULI-Documents/HigherDensity_MythFact.ashx_.pdf

Better Town Toolkit

Regional Plan Association
<http://designyourtown.org/>

**POLICY
PLAYBOOK**

VIEW & DOWNLOAD AT:

[HTTPS://WWW.WESTCHESTER.ORG/POLICY-PLAYBOOK](https://www.westchester.org/policy-playbook)



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