



**WESTCHESTER
COUNTY
ASSOCIATION**

**STRATEGIES AND RESOURCES
TO HELP IMPLEMENT
ECONOMICALLY VIABLE
SMART GROWTH DEVELOPMENT
THIRD EDITION**

**POLICY
PLAYBOOK**





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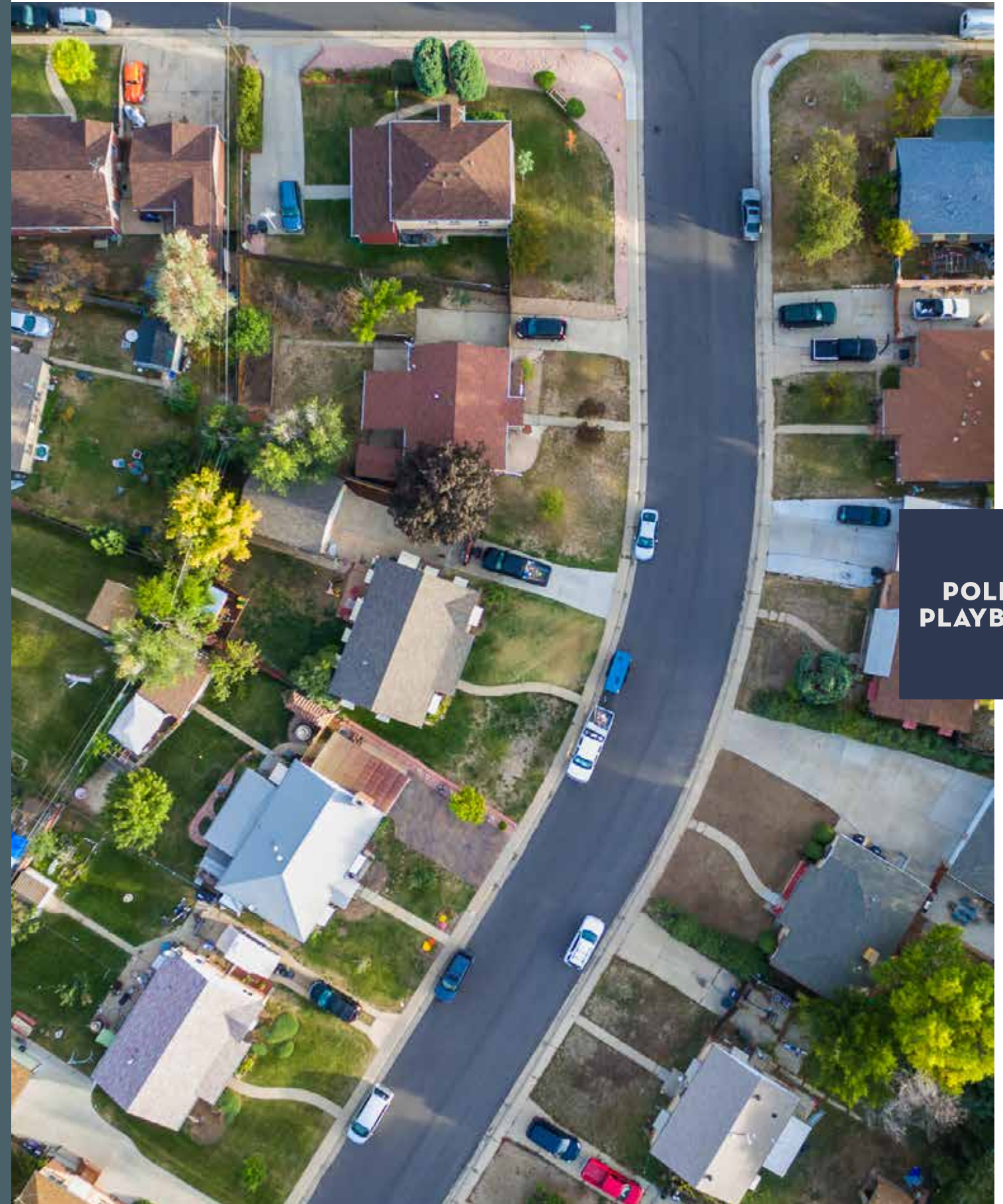
DEVELOPMENT DECISIONS BROADLY IMPACT OUR BUSINESSES, RESIDENTS, AND COMMUNITIES. THEY AFFECT WHERE AND HOW WE LIVE AS WELL AS THE ECONOMIC OPPORTUNITIES AVAILABLE TO OUR BUSINESSES AND WORKERS. ACCORDING TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY, SMART GROWTH IS AN OVERALL APPROACH OF DEVELOPMENT AND CONSERVATION STRATEGIES THAT CAN HELP PROTECT OUR HEALTH AND NATURAL ENVIRONMENT AND MAKE OUR COMMUNITIES MORE ATTRACTIVE, ECONOMICALLY STRONGER, SOCIALLY DIVERSE, AND RESILIENT TO CLIMATE CHANGE.

The WCA Policy Playbook is a collaborative effort of the region's foremost real estate professionals from the private sector, government policy experts, community officials, and leading educational institutions. It provides planning, regulatory, and other strategies and resources that will help Westchester County municipalities implement economically viable smart growth development. It is a resource guide and best practices manual for our communities, planners, government officials, and developers alike -- complete with practical solutions and examples. **In order to meet evolving challenges, recent past editions included sections on housing. Similarly, this Third Edition now addresses critical policy issues by adding two brand new chapters on Clean Energy, and Climate Resiliency.**

We hope you will find the WCA Policy Playbook a valuable resource as we work to establish Westchester and the region as a premiere center of economic opportunity and upward mobility.

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**POLICY
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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.

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>.

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>.

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.

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_lwrpGrants.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>.

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/lglge/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>.

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.

PRO-HOUSING COMMUNITY PROGRAM, NYS DEPARTMENT OF HOMES AND COMMUNITY RENEWAL

This program is designed to reward local governments that are working hard to address New York's housing crisis. Localities that achieve the "Pro-Housing Communities" designation will receive priority in scoring applications for key state-run discretionary funding programs, including the Downtown Revitalization Initiative, the NY Forward program, the Regional Council Capital Fund, and the Mid-Hudson Momentum Fund. Municipalities can apply for certification based on factors assessing their success in promoting housing growth and commitment to identifying impediments to housing growth.

*For more information, visit: "<https://hcr.ny.gov/pro-housing-community-program>" *Pro-Housing Community Program | Homes and Community Renewal (ny.gov).**

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



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*, available at <http://mynewcastle.org/master-plan/about-the-project/>.

THE CITY OF NEW ROCHELLE'S ENVISIONR

In 2016, the City of New Rochelle adopted EnvisioNR, 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 EnvisioNR 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. EnvisioNR 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. EnvisioNR 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 EnvisioNR include energy conservation and renewable energy, green infrastructure, and complete streets. Finally, EnvisioNR 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 EnvisioNR, see *City of New Rochelle, NY, EnvisioNR*, available at <http://www.newrochelleny.com/944/EnvisioNR> and *GreeNR*, 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>

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/>

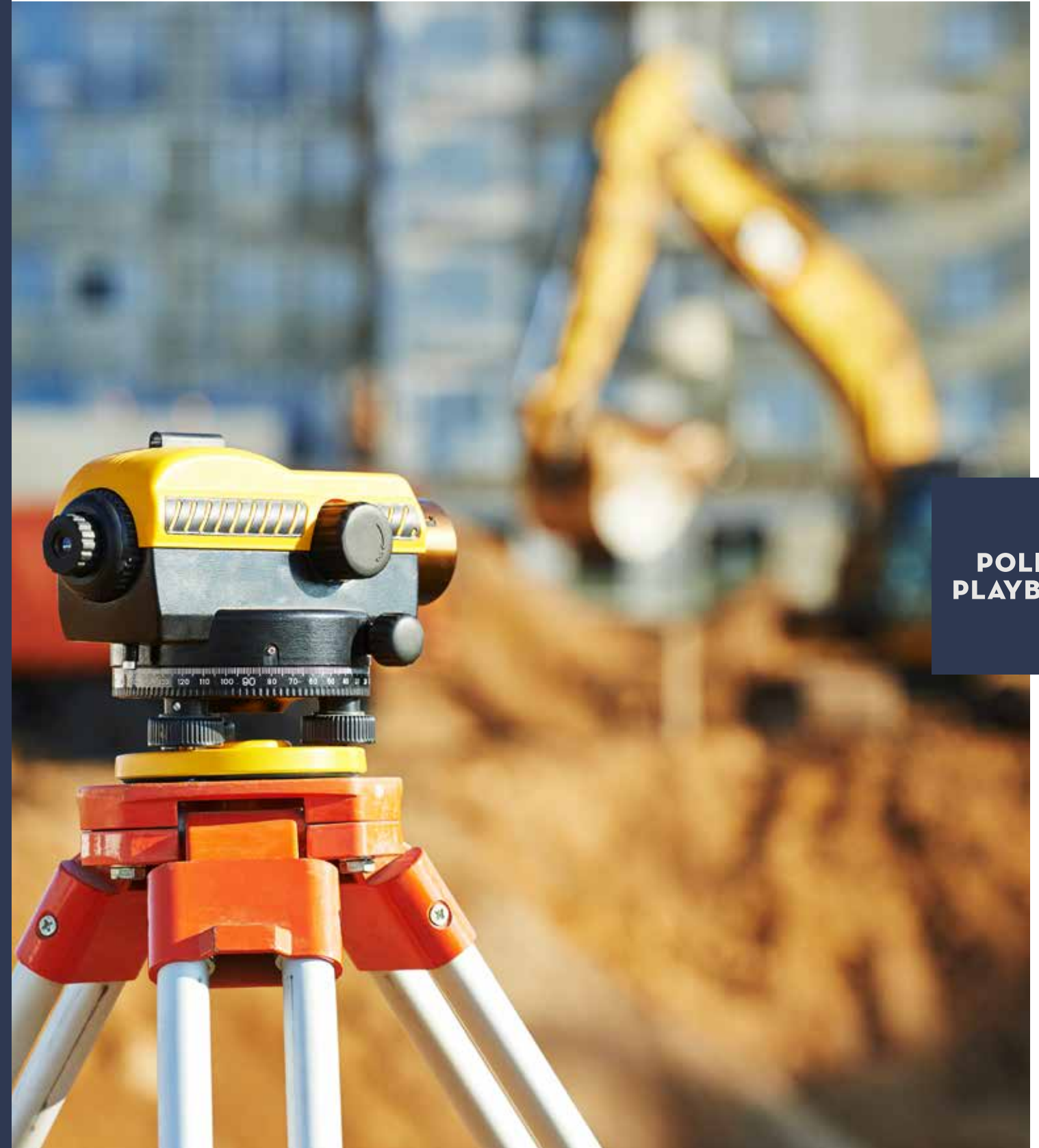
Make the planning and development process more inclusive, predictable, and efficient

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.



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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 crowdsource 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.lincolnst.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

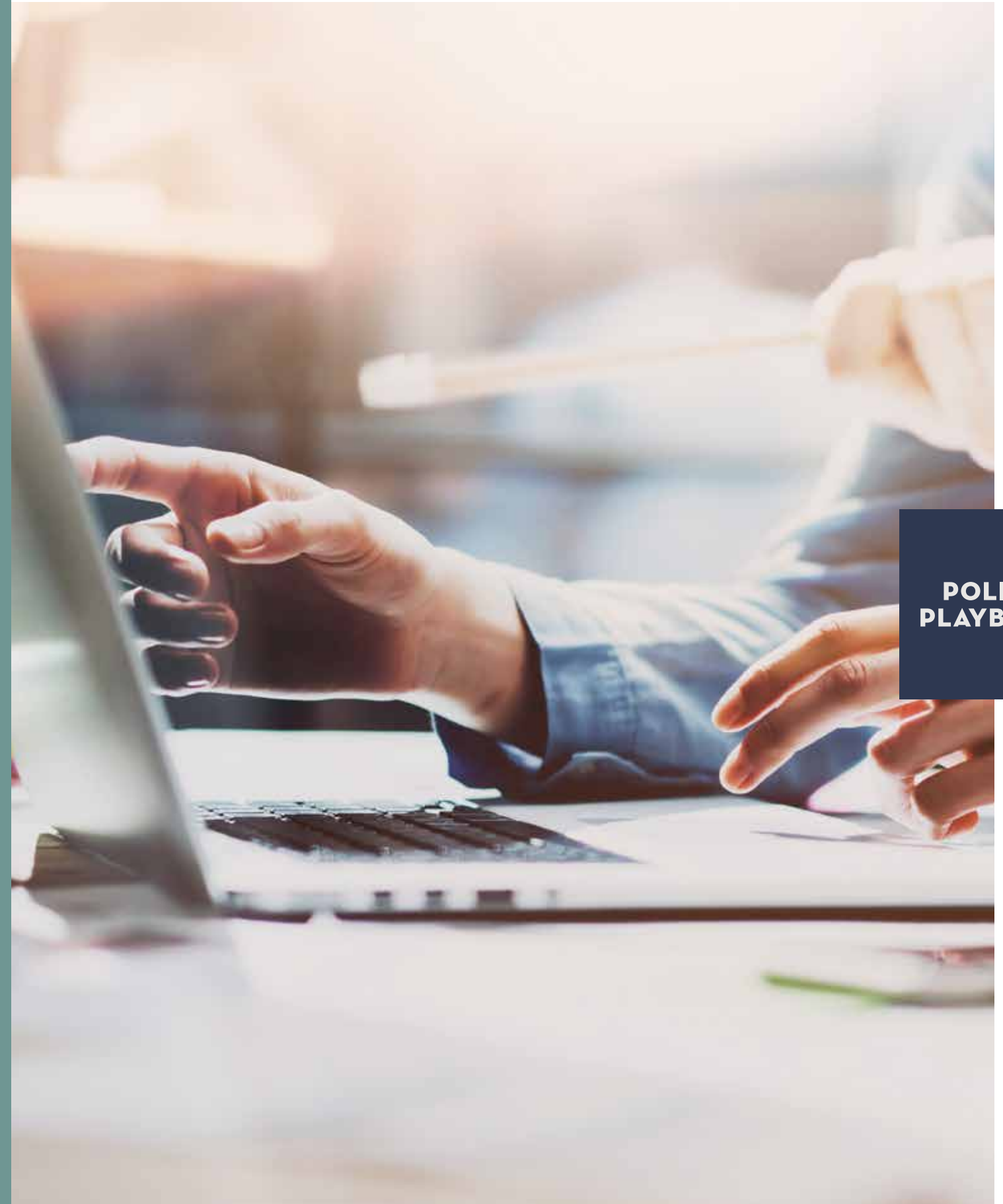
<https://smartgrowthamerica.org/resources/>



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/harrisonny/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

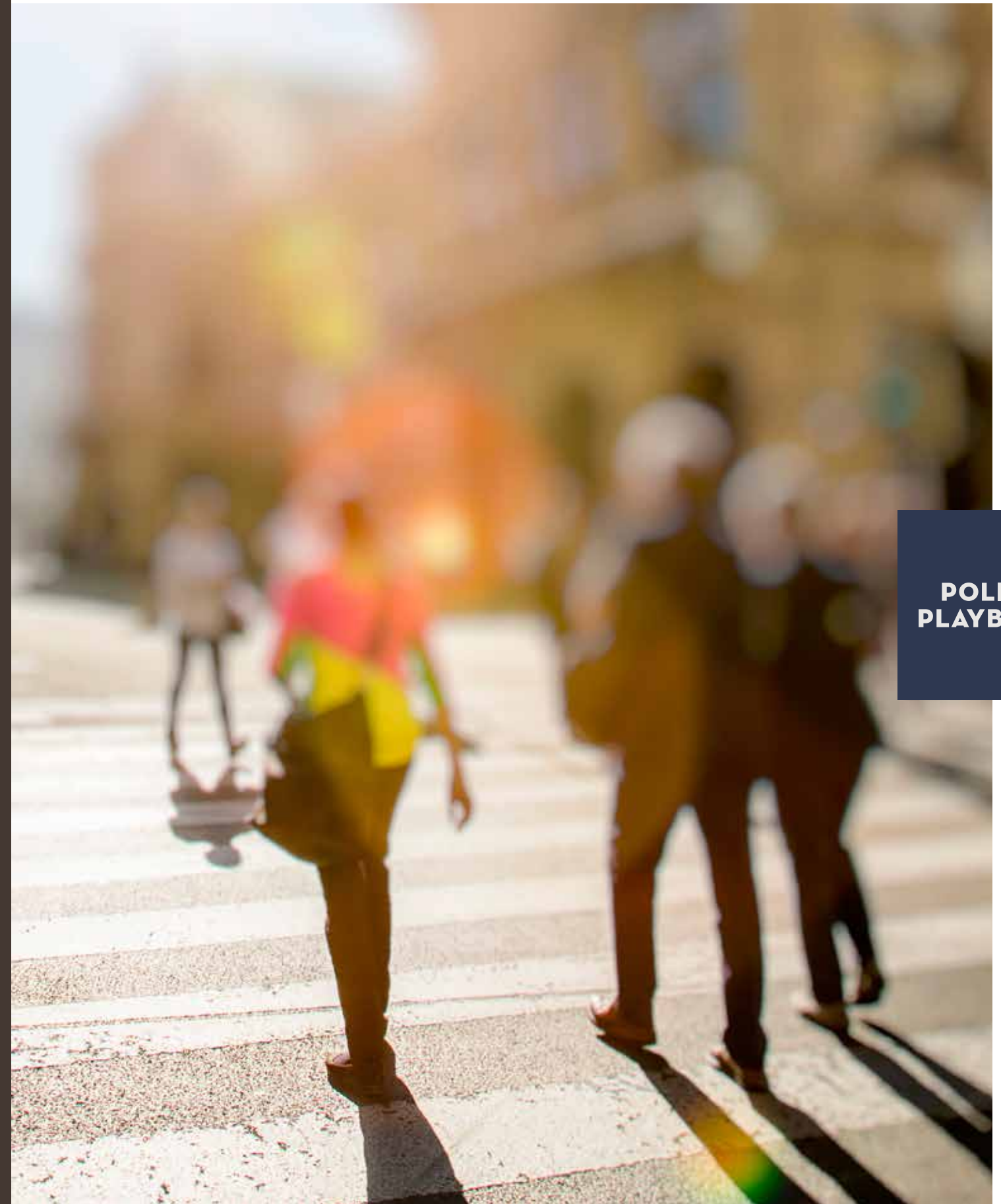
Land Use Law Center, Pace Law School

<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.



**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.



**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 ("UTE") 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/Community-Development>.

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/>



CLEAN & RESILIENT **ENERGY**

With passage of the Climate Leadership and Community Protection Act of 2019 (Climate Act), New York has embarked on an ambitious state-level effort to address climate change.

The law requires NYS to attain 70% renewable electricity by 2030 and 100% zero-emission electricity by 2040. As required by the Climate Act, the state's Climate Action Council has circulated a Scoping Plan providing a road map on how to meet the Climate Act's greenhouse gas emissions reduction targets. The Scoping Plan anticipates that local governments will play a central role in attaining these goals by adopting policies and regulations that support the implementation of clean energy practices, technologies, and techniques.

Traditional energy generation from fossil fuels emits greenhouse gases (GHG) that contribute to climate change, which causes rising sea levels and more extreme weather events, storm surge, and flooding that threatens coastal communities. In addition to reducing GHG emissions, clean energy sources contribute to a community's resiliency by providing a more readily available and local supply of energy when severe storms or flooding events impact the electrical grid.



**POLICY
PLAYBOOK**

WHY LOCAL CLEAN AND RESILIENT ENERGY?

In addition to contributing to climate change, fossil fuels like coal and oil are finite resources. Clean energy sources offer reliable and affordable energy that reduce GHG and other harmful emissions. Clean energy generation also helps local economies by creating jobs and building resiliency. Municipalities can support clean energy by adopting policies, plans, and regulations that facilitate these technologies.

HOW TO INCREASE LOCAL CLEAN AND RESILIENT ENERGY?

To facilitate clean energy projects, municipalities should consider implementing the following steps:

AS THEY DETERMINE WHICH CLEAN ENERGY INITIATIVES THEY WANT TO IMPLEMENT, MUNICIPALITIES CAN USE THE FOLLOWING CHECKLIST, WHICH IS BASED ON THIS CHAPTER'S RECOMMENDATIONS.

- **CONVENE OR CHARGE A TASK FORCE**
- **CONDUCT COMMUNITY EDUCATION AND ENGAGEMENT**
- **CONDUCT CLEAN ENERGY STUDIES WITHIN THE LOCALITY**
- **ADOPT A CLEAN ENERGY COMPONENT AS PART OF A COMPREHENSIVE PLAN**
- **ADOPT LOCAL REGULATIONS TO FACILITATE THE FOLLOWING:**

- Clean energy
- Green building
- Solar and wind energy
- Geothermal energy and heat pumps
- Battery storage
- Microgrids
- Sustainability density bonus

- **INCORPORATE OTHER CLEAN ENERGY PROVISIONS SUCH AS:**

- Benchmarking and retrofitting
- Electric vehicles
- Fuel cells
- Thermal energy storage and systems
- High efficiency combined heat and power systems

- **STREAMLINE THE REVIEW PROCESS FOR QUALIFYING PROJECTS**

- Access and create financial assistance and other programs that support clean energy
- Train municipal boards and staff
- Lead by example

CONVENE OR CHARGE A TASK FORCE

The municipality could create a clean energy task force to benchmark current local energy usage and identify opportunities to adopt clean energy initiatives for both municipal assets and private development. In lieu of creating a new task force, existing conservation advisory councils or sustainability or NYS Climate Smart Community (CSC) committees could be charged with focusing on clean energy in addition to their other responsibilities. The dedicated task force or committee should have at least five members with in-depth knowledge of the community and should include a variety of stakeholders with different viewpoints, such as municipal staff and officials, local board members, private landowners, developers, business owners, non-profit organizations, and other interested parties. To share resources and address regional needs, task forces can be intermunicipal. The task force should also enlist technical support from the Westchester County Department of Planning and the appropriate Clean Energy Communities and CSC Coordinators.

For more information about Clean Energy Communities, visit: <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Communities/Find-a-Participating-Contractor>

For more information about CSC Coordinators, visit: <https://climatesmart.ny.gov/support/csc-coordinators/>

CONDUCT COMMUNITY EDUCATION AND ENGAGEMENT

Community education and engagement helps build support for local clean energy initiatives. Community education programs teach citizens about clean energy and its benefits. Municipalities can employ community-scale campaigns to promote local clean energy efforts and encourage private landowners to implement clean energy techniques like solar energy systems, energy efficiency, electric vehicles, energy storage, and clean heating and cooling.

The New York State Energy Research & Development Authority (NYSERDA) provides a Community Campaigns Toolkit that helps municipalities implement short-term community campaigns that attract potential customers through outreach and education. Municipalities should also engage community members in the decision-making process when planning and regulating for clean energy. Stakeholder engagement will build support for the initiative and help the municipality consider potential impacts of clean energy development, including impacts to cultural and archeological resources, socioeconomic impacts, telecommunication considerations, aesthetic and visual impacts, shadow flicker, and sound emissions. To engage community members in a collaborative process, municipalities can conduct interviews, surveys, focus groups, and community

meetings. Other public engagement tools include hotlines, websites, email lists, social media, and mobile texting. Engaged stakeholders should include municipal staff and officials, residents and business owners, farmers and other large landowners, community-based service and development organizations, social equity and environmental justice organizations, economic development organizations, environmental protection and land conservation organizations, electric utilities, regional transmission authorities, renewables industries, and representatives of neighboring jurisdictions.

For more information about NYSERDA's Community Campaigns Toolkit, visit: <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Community-Campaigns>

CONDUCT CLEAN ENERGY STUDIES WITHIN THE LOCALITY

To identify local clean energy opportunities, municipalities should conduct studies that consider the legal, technical, environmental, agricultural, and economic implications of clean energy development. Studies can both assess existing conditions, such as current and past clean energy generation facilities, and evaluate market potential by identifying demographic trends, total electric and thermal energy usage, areas viable for clean energy, and the local electric distribution system's interconnection capabilities. In addition, studies can identify environmental benefits associated with clean energy; any barriers to clean energy within existing municipal plans and regulations; and potential impacts on local natural, visual, cultural, and other important resources. Studies should identify federal and state laws and agencies that govern clean energy generation and development and should inventory available loans, grants, state and local tax credits, and other financial support. Many clean energy incentives are offered at the state, utility, and federal level.

ADOPT A CLEAN ENERGY COMPONENT FOR THE COMPREHENSIVE PLAN

Municipalities can amend their local comprehensive plans to include a component that facilitates clean energy development. A comprehensive plan's clean energy component should describe key findings from the community's clean energy studies; inventory the community's clean energy assets and needs; and establish goals, objectives, and strategies to facilitate clean energy development. Clean energy 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 clean energy

component, municipalities should follow the planning steps outlined in the Comprehensive Plans section of the WCA Policy Playbook (Playbook) and should consult NYSERDA's Clean Energy Comprehensive Plan Guide, which presents model goals and strategies for clean energy. To create a clean energy plan for a specific area of the municipality, follow the planning steps outlined in the Target Area Plan section of the Playbook. Municipalities may want to take a targeted approach to implementing clean energy strategies like zoning for denser development to enhance energy efficiency, district heating, or microgrids that create a clean energy system shared within a specific location.

For more information on creating microgrids, see Community Microgrids: Smarter, Cleaner, Greener: <https://peccpubs.pace.edu/viewresource/aaa4e73b9c11b86/Community+Microgrids%3A+Smarter%2C+Cleaner%2C+Greener>. For more information NYSERDA's Clean Energy Comprehensive Plan Guide, visit: <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Comprehensive-Plan-Guide>

ADOPT LOCAL REGULATIONS TO FACILITATE CLEAN ENERGY

Municipalities can adopt land use regulations to implement the clean energy strategies recommended in their local plans. Below, this section describes basic regulatory tools municipalities can adopt to implement clean energy. For more information about these and other clean energy regulations, local governments should consult NYSERDA's Clean Energy Communities (CEC) program and Clean Energy Siting Resources, as well as the NYS Climate Smart Communities (CSC) Certification program. When drafting regulations to facilitate clean energy, 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 outlined below and in the resources listed above, as appropriate given local goals and circumstances.

For more information on NYSERDA's Clean Energy Communities program, visit: <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Communities>

For more information on NYSERDA's Clean Energy Siting Resources, visit: <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Siting-Resources>

For more information on NYS's Climate Smart Communities certification program, visit: <https://climatesmart.ny.gov/>

THE FOLLOWING REGULATORY TOOLS OFFER DIFFERENT MECHANISMS AND INCENTIVES TO IMPLEMENT CLEAN ENERGY:

CLEAN ENERGY CODES

To accelerate implementation of clean energy goals, municipalities can adopt the NYStretch Energy Code. A model code developed by NYSERDA, the NYStretch Energy Code helps NYS municipalities achieve energy savings of approximately 11 percent over the 2020 Energy Conservation Construction Code of New York State (2020 ECCC-NYS). Local governments may adopt the NYStretch Energy Code pursuant to NY Energy Law Section 11-109 and Municipal Home Rule Law Section 10 and in accordance with procedures outlined in Municipal Home Rule Law Section 20.

For more information on the NYStretch Energy code, visit: <https://climatesmart.ny.gov/actions-certification/actions/#open/action/161>

GREEN BUILDING ORDINANCES

Green building ordinances require new construction and major building modifications to install new technologies like energy-efficient building envelopes and mechanical, lighting, and power systems. CSC Action PE6: Green Building Ordinance presents steps municipalities can take to adopt this regulation.

For more information on CSC Action PE6: Green Building Ordinance, visit: <https://climatesmart.ny.gov/actions-certification/actions/#open/action/69>

SOLAR AND WIND ENERGY

Municipalities can adopt renewable energy regulations that allow solar and/or wind energy within appropriate zoning districts. Solar and wind energy regulations should define such systems by energy system type, size, shape, and capacity, as well as whether the system-produced energy will be used onsite or offsite. These regulations can allow defined systems as principal, accessory, and special uses as appropriate, and require development standards or site plan review to mitigate any land use impacts associated with renewable energy system operations. To the extent possible, renewable energy regulations should address end-of-life considerations and require equipment recycling. NYSERDA's Solar Guidebook and Wind Energy Guidebook provide model laws and step-by-step instructions to help municipalities manage solar and wind development.

For more information on NYSERDA's Solar Guidebook, visit: <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Solar-Guidebook>

For more information on NYSERDA's Wind Energy Guidebook, visit: <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Wind-Guidebook>

GEOTHERMAL ENERGY AND HEAT PUMP

Municipalities can adopt regulations that allow and facilitate geothermal energy systems and heat pumps. Geothermal systems harness energy from the earth's core. Heat pump systems transfer heat from the air in one space to another. Geothermal and heat pump regulations can distinguish these systems by type and allow them as accessory uses or by special permit, depending on their size and impacts. NYSERDA's Community Heat Pumps Systems program offers instructional resources for municipal planners, water treatment plant operators, real estate developers, and large campus managers. Those interested in ground source heat pumps information or potential funding opportunities can contact the program at district.thermal@nyserra.ny.gov.

For more information about NYSERDA's Community Heat Pumps Systems program, visit: <https://www.nyserra.ny.gov/All-Programs/Community-Heat-Pump-Systems>

For instructional resources, visit: <https://www.nyserra.ny.gov/All-Programs/Community-Heat-Pump-Systems/Resources>

BATTERY STORAGE

Battery storage regulations require inspections and building and electrical permits for battery energy storage systems. Permitting requirements vary by system size and limit impacts from utility lines, lighting, vegetation clearing, and noise generation. Battery storage regulations also often require a site plan, decommissioning plan, and adherence to special permit standards. NYSERDA's Battery Energy Storage System Guidebook offers guidance to municipalities and a Battery Energy Storage System Model Law that local governments can adopt.

To access NYSERDA's Battery Energy Storage System Guidebook, visit: <https://www.nyserra.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Battery-Energy-Storage-Guidebook>

PROJECT HIGHLIGHT



DAVID ROCKEFELLER ARTS CENTER

TARRYTOWN
NEW YORK

The Rockefeller Creative Arts Center is an 8,000 square foot multipurpose gallery and performance space serving as a cultural hub on the Rockefeller Estate in Tarrytown. This LEED Platinum certified building includes an innovative geothermal well field and stormwater management system. Langan Engineering provided due diligence and support services to assist the owner with these and other sustainability elements.

MICROGRIDS

To facilitate the installation of microgrids, municipalities can amend their zoning codes to remove overly restrictive provisions like use regulations that are “silent” regarding microgrids, thus preventing their development in appropriate zoning districts, as well as height, lot coverage, and setback requirements that prevent the installation of small-scale renewable energy systems on existing buildings and roofs. Municipalities also can adopt regulations that offer more development density than allowed in underlying zoning in exchange for microgrid development and can forbid homeowner associations from restricting small-scale renewable and other clean distributed energy systems.

SUSTAINABILITY DENSITY BONUS

Density bonuses allow developers to build at greater development densities than permitted under existing zoning in exchange for providing one or more community benefits, which can include clean energy development. 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. Increased development density helps developers finance clean energy development like fuel cells. If onsite clean energy is not possible, the incentive system can allow developers to make cash payments to a municipal trust fund to provide clean energy development elsewhere.

INCORPORATE OTHER CLEAN ENERGY PROVISIONS

BENCHMARKING AND RETROFITTING

Municipalities can adopt benchmarking and retrofitting requirements for municipal facilities and large private buildings. NYSERDA’s Model Benchmarking Local Law for Private Buildings requires the owners of covered buildings to report total energy consumed by the building annually, along with building address, primary use, and gross floor area. The law requires the municipality to maintain benchmarking records and make them publicly available. Municipalities also could adopt regulations incentivizing building owners to retrofit existing, large buildings to improve energy efficiency and decrease energy demand through upgraded building envelop, lighting, and heating and cooling, among other strategies.

ELECTRIC VEHICLES

To encourage electric vehicle (EV) readiness, municipalities, as appropriate and permitted by the state, can modify local building codes to require a percentage of off-street parking associated with new development to be pre-wired for EV charging stations. NYSERDA’s EV Charging Station Permitting Resources provide local governments with more information about municipal code changes and managing EV charging station development. Local governments should take care to not overregulate electric vehicles.

For more information on NYSERDA’s EV Charging Station Permitting Resources, visit: <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting-Resources/EV-Charging-Station-Permitting-Resources>

FUEL CELLS

Fuel cells convert chemical energy from hydrogen or natural gas into clean electricity, which is sent to the grid. Where authorized by the state, municipalities can adopt building code standards that allow developers to safely build hydrogen and fuel cell systems and that require the proper disposal and recycling of spent fuel cells.

THERMAL ENERGY STORAGE AND SYSTEMS

Thermal energy storage involves heating or cooling a medium like water to store energy that can be used later. The NYS Department of Public Service has directed the state’s utilities to develop and conduct a series of Utility Thermal Energy Systems (UTENS) Pilots to evaluate the benefits of thermal networks, associated costs, rate design and cost recovery mechanisms, and barriers to customer adoption. To accommodate these systems, municipalities should review whether their current zoning permits uses and address barriers to their implementation.

HIGH EFFICIENCY COMBINED HEAT AND POWER SYSTEMS

Combined heat and power (CHP) systems generate onsite electric power, heating, and cooling from one or more fuel sources. The Industrial Efficiency and Decarbonization Office (IEDO) at the U.S. Department of Energy (DOE) operates a network of ten regional CHP Technical Assistance Partnerships (TAPs) that support CHP initiatives. Based at the Land Use Law Center at Pace Law School, the New York / New Jersey CHP TAP offers helpful CHP resources and no-cost engineering technical services. Municipalities should examine where CHP systems might fit as one component in a long term decarbonization plan.

For more information on CHP Technical Assistance Partnerships (TAPs), visit: <https://betterbuildingsolutioncenter.energy.gov/onsite-energy/taps>

PROJECT HIGHLIGHT



JEHOVAH'S WITNESSES AUDIO/VIDEO PRODUCTION CENTER WORLD HEADQUARTERS

RAMAPO & TUXEDO
NEW YORK

The 1.7 million square foot World Headquarters of Jehovah’s Witnesses Audio/Video Production Center in Ramapo and Tuxedo, NY includes key sustainability features, including green roofs, roof-top solar, electric vehicle charging stations, low impact development stormwater management systems, and a private trail system to encourage walking and biking throughout the campus. The heating and cooling for the campus will be provided by a central chilled/hot water plant with geothermal heat recovery system. The campus system will be “electrified” so that all heating loads can be met without burning fossil fuel. Orange and Rockland Utilities will provide electricity, and electric back-up boilers will be provided for resiliency. In addition, rooftop solar photovoltaics will be included at the A/V Studio Building and Events Building. Back-up electric power generation will use liquefied natural gas (LNG) stored on-site. The A/V Production Center will utilize a micro-grid to manage and leverage the on-site energy sources (solar collectors, utility battery, natural gas generators).

AKRF prepared the zoning text and map amendment that permitted the clustering of buildings and greater height (with ridgeline and viewshed protections). This allowed for the economies of scale necessary to facilitate an efficient central energy plant and shared systems.

The town granted a rezoning that permitted the clustering of buildings and greater height (with ridgeline and viewshed protections). This allowed for the economies of scale necessary to facilitate an efficient central energy plant and shared systems.

STREAMLINE THE REVIEW PROCESS

The local land use review and approval process can be complicated, costly, and time consuming. To further facilitate clean energy, municipalities can simplify and shorten the review and approval process for these projects. To accelerate the approval process for installing small-scale solar energy systems, municipalities can adopt the Unified Solar Permit, which is a standardized permit application for all NYS municipalities that streamlines documentation requirements for applicants and expedites the review and inspection timeline. Similarly, municipalities could streamline permitting requirements and create an expedited permitting track for microgrids, EV charging stations, fuel cells, battery storage, and other clean energy infrastructure.

ACCESS AND CREATE FINANCIAL ASSISTANCE AND OTHER PROGRAMS THAT SUPPORT CLEAN ENERGY

To further facilitate clean energy development, local governments can access a list of funding and related opportunities in the introduction to this Playbook. In addition, NYSERDA will administer a \$13.8 million funding opportunity to support clean hydrogen research, development, and demonstration, and NYS has launched a multi-billion dollar Green Bonds incentive program to fund public works that mitigate climate change and reduce flooding risks. Municipalities also can provide financial assistance, such as tax reductions or abatements, and other programs that support clean energy development. For example, municipalities can create an Open C-PACE (Property Assessed Clean Energy) financing program that makes funding available to commercially owned buildings that install renewable energy systems. Local Community Choice Aggregation (CCA) programs procure energy supply service and distributed energy resources (DER) for customers in the community. NYSERDA offers a PACE Financing toolkit and CCA toolkit to assist municipalities with these programs. Local governments also could participate in workforce training programs to educate clean energy professionals, like building and operations staff, similar to NYSERDA's Workforce and Development Training program.

For more information on NYSERDA's \$13.8 million funding opportunity, visit: <https://www.nyserderda.ny.gov/About/Newsroom/2023-Announcements/2023-08-18-Governor-Hochul-Announces-Nearly-14-Million-to-Advance-Innovation-in-Clean-Hydrogen-Res>

For more information on NYS's Green Bonds incentive program, visit: <https://www.gothamgazette.com/state/11806-implementation-environmental-bond-act-2022-climate>

For more information on NYSERDA's PACE Financing toolkit, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Green-Financing>

For more information on NYSERDA's Workforce and Development Training program, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/County-Hosted-Trainings>

For more information on NYSERDA's Energy Code Enforcement Training, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Energy-Code-Enforcement-Training>

For more information on NYSERDA's County-Hosted Trainings, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/County-Hosted-Trainings>

[nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Community-Choice-Aggregation](https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Community-Choice-Aggregation)

For more information on NYSERDA's Workforce and Development Training program, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Workforce-Development-and-Training>

BECOME A CLIMATE SMART COMMUNITY

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/>

TRAIN MUNICIPAL BOARDS AND STAFF

To help municipal boards and staff develop the expertise they need to facilitate a smooth approval process for clean energy projects, municipalities should adopt a formal training policy that complies with NYS law and that requires local board members and municipal staff to attend trainings specifically focused on clean energy development. NYSERDA offers Energy Code Enforcement Training, which helps local governments train code compliance officers and other municipal officials in energy code enforcement best practices. NYSERDA's County-Hosted Trainings toolkit helps municipalities manage clean energy development.

For more information on NYSERDA's Energy Code Enforcement Training, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Energy-Code-Enforcement-Training>

For more information on NYSERDA's County-Hosted Trainings, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/County-Hosted-Trainings>

PROJECT HIGHLIGHT



MORGAN STANLEY HEADQUARTERS

PURCHASE
NEW YORK

The Morgan Stanley Corporate Offices at 200 Westchester Avenue recently underwent a major renovation to include energy efficient and sustainable features. With design and planning assistance from Brightcore Energy, this 700,000 square foot facility installed a 2.77 MW solar carport generating 2.5 MM KWH of power. The electricity generated offsets 95% of the on-site electricity usage.

LEAD BY EXAMPLE

Municipalities may undertake clean energy upgrades in their own operations, including building, infrastructure, and fleet upgrades. To lead by example, local governments should start with an inventory, energy audit, and/or benchmarking. A GHG inventory is an accounting, analysis, and report of the GHG emissions resulting from day-to-day municipal operations that identifies the municipality's largest energy users and sources of GHG emissions. CSC Action PE2: Government Operations GHG Inventory presents steps for undertaking a GHG inventory. Municipalities can also complete an energy audit of government buildings to identify inefficiencies and develop plans for improvement and can undertake energy benchmarking to track building energy use, measure performance over time, and compare performance against similar buildings. Guidance for these activities are available in CSC Actions PE3: Government Building Energy Audits and PE3: Benchmarking - Municipal Buildings, as well as NYSERDA's Benchmarking toolkit.

For more information on CSC Action PE2, visit: <https://climatesmart.ny.gov/actions-certification/actions/#open/action/6>

For more information on CSC Action PE3, visit: <https://climatesmart.ny.gov/actions-certification/actions/#open/action/12> or <https://climatesmart.ny.gov/actions-certification/actions/#open/action/43>

For more information on NYSERDA's Benchmarking toolkit, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Benchmarking>

For more information on NYSERDA's Energy Code Enforcement Training, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/Energy-Code-Enforcement-Training>

For more information on NYSERDA's County-Hosted Trainings, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions/Toolkits/County-Hosted-Trainings>

After evaluating existing conditions, municipalities can install clean energy upgrades like renewable energy systems, clean heating and cooling technologies like ground- and air-source heat pumps, green building technologies, LED streetlights, and EV infrastructure like charging stations. Local governments also can develop microgrids at local facilities like wastewater treatment plants, community centers, and emergency operations facilities; procure green power for municipal operations; and replace existing municipal fleets with electric vehicles. Guidance for all of these strategies is available through the CSC PE3 and PE4 Certification Actions and the CEC High Impact Action toolkits.

For more information on CSC PE3 & PE4 Certification actions, visit: <https://climatesmart.ny.gov/actions-certification/actions/#close>

For more information on CEC High Impact Action, visit: <https://www.nyserderda.ny.gov/All-Programs/Clean-Energy-Communities/High-Impact-Actions>

EXAMPLES

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

CLEAN ENERGY TASK FORCE

The Village of Dobbs Ferry created a Sustainability Task Force to help the Village's government, residents, and businesses save energy, use resources more effectively, and become better stewards of the environment. The task force promotes energy efficiency and renewable energy use, waste reduction and recycling, sustainable transportation,

and appropriate land use.

Learn more at <https://www.dobbsferry.com/sustainability-task-force>.

The City of Kingston created the Climate Smart Kingston Commission, an 11-member advisory committee to prioritize and help implement the energy and sustainability initiatives outlined in the City's Climate Action Plan.

Access more information about the Climate Smart Kingston Commission at <https://kingston-ny.gov/ClimateSmartKingston>.

CLEAN ENERGY EDUCATION AND ENGAGEMENT

The Village of Irvington commenced two campaigns to engage community members: GridRewards and EnergySmart Homes.

Developed through a partnership with Sustainable Westchester, Logical Buildings, and Con Edison, GridRewards is an app that community members download. GridRewards sends users a text message on peak energy usage days, telling them to reduce usage. EnergySmart Homes helps residents lower home energy consumption.

Learn more about Irvington's campaigns at <https://irvingtonny.gov/687/Community-Campaigns>.

The Village of Hastings-on-Hudson passed a resolution encouraging and promoting the use of low embodied carbon concrete products in building and infrastructure projects where possible. Low embodied carbon concrete is produced with energy, materials, and transportation that results in reduced carbon emissions. To promote low carbon concrete, the resolution anticipates identifying these product options, distributing educational materials, and recognizing local projects that incorporate low embodied carbon concrete products.

To learn more, access the resolution at https://www.hastingsgov.org/sites/g/files/vyhli7561/f/uploads/20_green_concrete_resolution_signed.pdf.

COMPREHENSIVE PLAN COMPONENT FOR CLEAN ENERGY

The Town of Hunter's Comprehensive Plan features a goal to "[e]mbrace and expand green energy and energy conservation initiatives" with a related community objective to "allow for and incentivize individuals and businesses to use solar electric generation facilities." To achieve economic vibrancy goals, the plan includes a strategy to "promote renewable energy development" through a community solar facility and EV charging stations."

Access Hunter's Comprehensive Plan at <https://townofhuntergov.com/wp-content/uploads/2019/04/Final-Plan-May-2019-With-Maps.pdf>.

CLEAN ENERGY CODE

Dobbs Ferry adopted the NYStretch Energy Code, a voluntary model code that is more energy efficient than the minimum requirements of the 2020 Energy Conservation Construction Code of New York State. Village Local Law 6-2020 revised Chapter 127 of the Dobbs Ferry Code to

establish NYStretch Energy Code as the local energy code applicable to all new construction, substantial renovations, alterations, and additions in Dobbs Ferry.

To learn more, see Dobbs Ferry Resolution 42-2020, available at <https://ecode360.com/documents/DO0599/public/580563160.pdf>.

Similarly, the Village of Hastings-on-Hudson also adopted the NYStretch Energy Code. This local law applies to all new construction and substantial renovations in the Village.

The Village resolution adopting the NYStretch Energy Code into law is available at https://www.hastingsgov.org/sites/g/files/vyhli7561/f/uploads/ny_stretch_resolution_and_local_law.pdf.

GREEN BUILDING CODE

The Village of Hastings-on-Hudson adopted a Green Building Code that applies to all Village projects and any projects that require a building permit. Requirements for non-residential buildings, multifamily dwellings, and residential developments include installation of EV charging stations; energy efficiency standards for exterior lighting, heating and cooling equipment, fixtures, and appliances; energy-efficient energy use controls; and the installation of energy monitor dashboards.

Learn more about the Village's Green Building Code in chapter 160 of the Village Code, available at https://www.hastingsgov.org/sites/g/files/vyhli7561/f/uploads/greenbuildingcode_1.pdf.

SOLAR ENERGY REGULATIONS

The Village of Tarrytown allows freestanding solar heating devices as accessory uses in all zoning districts and allows wind-energy devices as accessory uses in all residential districts. Both types of devices must comply with all zoning requirements applicable to accessory buildings and structures and require site plan approval.

Learn more about these renewable energy provisions in sections 305-57 and -58 of the Village Code, available at <https://ecode360.com/10677370>.

The City of White Plains adopted solar access and energy provisions that exempt certain solar energy systems from height limitations in the City's zoning ordinance; require approving agencies, when reviewing any development application, to consider access to sunlight for present and potential solar energy systems, both on and off site; and ban new construction from blocking an existing or permitted system's access to sunlight between 9:00 am and 3:00 pm ET. The provisions also require the City's Design Review Board to approve the installation of solar energy systems.

Learn more about these provisions in sections 4.4.15.5 and 4.4.21 of the City's zoning ordinance, available at <https://www.cityofwhiteplains.com/DocumentCenter/View/7985/Zoning-Ordinance-City-of-White-Plains-Amended-through-May-3-2023?bidId=>.

PROJECT HIGHLIGHT



RPW GROUP WHITE PLAINS NEW YORK

G&S Solar, in partnership with RPW Group, is developing three solar carports around the 1133 Westchester Ave. office complex. The entire project features 8,000 solar panels that will provide 4.4 MW of renewable energy. As part of the New York Community Solar Program, these projects will sell all the solar electricity at a discount to members of the surrounding community. The project will not only provide renewable energy to the grid, but also provide tenants with covered parking and access to EV charging.

GEOHERMAL ENERGY REGULATION

The Town of Brookhaven adopted a renewable energy system regulation that distinguishes between closed-loop, open-loop, and direct-exchange geothermal energy systems. Brookhaven allows developers to construct geothermal energy systems pursuant to a building permit if they meet certain requirements, including construction and design standards that vary by system type, minimum setbacks, installation away from sensitive areas, and decommissioning provisions.

Access Brookhaven's geothermal energy system requirements in section 85-808 of the Town law, available at <https://ecode360.com/8599530>.

BATTERY STORAGE

The Town of Ossining's Battery Energy Storage Systems regulation authorizes the installation of battery storage systems by permit. The law permits smaller Tier 1 systems as accessory uses in all zoning districts and requires outdoor systems to be located in side or rear yards. Larger Tier 2 systems require site plan approval after the Town's zoning map is modified to affix a "Tier 2 battery energy storage system floating zone."

Find out more about Ossining's Battery Energy Storage Systems regulation in section 200-31.4 of the Town Law, available at <https://ecode360.com/34010695>.

MICROGRIDS SUSTAINABILITY DENSITY BONUS

The Town of Brookhaven adopted density incentive zoning provisions that allow increased density in exchange for "substantial amounts of green energy technologies." The Town permits "an additional one unit per acre of residential development and an additional 250 square feet per acre of nonresidential development" for projects that incorporate clean energy technologies.

Learn more in section 85-752 of the Town Code, which is available at <https://ecode360.com/8599440#8599440>.

BENCHMARKING AND RETOFITTING

The Village of Dobbs Ferry adopted a Municipal Building Energy Benchmarking regulation that requires the Village to annually report the total energy consumed by each covered municipal building. The previous year's benchmarking data must be publicly available on Dobbs Ferry's website.

Learn more about the Village's Municipal Building Energy Benchmarking regulation in chapter 214 of the Village Code, available at <https://ecode360.com/31956196>, and access the Village's annual benchmarking reports at <https://www.dobbsferry.com/sustainability-task-force/pages/energy-benchmarking>.

New York City adopted Local Law 84, which requires annual energy benchmarking for private buildings larger than 50,000 square feet. Covered building owners must report energy usage to the City. The City also adopted Local Law 97, which sets emission limits for buildings

over 25,000 square feet based on occupancy type. Under Local Law 97, covered building owners must annually report emissions data to the City and must implement retrofits to increase building energy efficiency for covered buildings that do not meet emission limits.

Access New York City Local Law 84 at https://www.nyc.gov/html/planyc2030/downloads/pdf/1184of2009_benchmarking.pdf and Local Law 97 at https://www.nyc.gov/assets/buildings/local_laws/1197of2019.pdf.

ELECTRIC VEHICLES

New Rochelle's EV Charging Stations regulation allows the installation of EV charging stations by special permit subject to certain conditions, such as dimensional, landscaping, screening, and lighting requirements. The regulation does not limit the number of charging stations and allows the provision of charging spaces in lieu of some required parking spaces.

Learn more about New Rochelle's EV Charging Stations regulation in section 331-115.4 of the City Code, available at <https://ecode360.com/36168345>.

PROJECT HIGHLIGHT



HAMILTON GREEN

WHITE PLAINS NEW YORK

Hamilton Green is a major mixed-use redevelopment located on the site of the former White Plains Mall and the first transit-oriented development approved after the City of White Plains adopted its Transit District Strategic Plan. Developed jointly by RXR and Capelli Enterprises, with design assistance from AKRF Engineering, Hamilton Green will include four residential buildings with 860 apartments, retail, structured parking, and open community space. Hamilton Green worked with the City to incorporate numerous sustainability features, including WELL Health Certification and LEED Silver building standards, VIEW branded smart glass technology, EV charging, all-electric building design, GHG monitoring platforms, and stormwater discharge management. Additional government programs utilized include Brownfield Tax Credits through the NYS Department of Environmental Conservation Brownfield Cleanup Program; Energy Rebate Program Tax Credits through NYSERDA's Stretch Incentive Program; and federal tax credits for installing electrochromic glass through the Inflation Reduction Act (IRA).

FUEL CELLS

The Town of Brookhaven amended its zoning law to facilitate fuel cell facilities by adding a zoning definition for this term and allowing fuel cell facilities for on-site consumption as accessory uses. Fuel cells that are connected to the public electric grid to sell electricity to a public utility must obtain a special permit and must adhere to height limits, provide a "proof of concept letter," and develop a decommissioning plan.

Access the Town's fuel cell provisions in chapter 85 of the Town Code, available at <https://ecode360.com/8596432>.

STREAMLINED REVIEW PROCESS

Seattle developed "Green Q," an expedited permitting program to streamline approvals for energy-efficient projects. Initially launched in 2009 to expedite projects that achieved specific energy goals, this program now streamlines the approval process for single-family and townhome projects that meet certain green building standards.

Learn more about Seattle's Green Q program at <https://buildingconnections.seattle.gov/2010/02/02/green-permitting/>.

FINANCIAL AND OTHER PROGRAMS THAT SUPPORT CLEAN ENERGY

White Plains provides residents with information about how they can access clean energy tax credits and rebates. Incentives include tax credits that cover 30% of the cost of installing rooftop solar, heat pumps, and certain energy efficiency improvements like efficient windows and doors. Qualified households also can access a tax credit of up to \$7,500 for purchasing a new EV.

Visit the City's Clean Energy Resources and Incentives page at <https://www.cityofwhiteplains.com/1018/Clean-Energy-Resources-and-Incentives>.

The Village of Hastings-on-Hudson adopted its Energize NY Open C-PACE Financing Program law to provide financing to qualified buyers for the installation of renewable energy systems and energy efficiency measures. The law authorizes a qualified property owner and a financing party to enter into a finance agreement to create a loan that finances a qualified project. The law includes application procedures and criteria, as well as terms and conditions of repayment.

The Village resolution adopting the C-PACE financing program law is available at https://www.hastingsgov.org/sites/g/files/vyhlf7561/f/uploads/c-pace_financing_resolution_and_local_law.pdf.

Municipalities can locate more funding opportunities through the WCA Clean Energy Portal, which is a searchable, online clearing house of available government programs and incentives to help local governments transition to a clean energy future.

For more information on the WCA Clean Energy Portal, visit: <https://www.westchester.org/clean-energy-guide/>

ADDITIONAL NOTABLE EXAMPLES INCLUDE:

Village of Briarcliff Manor Solar and Alternative Energy regulation : <https://ecode360.com/38622923>

Village of Mount Kisco Solar Energy Law : <https://ecode360.com/33967241>

Cortland Solar Photovoltaic Systems regulation : <https://ecode360.com/13640317>

New Rochelle Solar Energy Collectors & Wind Energy Turbines laws : <https://ecode360.com/6729498>

Village of Bronxville Solar Energy Systems and Equipment & Renewable Energy regulations : <https://ecode360.com/9450777>

Town of Yorktown Solar Power Generation Systems and Facilities & Battery Energy Storage Systems laws : <https://ecode360.com/36677420>

Tucson Required Number of EV Supply Equipment law : https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az_udc/0-0-0-28170

Boston EV Readiness Policy for New Developments : <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.boston.gov/sites/default/files/file/2020/03/EV%20Readiness%20Policy%20For%20New%20Developments%20%287%29.pdf>

Pullman, Washington Density Bonus for Planned Residential Developments that Include Solar : <https://pullman.municipal.codes/Code/17.107.040>

Tucson Fee Waivers for Qualifying Energy Systems : <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.nrel.gov/docs/fy12osti/50204.pdf>

Pueblo County Colorado School District Facility Upgrades : <https://drive.google.com/file/d/15EswNgSMRDleGV5Q0K087SVznwhD7Zl/view>

Hoboken, New Jersey 100% Renewable Municipal Operations : <https://www.hobokennj.gov/news/hoboken-upgrades-to-100-renewable-electricity-for-municipal-operations>

TRAINING FOR LOCAL BOARDS AND STAFF

LEAD BY EXAMPLE

White Plains, in partnership with DSD Renewables, constructed a 6.8 MW municipal solar energy deployment. This community solar portfolio is comprised of solar canopy, rooftop, and ground-mount installations at City parking garages, parks, and facilities.

Learn more about the City's portfolio at <https://cleantechnica.com/2022/07/11/dsd-completes-community-solar-portfolio-for-city-of-white-plains/>.

RESOURCES

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

Renewables, Land Use, and Local Opposition in the United States

Brookings
<https://www.brookings.edu/articles/renewables-land-use-and-local-opposition-in-the-united-states/>

Six-Step Guide to Public Participation: An Outline for How a

Community May Organize its Public Participation Strategy
Michigan Economic Corporation
<https://www.miplace.org/4a7338/globalassets/documents/rrc/rrc-guide-public-participation.pdf>

Beyond Renewable: Incorporating Social Sustainability and Community Benefits into Renewable Energy Projects

Graham Sustainability Institute
<https://graham.umich.edu/media/files/dow/Dow-Masters-2018-Renewable-Energy-TC.pdf>

Renewable Energy and Energy Conservation

Westchester County
<https://www.westchestergov.com/renewable-energy-and-energy-conservation>

Campaign Roadmap

Sierra Club
<https://www.sierraclub.org/clean-energy-toolkit/campaign-roadmap>

Energy Efficiency and Renewable Energy Potential Studies

NYSERDA
<https://www.nyserda.ny.gov/About/Publications/Energy-Analysis-Reports-and-Studies/EERE-Potential-Studies>

Guide to Community Energy Strategic Planning

U.S. Department of Energy (DOE)
<https://www.energy.gov/scep/slsc/guide-community-energy-strategic-planning>

Community Energy Planning: Best Practices and Lessons Learned

National Renewable Energy Laboratory
<https://www.nrel.gov/docs/fy22osti/82937.pdf>

Clean Energy Comprehensive Plan Guide

NYSERDA
<https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Comprehensive-Plan-Guide>

Zoning and the Comprehensive Plan

NYSDOS
<https://dos.ny.gov/system/files/documents/2023/01/zoning-and-the-comprehensive-plan.pdf>

Sustaining Places: Best Practices for Comprehensive Plans

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

Energy Transitions Initiatives

U.S. DOE
<https://www.eere.energy.gov/etiplaybook/>

Regulations

NYS Office of Renewable Energy Siting
<https://ores.ny.gov/regulations>

Guidelines for Review of Local Laws Affecting Small Wind Energy

Production Facilities and Solar Devices
NYS Department of Agriculture and Markets
https://agriculture.ny.gov/system/files/documents/2019/11/guidelines_for_solar_and_small_wind_energy_facilities.pdf

Land Use Planning for Solar Energy: Resource Guide

Land Use Law Center at Pace Law School
<https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1003&context=environmental>

Guide to Implementing Solar PV for Local Governments

SOLSMART
<https://solsmart.org/resource/guide-to-implementing-solar-pv-for-local-governments>

How to Solar Now: Solar Zoning in the Hudson Valley

Scenic Hudson, Inc.
<https://www.scenichudson.org/wp-content/uploads/2021/01/solar-zoning-in-the-hudson-valley.pdf>

Renewable Energy Guidelines: Solar Energy Systems Model

Ordinance Templates Zoning and Taxation
RI Division of Statewide Planning
https://energy.ri.gov/sites/g/files/xkgbur741/files/documents/renewable/Renewable_Energy_Guidelines_Solar_Energy_Systems_Model_Templates_Zoning_and_Taxation_Feb_2019.pdf

Solar Guidebook for Local Governments

NYSERDA
<https://www.nyserda.ny.gov/All-Programs/NY-Sun/Communities-and-Local-Governments/Solar-Guidebook-for-Local-Governments>

NYS Solar Guidebook

NYSERDA
<https://www.nyserda.ny.gov/SolarGuidebook>

A Local Government Guidebook for Improving Large-Scale Solar Development Outcomes

SOLAR@SCALE
https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Solar-at-Scale-Guidebook-V2.pdf

Leasing Municipal and Private Property for Solar: Key Steps and Considerations

The Solar Foundation
https://icma.org/sites/default/files/303690_TSF_Leasing_Brief_FINAL.pdf

Farmland Solar Policy Design Toolkit

Farm Energy Initiative
<https://farmandenergyinitiative.org/wp-content/uploads/2020/08/Final-FSPP-Toolkit-Report.pdf>

NY Wind Energy Guidebook for Local Governments

NYSERDA
<https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Wind-Guidebook>

Land-Based Wind Energy Guidelines

U.S. Fish and Wildlife Service
<https://www.fws.gov/sites/default/files/documents/land-based-wind-energy-guidelines.pdf>

Land-Based Wind Energy Siting: A Foundational and Technical Resource

U.S. DOE
https://windexchange.energy.gov/files/u/publication/document_upload/6872/78591.pdf

Wind Energy Easements and Leases: Compensation Packages

Windustry
http://d3n8a8pro7vhm.cloudfront.net/windustry/legacy_url/944/Compensation-2009-07-06.pdf?1421782808

Land-Based Wind Energy Economic Development Guide

U.S. DOE
<https://windexchange.energy.gov/economic-development-guide>

Renewable Energy Facility Decommissioning:

Industry Management Practices
American Clean Power
<https://cleanpower.org/resources/wind-project-decommissioning-industry-management-practices/>

Heat Pump Program (NYS Clean Heat)

NYSERDA
<https://www.nyserda.ny.gov/All-Programs/Heat-Pump-Program>

NYS Battery Energy Storage System Guidebook

NYSERDA
<https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Battery-Energy-Storage-Guidebook>

Onsite Energy and Microgrids with Combined Heat and Power

Pace Law School
<https://law.pace.edu/onsite-energy-and-microgrids-combined-heat-and-power>

Sustainable Wastewater of the Future (SWIFT) Accelerator

Better Buildings, DOE
<https://betterbuildingsolutioncenter.energy.gov/accelerators/wastewater-infrastructure>

Green Zoning: Creating Sustainable Communities Through Incentive Zoning

Harvard Kennedy School
https://www.hks.harvard.edu/sites/default/files/centers/rappaport/files/schaffner_waxman.pdf

Green Hydrogen

NYSERDA
<https://www.nyserda.ny.gov/All-Programs/Hydrogen>

CHP Resources & Publications

Better Buildings, DOE

<https://betterbuildingssolutioncenter.energy.gov/chp/resources-publications>

Characterization of CHP Opportunities at U.S. Wastewater Treatment Plants

U.S. DOE Office of Energy Efficiency & Renewable Energy

https://betterbuildingssolutioncenter.energy.gov/sites/default/files/Characterization_CHP_Opportunities_US_Wastewater_Plants_April2019.pdf

CHP In Net-Zero Energy Facilities

Midwest CHP TAP

https://chptap.ornl.gov/profile/422/CHP_in_Net-Zero_Energy_Facilities.pdf

Wastewater Treatment Plants with CHP: Resilient, Renewable, and Ready for Net Zero Energy

NY/NJ CHP TAP

<https://law.pace.edu/sites/default/files/LULC/Energy/CHP%20at%20WasteWater%20Treatment%20Plants-Resilient%20Renewable%20Net-0%20Ready%202022-09-20.pdf>

Wastewater Infrastructure: State and Local Solution Center

U.S. DOE Office of State and Community Energy Programs

<https://www.energy.gov/eere/slsc/wastewater-infrastructure>

Distributed Generation (DG) for Resilience Planning Guide

Better Buildings, U.S. DOE

<https://betterbuildingssolutioncenter.energy.gov/sites/default/files/attachments/DG%20for%20Resilience%20Planning%20Guide%20-%20report%20format.pdf>

EV Municipal Toolkit

ElectrifyNY

<https://electrifyny.org/ev-municipal-toolkit/>

EV Charging for Residential and Commercial Energy Codes

U.S. DOE

https://www.energycodes.gov/sites/default/files/2021-07/TechBrief_EV_Charging_July2021.pdf

EV Charging in the Hudson Valley

Hudson Valley Pattern for Progress

<https://www.pattern-for-progress.org/portfolio/hudson-valley-electric-vehicle-study/?portfolioCats=104%2C106%2C65%2C58%2C59%2C56%2C110%2C57%2C131%2C107%2C82>

Local Government Toolkit for a Resilient Clean Energy Future

Rebuild and Re-energize

<https://storymaps.arcgis.com/stories/786dca153b1f4275946530d56ccdc4>

Clean Energy to Communities Program

NREL

<https://www.nrel.gov/state-local-tribal/clean-energy-to-communities.html>

Local Climate and Energy Program

U.S. Environmental Protection Agency (EPA)

<https://archive.epa.gov/epa/statelocalclimate/local-climate-and-energy-program.html>

Benchmarking Scenario Comparisons: Key Indicators for Clean Energy

IRENA

<https://www.irena.org/publications/2021/Sep/Benchmarking-Scenario-Comparisons>

Building Energy Use Benchmarking

U.S. DOE

<https://www.energy.gov/scep/slsc/building-energy-use-benchmarking>

Local Government Programs to Accelerate Energy Management Strategies

U.S. DOE

<https://betterbuildingssolutioncenter.energy.gov/bca/programs-by-topic>

State Energy Code Training Directory

NYSERDA

<https://www.nyserda.ny.gov/All-Programs/Clean-Resilient-Building-Codes/State-Energy-Code-Training-and-Resources/Energy-Code-Training-and-Support-Services>

Energy Code Enforcement Training

NYSERDA

<https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Energy-Code-Enforcement-Training>

Clean Energy Training Resources

NYSERDA

<https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Workforce-Development-and-Training/Resources>

State and Local Solution Center: Popular Tools and Resources

U.S. DOE

<https://www.energy.gov/scep/slsc/popular-tools-and-resources>

Toolbox for Renewable Energy Project Development

U.S. EPA

<https://www.epa.gov/greenpower/toolbox-renewable-energy-project-development>

NY-Sun Dashboards and Incentives

NYSERDA

<https://www.nyserda.ny.gov/All-Programs/NY-Sun/Contractors/Dashboards-and-incentives>

Property Assessed Clean Energy (PACE) Financing

NYSERDA

<https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Pace>

Grants for Climate Action

NYS Department of Conservation

<https://www.dec.ny.gov/energy/109181.html>

Farmland Protection Planning Grants Program

NYS Department of Agriculture and Markets

<https://agriculture.ny.gov/land-and-water/farmland-protection-planning-grants-program>

Community Development Block Grant Program

U.S. Department of Housing (HUD)

https://www.hud.gov/program_offices/comm_planning/cdbg

Residential and Property Owner Income-Eligible Programs

NYSERDA

<https://www.nyserda.ny.gov/All-Programs/Residential-and-Property-Owner-Income-Eligible-Programs>

Local Government Efficiency Program

NYS DOS

<https://dos.ny.gov/about-local-government-efficiency-0>

Local Renewable Energy Benefits and Resources

U.S. EPA

<https://www.epa.gov/statelocalenergy/local-renewable-energy-benefits-and-resources>

Clean Energy Upgrades

NYSERDA

<https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Communities/How-It-Works/Toolkits/Clean-Energy-Upgrades>

Municipal Zero-emission Vehicle (ZEV) Program

NYS Department of Conservation

https://extapps.dec.ny.gov/docs/administration_pdf/22zevcvfs.pdf



CLIMATE RESILIENCY

Due to climate change, communities in Westchester County and the Hudson Valley are experiencing increasingly significant threats from flooding events, storm surge, and sea level rise. In response, NYS must both reduce the greenhouse gas (GHG) emissions that contribute to climate change, as well as build local resilience to these extreme events. The NYS Climate Action Council's Scoping Plan includes adaptation strategies to enhance community and infrastructure resilience and the resilience of living systems, anticipating that local governments will play a central role in implementing these strategies.

Municipalities can build resilience to natural hazards by assessing potential vulnerabilities and adopting policies and regulations that help them adapt to and reduce these risks. Resilient communities protect their residents and property through infrastructure improvements, conservation of natural areas, comprehensive stormwater management, resilient development, and public education. The Clean and Resilient Energy chapter recommends additional energy tools that can enhance local resiliency, like microgrid and fuel cell strategies that would help keep essential services running during a disaster and enable residents to shelter in place.

A dramatic photograph of a lightning storm at night. Multiple bright, jagged lightning bolts strike down from a dark, stormy sky, illuminating the scene with a blue and white glow. The background is a dark, textured sky with some lighter clouds.

POLICY PLAYBOOK

WHY INCREASE LOCAL RESILIENCY?

Like all localities, flood-prone communities also rebuild, replace aging structures, and grow. Ongoing rebuilding and development in these communities can leave them vulnerable to future floods, storm surge, and sea level rise if existing local plans and land development regulations do not address natural hazards. Local governments are usually the first to respond to emergencies, and with more extreme weather, local decision makers must take action to manage risks. To reduce these risks and adapt to changing conditions, municipalities can refine their laws and policies to improve local resiliency.

HOW TO INCREASE LOCAL RESILIENCY

To increase local resiliency, municipalities should consider implementing the following steps, which are derived in large part from the NYS Climate Smart Communities (CSC) Certification program and NYS Department of State's (DOS) Model Local Laws to Increase Resilience, both of which help municipalities adapt to climate change and become more resilient to flooding, storm surge, and sea level rise. Having clear local plans and regulations increases predictability, establishes continuity, and lowers risks for developers.

For more information on the CSC certification program, visit: <https://climatesmart.ny.gov/>

For more information on NYS's Model Local Laws to Increase Resilience, visit: <https://dos.ny.gov/model-local-laws-increase-resilience>

AS THEY DETERMINE WHICH LOCAL RESILIENCY INITIATIVES THEY WANT TO IMPLEMENT, MUNICIPALITIES CAN USE THE FOLLOWING CHECKLIST, WHICH IS BASED ON THIS CHAPTER'S RECOMMENDATIONS.

• CONVENE OR CHARGE A TASK FORCE

• CONDUCT A RESILIENCY POLICY ASSESSMENT WITHIN THE LOCALITY

• CONDUCT A RISK ANALYSIS FOR THE MUNICIPALITY

• CONDUCT COMMUNITY EDUCATION AND ENGAGEMENT

• ADOPT RESILIENCY POLICIES INTO LOCAL PLANS

- Comprehensive plan component
- Local waterfront revitalization program
- Climate action plan
- Climate adaptation plan
- Hazard mitigation plan
- Post-disaster recovery plan
- Stormwater management plan

• ADOPT LOCAL RESILIENCY REGULATIONS

- Zoning for resiliency
- Resilient site plan regulations
- Resilient subdivision regulations
- Cluster and conservation developments
- Green building codes
- Overlay zoning
- Flood damage prevention
- Coastal erosion hazard areas
- Development criteria for critical environmental areas
- Wetland and watercourse protection

• INCORPORATE OTHER RESILIENCY PROVISIONS

- Pervious surfaces
- Temporary emergency land uses
- Resilient design standards
- Non-conversion agreements
- Environmental constraint disclosures
- Transfer of development rights

• EXPAND CAPACITY TO ENHANCE RESILIENCE

• ACCESS AND CREATE FINANCIAL ASSISTANCE AND OTHER PROGRAMS THAT SUPPORT RESILIENCY

CONVENE OR CHARGE A TASK FORCE

Municipalities should consider creating a resiliency task force populated with members representing a variety of expertise. The task force should have at least five members with in-depth knowledge of the community, including planning board, local legislature, and zoning board members; relevant municipal staff from the planning, building, parks, health, public works, stormwater, transportation, and other relevant departments; municipal officials like the code enforcement officer and municipal attorney; and local developers and environmental organization representatives. In lieu of creating a new task force, existing conservation advisory councils or sustainability or CSC committees could be charged with focusing on resiliency as well. To share resources and address regional risks, task forces can be intermunicipal. The task force should also enlist technical support from the NYS DOS, the Westchester County Department of Planning, and the appropriate CSC Coordinator. Once convened, the task force can complete a resiliency policy assessment and risk analysis for the community, as described further below.

For more information on the CSC Coordinator, visit: <https://climatesmart.ny.gov/support/csc-coordinators/>

CONDUCT A RESILIENCY POLICY ASSESSMENT WITHIN THE LOCALITY

The task force should begin by identifying existing resiliency policies, plans, and regulations and then identify gaps and priorities for action. The U.S. Environmental Protection Agency (EPA) and Federal Emergency Management Agency's (FEMA) Resilience Implementation and Strategic Enhancements (RISE) Assessment or the NYS CSC Climate Smart Resiliency Planning Evaluation Tool can be used to undertake this type of study. The RISE Assessment helps communities evaluate and refine their policies and laws to improve resilience. This evaluation helps the municipality identify approaches to conserve land in flood-prone areas, river corridors, and other hazard-prone environments; reduce risk to people, buildings, and facilities in vulnerable areas; plan for and encourage development in safer areas; implement comprehensive stormwater management techniques; improve community capacity to enhance resiliency; and build community support for improving resiliency and removing barriers to implementation. The assessment or evaluation will help municipalities identify the exact steps they want to take to further increase resiliency, which are described further below.

For more information on FEMA's RISE Assessment, visit: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://dos.ny.gov/system/files/documents/2020/06/community_resilience_c-rise.pdf

For more information on NYS's Climate Smart Resiliency Planning Evaluation tool, visit: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://climatesmart.ny.gov/fileadmin/csc/documents/Climate_Smart_Resiliency_Planning_V_2.0.pdf

CONDUCT A RISK ANALYSIS FOR THE MUNICIPALITY

The resiliency task force also should assess potential hazards and vulnerable areas by first reviewing the local hazard data included in any existing plans like a hazard mitigation plan or other local plan, such as the ones listed below in this chapter. To update and supplement this information, municipalities can then complete a risk analysis to identify potential hazards and hazard areas; profile hazards; conduct an inventory of community assets; and estimate potential losses. CSC Action PE7: Climate Vulnerability Assessment presents steps municipalities can take to complete a risk analysis and lists relevant data and tools for NYS municipalities. Municipalities can access existing data through DOS's Resilience Planning and Risk Assessment resources, which include coastal, riverine, and floodplain related asset inventory and risk assessment tools. Particularly useful to municipalities located in Westchester County are the Hudson River Flood Impact Decision Support System and the Westchester County GeoHub, which can be used to develop accurate geographic and flooding data. DOS's coastal hazards overview resource educates municipalities about coastal hazards, and this Asset Inventory and Coastal Risk Assessment Tool helps communities calculate vulnerability scores for different assets. The Hudson Asset Inventory and Risk Assessment Tool is a similar risk assessment tool available to localities.

For more information on CSC Action PE7, visit: <https://climatesmart.ny.gov/actions-certification/actions/>

For more information on DOS's Resilience Planning resources, visit: <https://dos.ny.gov/resilience-planning>

For more information on DOS's Risk Assessment resources, visit: <https://dos.ny.gov/assess>

For more information on the Hudson River Flood Impact Decision Support System, visit: <https://www.ciesin.columbia.edu/hudson-river-flood-map/>

For more information on the Westchester County GeoHub, visit: <https://gis.westchestergov.com/>

For more information on DOS's coastal hazards overview resource, visit: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://dos.ny.gov/system/files/documents/2020/08/overview-coastal-hazards.pdf>

For more information on the Asset Inventory and Coastal Risk Assessment tool, visit: <https://dos.ny.gov/asset-inventory-and-coastal-risk-assessment-tool-2019>

For more information on the Hudson Asset Inventory and Risk Assessment tool, visit: <https://dos.ny.gov/hudson-asset-inventory-and-risk-assessment-tool-sept-2020>

CONDUCT COMMUNITY ENGAGEMENT AND EDUCATION

To build support for local resiliency initiatives and communicate about hazard risks and emergency procedures, municipalities should engage with and educate a wide array of community members. Municipalities can hold community resilience building workshops that help develop and prioritize community actions to reduce risks and build resilience. Workshops should engage a diverse group of stakeholders, including local and state public safety, transportation, utility, building, planning, and economic development representatives; local developers and building associations; interested non-profit organizations; major business interests; and educational institutions, among other interested parties. Municipalities can further engage with stakeholders by dedicating a municipal web page to local resiliency initiatives and publicizing an annual plan of actions, prioritizing the year's resiliency projects. To educate community members about hazard risks, municipalities can engage in outreach projects that disseminate information about local flood-prone areas and historical flood information, areas that require special protection to preserve their natural functions, the risks of developing sensitive environmental areas, and appropriate flood response preparations, including emergency response procedures. Additionally, municipalities can create an online resource that provides helpful information, such as current water levels, flood height predictions, data from elevation certificates, and flood protection information. The RISE Assessment provides more information about public engagement strategies.

For more information on the RISE Assessment, visit: chrome-extension://efaidnbmnnpkajpcgclcfndmkaj/https://dos.ny.gov/system/files/documents/2020/06/community_resilience_c-rise.pdf

ADOPT RESILIENCY POLICIES INTO LOCAL PLANS

Municipalities create many different types of plans to address community resiliency. This section describes especially relevant local plans that communities could consider drafting and adopting. Municipalities should review the various types of plans and identify which plan(s) are appropriate for the local context. Any planning effort should be coordinated with existing plans and other planning efforts to avoid silos and minimize unnecessary barriers to development.

COMPREHENSIVE PLAN COMPONENT

Local comprehensive plans can include policies to help local governments build resiliency throughout several appropriate chapters or in a single “resiliency component.” A comprehensive plan’s resiliency component should describe key findings from the community’s resiliency task force, policy assessment, and risk analysis, including known hazards, areas of vulnerability, important areas of conversation, and gaps in current policies and regulations. The resiliency component should establish goals, objectives, and strategies to address those risks and gaps, and identify implementation techniques, including land use regulations, that could accomplish the community’s resiliency strategies. 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 resiliency component, municipalities should follow the planning steps outlined in the Comprehensive Plans section of the WCA Policy Playbook (Playbook).

LOCAL WATERFRONT REVITALIZATION PROGRAM

In addition to amending the comprehensive plan, municipalities can draft and adopt a local waterfront revitalization program (LWRP) to further support resilience by enhancing waterfront quality. LWRPs balance economic development and preservation, permitting beneficial use of coastal resources while conserving living marine resources, open space, and important ecological systems that help buffer communities from flooding and sea level rise. Once completed, the draft LWRP is submitted to the NY Secretary of State and the U.S. Department of Commerce for approval. The approved LWRP replaces NYS Coastal Management Program requirements within the locality’s defined waterfront revitalization area and becomes the official plan for governing local, state, and federal actions affecting that area. Municipalities should implement the LWRP by adopting a local coastal or waterfront consistency law that requires proposed developments within the locality’s defined waterfront revitalization area to be consistent with the LWRP. Applicants must complete a coastal assessment form that the reviewing board evaluates to make the “consistency determination.”

CLIMATE ACTION PLAN

Climate action plans present goals and strategies to reduce local GHG emissions. To inform the climate action plan, a municipality first must conduct a GHG emissions inventory. Based on this inventory, the climate action plan then defines the locality’s GHG reduction targets and identifies priority actions that reduce emissions and increase the municipality’s resiliency. Many mitigation strategies, like green infrastructure, also address resiliency. Successful climate action plans

establish metrics to monitor progress and allow for adjustments to priority actions to meet GHG targets.

CLIMATE ADAPTATION PLAN

To address vulnerabilities uncovered in its resiliency policy assessment risk analysis, a municipality can adopt a specific climate adaptation plan that provides a vision and framework of strategies aimed at protecting coastal areas and reducing flooding impacts to improve the locality’s resilience to climate change. Climate adaptation plan strategies can address critical infrastructure, emergency management, at-risk development, natural resources, recreation, agriculture, and socially vulnerable populations.

HAZARD MITIGATION PLAN

To receive FEMA mitigation funding, municipalities can develop a hazard mitigation plan that assesses and documents potential impacts from climate induced hazards, such as flooding and power outages, and that presents long-term strategies for protecting people and property from these risks and minimizing disaster impacts. Hazard mitigation plans also identify potential projects for pre-disaster grant applications. The 2021 Westchester County Hazard Mitigation Plan includes a hazard risk assessment and strategies for the entire county, as well as an individual chapter or “annex” for each participating municipality. Each annex presents that jurisdiction’s hazard mitigation planning team, municipal profile, existing capabilities, a jurisdictional risk assessment, hazard rankings, and mitigation strategies.

POST-DISASTER RECOVERY PLAN

Post-disaster recovery plans feature strategies to help municipalities recover after a natural disaster, including business resumption and economic redevelopment; infrastructure restoration and mitigation; housing repair and reconstruction; sustainment of social services; sustainable land use; and financial management.

STORMWATER MANAGEMENT PLAN

Stormwater management plans help reduce surface water pollution by controlling rainwater and snow-melt runoff into water bodies from construction sites, streets, and other hardscape. Municipalities can increase local resiliency by adopting stormwater management plans that incorporate green infrastructure, which harvests rainwater and increases on-site infiltration to help reduce flooding impacts and recharge groundwater. Common green infrastructure techniques include rain gardens, permeable pavements, green roofs, and preservation of natural landscapes.

COUNTYWIDE PLANNING

Communities can address regional resiliency by engaging in countywide planning efforts. The DOS Smart Growth Countywide Resiliency Planning Program funds countywide plans that identify

MUNICIPALITIES CAN ALSO ADOPT THE FOLLOWING LOCAL PLANS THAT INCORPORATE RESILIENCY:

EMERGENCY OPERATIONS PLAN
PRE-DISASTER RECOVERY PLAN
PARKS / OPEN SPACE MASTER PLAN
CAPITAL OPERATIONS PLAN
COMPREHENSIVE TRANSPORTATION PLAN
BUSINESS RECOVERY PLAN
FLOODPLAIN MANAGEMENT PLAN
NATURAL RESOURCE INVENTORY
OPEN SPACE PLAN
WASTEWATER TREATMENT PLAN
WATER SUPPLY PLAN
FLOOD INSURANCE COVERAGE IMPROVEMENT PLAN
WATERSHED MANAGEMENT MASTER PLAN

climate risks and vulnerabilities, as well as resiliency strategies for implementing projects in a socially, environmentally, fiscally and economically sustainable way.

For more information on the DOS Smart Growth Countywide Resiliency Planning Program, visit: <https://dos.ny.gov/smart-growth-countywide-resiliency-program-23-opdsg-13>

ADOPT LOCAL RESILIENCY REGULATIONS

After adopting a local plan to build resiliency, a locality may adopt land use regulations that implement these planning strategies. Below, this section describes basic regulatory tools municipalities can adopt to become more resilient. Local governments can learn more about these and other regulatory tools from the DOS Model Local Laws to Increase Resilience.

When drafting regulations to increase resiliency, municipalities should follow the steps outlined in the Land Use Regulations section of the Playbook. Following these steps, a municipality can use its zoning authority to adopt one or more of the regulatory tools outlined below and in Model Local Laws to Increase Resilience, as appropriate given local goals and circumstances. The following regulatory tools offer different mechanisms and incentives to help build local resiliency. The Clean Energy chapter recommends additional regulatory tools that can enhance local resiliency, like microgrid and fuel cell strategies that would help keep essential services running during a disaster and enable residents to shelter in place.

For more information on the DOS Model Local Laws to Increase Resilience, visit: <https://dos.ny.gov/model-local-laws-increase-resilience>

It is critical that municipalities consider relevant infrastructure constraints, ensure regulations are market realistic, do not unnecessarily impede development, conform to the comprehensive plan, include stakeholders in the process, and adhere to SEQRA review requirements.

ZONING FOR RESILIENCY

Through conventional zoning, municipalities can adopt land use standards for building heights, lot area coverage, and other structure dimensions that are designed to permit resilient development within vulnerable districts. For example, a waterfront zoning district can be created to protect the waterfront's natural resources and ecological systems, addressing and mitigating potential for sea level rise, flooding, and coastal storm surge. Within the waterfront and other vulnerable districts, municipalities can establish higher minimum lot sizes and lower maximum impervious surface coverage, as appropriate, to limit impacts; increase maximum building height and restrict ground-level uses to minimize potential flood damage; require permeable surfaces to encourage on-site infiltration; and require setbacks from water bodies to preserve shorelines and protect development from flooding, coastal storm surges, and sea-level rise. Additionally, zoning can be amended to eliminate or prohibit the expansion of and substantial improvements to nonconforming uses in vulnerable districts and to modify off-street parking and driveway provisions to protect natural features.

RESILIENT SITE PLAN REGULATIONS

Under Town Law §274-a, Village Law §7-725-a, and General City Law §27, municipalities may adopt site plan regulations that authorize local boards to review proposed development of individual lots, including planned parking, means of access, screening, signage, landscaping, architectural features, building location and dimensions, adjacent land uses, and physical features. Local governments can amend their site plan regulations to require additional board review of a proposed development's vulnerability to disaster, stormwater control, drainageways, erosion control, future conditions, lighting, and public service needs. Site plan review also can apply natural resource protection standards and place flood mitigation requirements as conditions on site plan approval.

RESILIENT SUBDIVISION REGULATIONS

Authorized by Town Law §277, Village Law §7-730, and General City Law §33, local subdivision regulations control land division and require adequate infrastructure for new subdivisions. To increase local resiliency, municipalities can amend subdivision regulations to require conservation of natural protective features and green infrastructure and to empower the local review board to focus its review on minimizing land disturbance; avoiding steep slopes, flood-prone areas, and wetlands; protecting important natural areas; limiting impervious surfaces; protecting public infrastructure; reducing offsite drainage; and

providing effective stormwater control. Additionally, municipalities can amend subdivision regulations to restrict development in flood prone areas, require consideration of long-term risks, control drainageways, and restrict land clearance of trees and undergrowth.

CLUSTER AND CONSERVATION DEVELOPMENTS

A cluster or conservation development is a subdivision development designed to group residential properties closely together in compact building lots while protecting a large portion of the remaining site as permanent open space. Municipalities can adopt cluster or conservation development regulations to allow residential development while protecting important environmental features and ecological systems like stream corridors, woodlands, fields, steep slopes, and wetlands and while managing stormwater onsite.

GREEN BUILDING CODES

Green building ordinances require new construction and major building modifications to incorporate sustainable features like rainwater management and green infrastructure and to protect sensitive natural features and open space, strategies that contribute to a locality's resiliency. CSC Action PE6: Green Building Ordinance presents steps municipalities can take to adopt this regulation.

For more information on CSC Action PE6, visit: <https://climatesmart.ny.gov/actions-certification/actions/#open/action/69>

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 create a shoreline, wetland, or floodplain overlay zone that further restricts development within vulnerable areas by requiring additional standards to protect ecological resources or to permit resilient design components like building elevation. Overlay district standards may require a buffer area between the protected resource and new development, prohibit the clear-cutting of trees, and prohibit the removal of vegetation from steep slopes, among other protective standards.

FLOOD DAMAGE PREVENTION

Municipalities can adopt flood damage protection laws to protect development from flooding events. These laws require floodplain development permits for all construction and other development in areas of special flood hazard and include heightened standards for residential structures within these areas, including the use of flood-resistant construction materials, non-supporting breakaway walls on lowest floors, and utilities located at or above base flood elevation.

COASTAL EROSION HAZARD AREAS

Under Article 34 of the NYS Environmental Conservation Law, the NYS Department of Environmental Conservation (DEC) designates and limits

PROJECT HIGHLIGHT



REMINGTON BOYS AND GIRLS CLUB

PURCHASE NEW YORK

The Remington Boys and Girls Club serves as the visual anchor to a three-building urban redevelopment in New Rochelle, known as the Lincoln Park Development. This development also includes an 11-story multi-residential building and structured parking and is central to New Rochelle's Downtown Revitalization Initiative.

To address a high risk of flooding due to a high-water table (common in Westchester), the design team at GF55 Architects LLP and the development team at NRP Group and Kensworth Consulting employed passive stormwater mitigation strategies that included raising the base elevation from grade. Additionally, the project's roof was specially engineered to include 3,800 SF of high efficiency solar panels producing 74KW of power.

activities within Coastal Erosion Hazard Areas (CEHAs), which are at risk of erosion or provide natural protection against erosion or flooding. Any municipality with a mapped CEHA within its borders may request authority to regulate that CEHA by submitting to DEC, for certification, a copy of its coastal erosion hazard area law, along with any other local plans and regulations adopted to meet the requirements outlined in 6 NYCRR 505.16(b)(1). Local coastal erosion hazard area laws require permits for activities within the CEHA like utility installations, building construction, and soil disturbances. Once DEC certifies the locality's erosion management program, the municipality may issue permits and conduct enforcement in its CEHA. This regulatory strategy applies only to Westchester municipalities with CEHAs located within their borders.

For more information, visit: <https://extapps.dec.ny.gov/fs/projects/coastal/Westchester/>

DEVELOPMENT CRITERIA FOR CRITICAL ENVIRONMENTAL AREAS

After designating vulnerable land as a critical environmental area (CEA), a municipality can further protect this land by adopting zoning provisions that control development within CEAs. These zoning provisions can protect existing natural systems, include design specifications for structures like docks and seawalls to improve floodplain management, and require permits for any proposed development within a CEA.

WETLANDS AND WATERCOURSE PROTECTION

Municipalities can further improve local resilience by adopting a wetlands and/or watercourse protection law. These regulations designate buffer areas or boundaries around existing wetlands and watercourses and manage development within those boundaries. Typically, these laws allow certain activities with the buffer area by

right like outdoor recreation and decorative planting while requiring a permit for all other activities, including wall and fence construction, land elevation restoration, and dredging.

INCORPORATE OTHER RESILIENCY PROVISIONS

After selecting the regulatory tool(s) that best meet the community's objectives, consider adding one or more of the following zoning provisions, described below and in Model Local Laws to Increase Resilience, to further enhance local resiliency:

SUSTAINABILITY DENSITY BONUS

Density bonuses allow developers to build at greater development densities than permitted under existing zoning in exchange for providing one or more community benefits, which can include measures that increase local resiliency. 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. Increased development density helps developers finance resilient development like green infrastructure. If onsite resiliency measures are not possible, the incentive system can allow developers to make cash payments to a municipal trust fund to improve resiliency elsewhere.

IMPERVIOUS SURFACE PROVISIONS

Municipalities can adopt impervious surface provisions that require building permit applicants to protect existing natural features onsite and to mitigate any loss of natural vegetation due to new development.

TEMPORARY EMERGENCY LAND USES

Municipalities can reduce displacement and allow more rapid rebuilding in the wake of a disaster by amending use regulations in the zoning code to allow certain temporary emergency land uses. To allow rapid return of businesses critical to disaster recovery, like building supply stores, insurance agencies, and engineering offices, local governments can amend use regulations to allow temporary mobile office units in appropriate locations post-disaster. To accommodate repairs to public utilities and infrastructure, municipalities can allow, by special permit, temporary staging facilities that store the large amount of material and equipment required for these repairs. Special permit requirements for emergency staging bases can restrict what can be stored on the site long-term and establish requirements for site plan review. Additionally, to make housing more available in the wake of a flood or storm, municipalities can adopt a temporary emergency dwelling permitting system that allows a permit applicant to place an emergency dwelling on a lot where a dwelling damaged by flood or other disaster is located.

RESILIENT DESIGN STANDARDS

Local governments can adopt design requirements for new development that require elevated buildings, making these structures more resilient to flooding events. Landscaping requirements can mitigate flooding. Municipalities also can adopt design standards for roads that reduce risks and increase resiliency for transportation infrastructure, including roads, bridges, and culverts that are typically vulnerable to storms and flooding.

NON-CONVERSION AGREEMENTS

To ensure property owners do not violate floodplain development permit conditions by building structures that are incompatible with flood hazards in areas that are designed to be flooded, municipalities can require permit holders to sign non-conversion agreements. Such agreements require homeowners to affirm their understanding of, and agree to, building restrictions within these areas.

ENVIRONMENTAL CONSTRAINT DISCLOSURES

To inform potential buyers of environmental constraints on the land, a municipality can adopt a law requiring notifications on subdivision plats and/or notification covenants attached to deeds. Subdivision plats can be required to show any flood hazard areas with accompanying base flood elevations. Similarly, deeds can be required to note the existence of special flood hazard areas and coastal erosion hazard zones. Such notifications may encourage potential buyers to avoid floodplains, make them aware of higher flood insurance premiums, and result in more resilient construction.

TRANSFER OF DEVELOPMENT RIGHTS

Another conservation tool available to municipalities, transfer of development rights (TDR) programs allow landowners to retain legal title to their land while selling their development rights for use on other properties. To implement a TDR program, the local legislature identifies a “sending district” where land conservation is sought and a “receiving

district” where development of property is desired and can be properly serviced and amends the sending district’s underlying zoning to restrict development. To improve resiliency, the municipality can establish conditions for the TDR program that further reduce flood risks.

EXPAND CAPACITY TO ENHANCE RESILIENCE

Municipalities can take a variety of additional steps to increase their capacity to withstand and respond to natural hazards. These include hiring a floodplain manager, providing advanced training in resiliency for municipal staff and board members, and coordinating efforts between municipal departments that implement and enforce resiliency measures. In addition, municipalities can create partnerships with local businesses and developers to help them establish resiliency plans and can offer financial incentive packages to help local businesses recover quickly after natural disasters. RISE Assessment Focus Area 6 provides more information about expanding capacity to enhance resilience.

ACCESS AND CREATE FINANCIAL ASSISTANCE AND OTHER PROGRAMS THAT SUPPORT RESILIENCY

To implement the strategies described above, municipalities can access grants that support local initiatives that build resiliency. Municipalities can access a list of funding and related opportunities in the introduction to this Playbook. In addition, the NYS Division of Homeland Security and Emergency Services offers an Emergency Management Performance Grant that funds local efforts to enhance and sustain all-hazards emergency preparedness, EPA offers Funding Resources for Watershed Protection and Restoration, and FEMA offers flood insurance discounts for Community Rating System participation. Local governments also can commit capital funding to infrastructure improvements that increase resiliency.

For more information on the Emergency Management Performance Grant, visit: <https://www.dhSES.ny.gov/federal-programs>

For more information on Funding Resources for Watershed Protection and Restoration, visit: <https://www.epa.gov/nps/funding-resources-watershed-protection-and-restoration>

For more information on flood insurance discounts, visit: <https://www.fema.gov/floodplain-management/community-rating-system#discounts>

EXAMPLES

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

RESILIENCY TASK FORCE

The Village of Dobbs Ferry created a Sustainability Task Force to help the Village’s government, residents, and businesses save energy, use resources more effectively, and become better stewards of the environment. The task force “promotes energy efficiency and renewable energy use, waste reduction and recycling; sustainable transportation; and appropriate land use.”

Learn more at <https://www.dobbsferry.com/sustainability-task-force>.

The Long Island Sound Watershed Intermunicipal Council (LISWIC) was formed as a regional task force to help localities solve shared stormwater problems and prioritize projects. Formed by a non-binding memorandum of understanding between participating municipalities, LISWIC allowed participant municipalities to jointly obtain grant funding for large, regional projects.

The City of Kingston formed a Waterfront Flooding Task Force to evaluate the City’s vulnerability to flooding, storm surge, and sea-level rise along the Rondout-Hudson waterfront and to recommend strategies to increase waterfront resiliency. The task force’s final report includes recommendations to develop a long-term waterfront resiliency plan and ensure that all city staff and officials are fully trained to incorporate flooding impacts and sea level rise considerations in their daily work.

Learn more about Kingston’s Waterfront Flooding Task Force at <https://www.kingston-ny.gov/waterfrontfloodingtaskforce>.

RESILIENCY ASSESSMENT & ANALYSIS

The Town and Village of Rhinebeck adopted their 2022 Natural Resources Inventory (NRI), which compiles and describes the localities’ important natural, cultural, and recreational resources. The NRI includes a section on climate that presents climate and sea level rise projections and assesses habitat resiliency within the Town and Village. The NRI also inventories risks like drought and heatwaves, as well as the localities’ mitigation and adaptation efforts, including resiliency planning efforts to reduce flooding and water treatment plant improvements to address threats from sea level rise.

Access Rhinebeck’s 2022 NRI at <https://ecode360.com/documents/RH0960/public/661246163.pdf>.

THE NYS DEPARTMENT OF STATE’S MODEL LOCAL LAWS TO INCREASE RESILIENCE PROVIDE GUIDANCE FOR ADDITIONAL LAND USE REGULATIONS THAT IMPROVE RESILIENCY:

STORMWATER AND EROSION CONTROL
COASTAL VEGETATIVE BUFFERS
MAXIMUM DISTURBANCE AREAS
SETBACKS FROM NATURAL FEATURES
SHORELINE MANAGEMENT
SPECIAL USE PERMITS
BEACH EROSION CONTROL DISTRICTS
TREE ORDINANCES

The City of Peekskill completed a hazard analysis in an all-day forum that included personnel from the City and County offices of emergency management and other relevant departments, the local school district, the NYS Office of Emergency Management, local emergency responders, public utilities, local businesses, and other community members. The analysis generated a list of hazards, identifying those most likely to occur. The hazard analysis stakeholders then participated in a series of meetings to draft Peekskill's Hazard Mitigation Plan, which includes a risk assessment that identifies (1) potential hazards that could threaten City residents or critical infrastructure, (2) the City's most critical infrastructure, and (3) the impacts specific hazards would have on critical facilities.

Learn more about Peekskill's risk assessment at https://www.cityofpeekskill.com/sites/g/files/vyhlf3656/f/file/file/peekskill_hazard_mitigation_plan.pdf.

To assess risks from natural hazards to the region's critical transportation infrastructure and facilities, the Genesee Transportation Council completed the Genesee-Finger Lakes Regional Critical Transportation Infrastructure Vulnerability Assessment. This study presents strategies to prevent and mitigate impacts from flooding, severe storms, high winds, and extreme temperatures, among other hazards. Strategies include changes to planning and zoning regulations, public education efforts, structural improvements to existing infrastructure, natural land protection, and modifications to routine operations and maintenance activities.

Learn more about this transportation and infrastructure vulnerability assessment at https://www.gtcmppo.org/sites/default/files/pdf/2016/5750_-_final_report.pdf.

The Village of Pelham Manor performed a Village-Wide Drainage Infrastructure Assessment to determine the Village's current drainage infrastructure system and to guide future infrastructure investments to mitigate flooding impacts. The study revealed vulnerabilities in the infrastructure system's pipes and recommended infrastructure projects to replace pipes and improve capacity.

Learn more about Pelham Manor's drainage infrastructure assessment at <https://www.pelhammanor.org/DocumentCenter/View/169/Assessment--Village-Wide-Drainage-Infrastructure-PDF?bidId=>.

Villages of Dobbs Ferry and Ardsley completed the Resilience Implementation and Strategic Enhancements (RISE) Assessment to identify existing resiliency policies, plans, and regulations and prioritize future municipal resiliency actions.

Access more information at https://dos.ny.gov/system/files/documents/2020/06/community_resilience_c-rise.pdf

COMMUNITY ENGAGEMENT AND EDUCATION

The City of Kingston's Flood Preparedness Guide provides residents in flood-prone areas with a safety plan, emergency shelter information, and official evacuation routes. The guide includes a map of the City's flood-prone areas.

For more information about Kingston's Flood Preparedness Guide, see <https://www.kingston-ny.gov/floodpreparedness>.

In 2019, the Town of Cortlandt, Village of Buchanan, and Village of Croton-on-Hudson shared a community resiliency building workshop, in which participants determined top hazards; key assets and areas of concern; current vulnerabilities; and current strengths. Participants then established top recommendations to improve resilience, such as raising roads and infrastructure and incorporating natural solutions to reduce inland flooding. Participants also recommended sharing infrastructure plans among municipalities.

Access the workshop's summary of findings at <https://ecode360.com/documents/CR0035/public/473470940.pdf>.

In 2020, the Villages of Dobbs Ferry, Hastings-on-Hudson, Irvington, Sleepy Hollow, and Tarrytown participated in a community resilience building workshop. The Summary of Findings identifies hazards and vulnerabilities, including waterbodies and parks that are vulnerable to sea level rise, storm surge, and inland flooding. Top recommendations to improve resilience include improving flood management for small brooks and the Saw Mill River, as well as establishing, protecting, and maintaining natural buffers in parks.

Learn more at https://sleepyhollowweac.files.wordpress.com/2020/06/dobbs_hastings_irvington_sleepyhollow_tarrytown_final-crb-report_03192020.pdf.

COMPREHENSIVE PLAN RESILIENCY COMPONENT

The Village of Ardsley's 2021 Comprehensive Plan includes a component entitled "Protect" that "aims to preserve Ardsley's natural resources and sensitive areas from degradation, reduce pollution in the Village's environment, and maintain Ardsley's long-term viability by facilitating sustainable practices, such as reducing carbon emissions, managing waste, and increasing the Village's capacity to recover quickly from catastrophic events." This component features goals like "[p]lan for resiliency and strengthen the Village's ability to respond to, endure, adapt to, and rebound from catastrophic events" and "[p]rotect and conserve the Village's environmental sensitive lands and native habitat areas." The component's implementation actions include, increasing resiliency of the local roadway network, ensuring adequate emergency

power and life safety systems for the Village, and implementing a tree maintenance plan to reduce tree damage during storm events.

Access Ardsley's 2021 Comprehensive Plan at https://www.ardsleyvillage.com/sites/g/files/vyhlf4126/f/uploads/comprehensive_plan.pdf.

The City of New Rochelle's 2016 Comprehensive Plan includes several resiliency recommendations, such as reviewing the City's Flood Damage Prevention Regulations for adequacy "in light of sea level rise projections" and "[d]evelop[ing] green site design guidelines that implement Low Impact Development principles." Other recommendations include establishing community-wide rain gardens, reducing impervious surfaces, "incorporate[ing] resiliency measures into capital projects along the waterfront," and "reduc[ing] stormwater run-off from all municipal owned grounds and structures."

New Rochelle's comprehensive plan is available at <https://www.newrochelleny.com/DocumentCenter/View/6016/Adopted-Comprehensive-Plan-1717?bidId=>.

COASTAL ASSESSMENT AND RESILIENCY PLAN

The Town of East Hampton adopted a Coastal Assessment and Resiliency Plan that identified the Town's key risks, including shoreline erosion, a vulnerable transportation system, and anticipated future residential and commercial property damage. The plan's recommendations include public outreach to communicate coastal flood risks and resilience information; shoreline setback review and regulations; beach, dune, and bluff restoration; building regulation review and amendments; and relocation of high-risk properties.

To view East Hampton's Coastal Assessment and Resiliency Plan, go to https://ehamptonny.gov/DocumentCenter/View/12557/TOEH_CARP_April22---DRAFT.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The City of Peekskill adopted an LWRP that inventoried the City's existing land and water uses, natural features, and infrastructure. The plan also identified existing issues and opportunities and includes policies to mitigate flooding and erosion, such as siting any buildings or structures located in the coastal area in a way that minimizes damage to property and human lives from flooding and erosion. Other policies include undertaking any activities or development in the coastal area in a way that minimizes damage to natural resources and protects natural protective features like beaches, dunes, barrier islands, and bluffs. To implement the LWRP, Peekskill adopted a local law that requires the City's department of planning, development, and code assistance

(DPDCA) to determine whether any action proposed in Peekskill's local waterfront area is consistent with the City's LWRP before it may be approved.

Peekskill's LWRP is available at https://docs.dos.ny.gov/opd-lwrp/LWRP/Peekskill_Cl/Original/City%20of%20Peekskill.pdf. The City's LWRP regulation is available at <https://ecode360.com/6430018>.

CLIMATE ACTION PLAN

The Town of Bedford developed its Bedford2030 Climate Action Plan update to confirm its commitment to addressing and supporting climate action at the local level. The plan includes climate action priorities designed to help the Town achieve carbon neutrality and 100% fossil free energy through 80% GHG emission reductions by 2030 and Net Zero emissions by 2040. The plan's climate action priorities focus on achieving a clean electric supply, high-performance buildings, clean transportation, waste reduction and recycling, sustainable food practices, and water and land use that reduces non-permeable surfaces, preserves trees, and supports carbon sequestration in green spaces.

Learn more about Bedford2030 at <https://bedford2030.org/wp-content/uploads/2020/06/CAP2030-r16-int.pdf>.

The Village of Dobbs Ferry Climate Action Plan addresses preparedness planning for the relocation of critical community services. Specifically, the plan recommends identifying "any essential services and infrastructure located in areas likely to be adversely impacted by rising water levels" and "[e]ither mov[ing] them or strategiz[ing] options so that their function will be unaffected during such emergencies."

Learn more at https://www.dobbsferry.com/sites/g/files/vyhlf3031/f/uploads/df_cap_final_2017-09-26_1.pdf.

CLIMATE ADAPTATION PLAN

Using the Village's Climate Smart Resiliency Planning Assessment, the Piermont Waterfront Resilience Task Force developed the Village's Resilience Roadmap: Planning for Piermont's Future. This roadmap presents a resiliency vision that aims to minimize risks, help residents and businesses recover quickly from hazards, and increase environmental responsibility. The roadmap identified a range of strategies to help the Village achieve this vision, including improving emergency communications, developing a comprehensive emergency management plan, and creating a floodplain management plan, among others.

Access Piermont's Resilience Roadmap at https://www.dec.ny.gov/docs/remediation_hudson_pdf/piermonttfr.pdf.

HAZARD MITIGATION PLAN

Westchester County’s countywide, multi-jurisdictional Hazard Mitigation Plan identifies possible natural and man-made disasters that could occur in Westchester, such as earthquakes, floods, and extreme storms. The plan includes a hazard vulnerability assessment and hazard mitigation goals, objectives, and actions that the County and municipalities can take to prepare for, respond to, and recover from disasters. For each participating municipality, the plan includes a jurisdictional annex that presents a municipal profile, a history of natural hazard events, ranked hazard risks and vulnerabilities, a capability assessment, and prioritized mitigation strategies, all specific to that municipality. The City of Rye’s annex includes proposed hazard mitigation initiatives to “[m]odify City regulations to promote more hazard-resistant development and redevelopment within flood prone areas” and acquire vacant parcels in residential areas that are at flood risk to prevent additional development.

To learn more about Westchester County’s Hazard Mitigation Plan, see <https://planning.westchestergov.com/hazard-mitigation-planning/hazard-mitigation-plan>.

Access Rye’s annex at <https://www.ryeny.gov/home/showpublisheddocument/11836>.

In partnership with state and local stakeholders, the City of Peekskill’s Office of Emergency Management developed a Hazard Mitigation Plan that identifies high priority natural hazards and mitigations strategies the City can implement to reduce risks from these hazards. The plan includes goals, objectives, and strategies to reduce risks and a list of ongoing and potential projects to achieve these goals and objectives. Strategies include burying utility lines, if possible, routinely clearing drainage basins to increase the storage capacity of the City’s stormwater drainage system, and educating the public about a variety of risks and how residents can protect themselves and their property.

Peekskill’s Hazard Mitigation Plan is available at <https://planning.westchestergov.com/images/stories/pdfs/HazardMitigation/94pks.pdf>.

POST-DISASTER RECOVERY PLAN

Palm Beach County, Florida, has a Post Disaster Redevelopment Plan that includes goals for recovery and redevelopment after a natural disaster, a disaster management process, and pre-disaster actions the county can implement to mitigate disaster impacts. Recovery goals include ensuring availability of temporary housing and expedited repair of critical infrastructure and facilities. Pre-disaster actions include creating a municipal debris management plan and improving interconnections between utility providers.

Palm Beach County’s Post-Disaster Redevelopment Plan is available at <https://discover.pbcgov.org/publicsafety/dem/Publications/2022%20Post%20Disaster%20Redevelopment%20Plan.pdf#search=post%20disaster%20redevelopment%20plan>.

STORMWATER MANAGEMENT PLAN

A report from the City of Buffalo’s green infrastructure program, Rain Check 1.0: The First Generation of Green Infrastructure in Buffalo describes the City’s current stormwater challenges, explains how green infrastructure can reduce those problems, and presents Buffalo’s plans for implementing more green infrastructure throughout the City, including planting vegetation to absorb and treat stormwater onsite and the installation of impervious surfaces that quickly move stormwater into the City’s sewer system to prevent flooding.

Learn more about Rain Check at https://raincheckbuffalo.org/app/uploads/2018/05/Buffalo_Sewer_Authority_RainCheck1.0_Spring2018_SinglesReduced.pdf.

COUNTYWIDE PLAN

The DOS Office of Planning, Development and Community Infrastructure administers the state’s Smart Growth Countywide Resiliency Program to fund the creation of “countywide resiliency plans that primarily address climate change risks and vulnerabilities associated with an increase in frequency and severity of storm and precipitation events; sea-level rise; storm surge; flooding; drought; extreme heat; and other climate hazards.” DOS solicits applications for this grant program from counties, regional planning councils and non-profit organizations through the state Consolidated Funding Application (CFA).

Learn more about the Smart Growth Countywide Resiliency Program at <https://dos.ny.gov/smart-growth-countywide-resiliency-program-23-opdsg-13>.

RESILIENT ZONING

The City of Rye adopted a floodplain zoning regulation that requires residential structures to “have the lowest habitable floor elevated to at least one foot above the one-hundred-year flood, defined as the highest level of flood that, on the average, is likely to occur once every 100 years, i.e., that has a one-percent chance of occurring each year.”

Access Rye’s floodplain zoning regulation in section 197-5.1 of the City Code, available at <https://ecode360.com/6977097>.

The City of Peekskill adopted a Waterfront (WF) District to encourage appropriate development in the City’s waterfront area that protects the area’s unique natural setting and does not cause any environmental harm. The WF District use regulations allow only municipal parks as-of-right in areas most adjacent to the water, requiring most commercial and residential uses to be located farther away and/or to comply with special use permit requirements. The district’s bulk and area regulations require most development to be set back at least 50 feet from the water’s edge and include a density bonus that allows additional height for certain developments that provide public infrastructure to help manage stormwater, control floods, or installs green technologies.

Learn more about Peekskill’s Waterfront (WF) district in section 575-43 of the City Code, available at <https://ecode360.com/6433680>.

To reduce flooding from stormwater, New Rochelle amended its off-street parking requirements to protect steep slopes by forbidding access driveways from exceeding a grade of between 3% and 10%, depending on development type. The City also limits the amount of impervious surface allowed within certain zones.

To learn more, access New Rochelle’s off-street parking requirements in section 331-128 of the City Code and the City’s bulk and area requirements in article IX of chapter 331, both available at <https://ecode360.com/6729498>.

RESILIENT SITE PLAN REGULATIONS

The City of Yonkers adopted site plan regulations that require all site plans to show the location of existing water bodies, streams, and wetlands, as well as the “[b]oundaries of any area subject to flooding or stormwater overflows, including flood hazard areas as established by the United States Federal Emergency Management Agency.” When reviewing a site plan, the approving agency must consider the adequacy of stormwater facilities and must pay “[s]pecial attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.”

To learn more, go to article IX of the City Code, available at <https://ecode360.com/15115771>.

RESILIENT SUBDIVISION REGULATIONS

The Town of Pendleton adopted design standards that require major subdivisions to incorporate certain drainage improvements to prevent and mitigate flooding. These design standards require culverts and other drainage facilities to be large enough to accommodate potential runoff from upstream development and require the subdivider’s engineer to study the proposed subdivision’s effect on existing

downstream drainage facilities. The planning board may not approve subdivisions that would overload an existing downstream drainage facility during a five-year storm. Additionally, the provisions forbid residential development on land subject to flooding.

Access Pendleton’s drainage improvement standards for subdivisions in section 220-27 of the Town Code, available at <https://ecode360.com/39108088>.

CONSERVATION DEVELOPMENT

The Village of Briarcliff Manor adopted a conservation development regulation that authorizes the planning board to approve conservation subdivisions that preserve open space with scenic, ecological, environmental, or recreational characteristics. Preserved open space must be “legally assured” through appropriate covenants, deed restrictions, easements, or other agreements. If the subdivision’s building lot owners own the conserved land, a property owners’ association must be responsible for continued ownership, use, and maintenance of the preserved open space.

Access the Village’s conservation development regulation in section 220-7 of the Village Code, available at <https://ecode360.com/7691203>.

GREEN BUILDING CODE

The Village of Hastings-on-Hudson adopted a Green Building Code that applies to all Village projects and any projects that require a building permit. Requirements for non-residential buildings, multifamily dwellings, and residential developments include the submission of a natural resources survey and stormwater control via green infrastructure like vegetated swales or rain gardens for all land disturbances between 500 and 10,000 square feet.

Learn more about the Village’s Green Building Code in chapter 160 of the Village Code, available at https://www.hastingsgov.org/sites/g/files/vyhlf7561f/uploads/greenbuildingcode_1.pdf.

OVERLAY ZONE

The Town of East Hampton adopted a Coastal Erosion Overlay District to protect the Town’s natural shoreline and coastal resources. The overlay district regulation creates four coastal erosion overlay zones and establishes rules and standards for erosion control structures and projects developed in each zone. The regulation generally requires all buildings and other structures to be located and constructed in a way that minimizes property damage and risks to human life from flooding and erosion and requires all construction activities to minimize flooding and erosion damage caused to wetlands, beaches, bluffs, dunes, and vegetation.

East Hampton's Coastal Erosion Overlay District is accessible in section 255-3-81 of the Town Code, available at <https://ecode360.com/10414627>.

COASTAL EROSION HAZARD AREA LAW

The City of New Rochelle adopted a Coastal Erosion Hazard Areas law pursuant to Article 34 of the NYS Environmental Coastal Law to establish procedures that preserve natural protective features and minimize and prevent damage to structures from coastal flooding and erosion. The law establishes a coastal erosion hazard area and requires a coastal erosion management permit for any regulated activity within this area. Such permits will only be issued if the proposed activity is reasonable and necessary, not likely to cause a measurable increase in erosion, and prevents or minimizes adverse effects on natural protective features and their functions.

To learn more, visit chapter 127 of the City Code, available at <https://ecode360.com/6734414>.

FLOOD DAMAGE PREVENTION LAW

The Town of Mamaroneck adopted a Flood Damage Prevention regulation to minimize public and private losses due to flood conditions. This law establishes local areas of special flood hazard based on FEMA Flood Insurance Rate Maps and requires applicants to obtain a floodplain development permit before any structure may be constructed, located, extended, converted, or altered within an area of special flood hazard and before any land may be excavated or filled within one of these areas. The regulation also establishes standards for all permitted structures, requiring construction using methods and practices that minimize flood damage and location of utilities at or above the base flood elevation.

Visit Mamaroneck's Flood Damage Prevention Regulation in Chapter 110 of the Town Code, available at <https://ecode360.com/9158724>.

The Village of Port Chester's Flood Damage Prevention Law also forbids construction, development, excavation, and fill in established areas of special flood hazard without a floodplain development permit. In coastal high-hazard areas, proposed developments must be located landward of the reach of high tide and the use of fill for structural support is prohibited. Additionally, new or substantially improved structures must be anchored to prevent flotation, collapse, or lateral movement during the base flood.

Learn more in chapter 181 in the Village Code, available at <https://ecode360.com/10908686>.

CEA DEVELOPMENT CRITERIA

The Town of Orangetown designated the Town's Hudson River Critical Environmental Area (CEA), in part, to protect and preserve the Hudson River's environmental integrity. Construction within the Hudson River CEA is limited to piers, docks, and similar structures, and permit applications for such structures must include design specifications showing how the proposed structures will "provide for floodplain management and coastal resilience, by contemplating and mitigating the potential effects of wave action, through consideration of potential for sea level rise, and through identification of practicable practices deployed which aid or sustain natural resources values, such as by minimizing disruption to habitat and aiding the potential migration/movement of wildlife."

Permit requirements for development in the Hudson River CEA permit are accessible in section 10.223(g)[2] of Orangetown's Zoning Code, available at <https://ecode360.com/26867797>.

WETLAND PROTECTION LAW

The Village of Briarcliff Manor adopted a wetlands regulation to preserve, protect, and conserve wetlands and watercourses to secure their natural benefits, as "[w]etlands can play an important role in climate change adaptation, through capturing and storing carbon to reduce atmospheric greenhouse gases, and providing resilience to hazards such as drought conditions, flooding, storm surge and coastal inundation." The wetlands regulation requires a wetlands approval for any building, site plan, subdivision, or other land use approval proposed within 200 feet of the outermost boundary of any wetland or watercourse. When reviewing the application, the approval authority must consider whether the proposed activity will "protect against flood and pollution of the wetlands affected[] and [] minimize disturbance to floodplains and other flood-prone areas."

To learn more, see chapter 218 in the Village Code, available at <https://ecode360.com/38622716>.

The Town of Southold adopted a wetlands and shoreline regulation that requires permits for any activity within any freshwater wetland, tidal wetland, beach, bank, bluff, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool, as well as other water bodies, land under water, land subject to tidal action, and land within 100 feet of these areas. The law also establishes minimum setbacks between residential structures and wetland boundaries and requires developers to obtain licenses from the Town's board of trustees before engaging in coastal construction.

License applicants must read, review, and provide acknowledgment that they will comply with Southold's wetlands and shoreline regulation. Learn more in chapter 275 of the Town Code, available at <https://ecode360.com/5161352>.

IMPERVIOUS SURFACE PROVISIONS

To reduce flooding from stormwater, New Rochelle adopted impervious surface provisions that forbid building permit applicants from expanding a site's impervious surface by 200 feet or more without submitting a precise calculation of the anticipated increased impervious surface. To mitigate negative environmental impacts, these applicants must plant new trees onsite or contribute to the City Tree Fund.

New Rochelle's impervious surface provisions are accessible in chapter 178 of the City Code, available at <https://ecode360.com/6735551>.

TEMPORARY EMERGENCY LAND USES

The Village of Aurora modified the use regulations in its zoning code to allow emergency dwellings in all zones if a dwelling is "rendered uninhabitable by fire, flood, or by a similar natural or manmade disaster." Under these conditions, the Village's zoning board of appeals may authorize an emergency dwelling on the lot where the damaged dwelling is located. The emergency dwelling must meet all applicable building, fire, health, or other codes.

Learn more about Aurora's emergency dwelling provision in section 405(P4) of the Village's Local Law #1 of 2023, available at <https://auroranewyork.us/wp-content/uploads/2023/01/LL-1-of-2023.pdf>.

RESILIENT DESIGN STANDARDS

The City of Mount Vernon adopted landscaping requirements in site design standards for the City's Commercial Corridor (MX-1) district. Landscaping for structures in the MX-1 district must be coordinated with stormwater management plans, and features such as rain gardens and planted infiltration basins must be considered to help prevent flooding. Additionally, all plants installed within the MX-1 district must be drought tolerant, hardy, native, and appropriate for the area based on USDA Plant Hardiness Zone.

These landscaping requirements are in section 267-19(A)(8)(e) of the City Code, available at <https://ecode360.com/39302605>.

NON-CONVERSION AGREEMENT

The Southern Tier Central Regional Planning and Development Board developed a model non-conversion agreement for enclosed areas below the flood protection level. When applying for a local floodplain development permit for a structure located in a special flood hazard area, the landowner can sign this agreement to restrict the affected property's use as a condition of the permit. Use restrictions include using the property only for parking, limited storage, or access; using damage-resistant construction materials below the flood protection level; installing utilities and systems above the flood protection level; and installing flood vents.

Learn more about the model non-conversion agreement at <https://www.stcplanning.org/document/non-conversion-agreement-for-enclosed-area-below-the-flood-protection-level/>.

EXPANDED CAPACITY TO ENHANCE RESILIENCE

The Town of Mamaroneck has a staff Sustainability Coordinator that leads a Sustainability Collaborative. The Collaborative serves as an advisor to the Town Board, other local boards, and Town employees on the preservation and enhancement of the long-term viability of the Town from both environmental and fiscal perspectives.

The Collaborative's initiatives include drafting the "Plan for a Resilient and Sustainable Mamaroneck," which is available at <https://townofmamaroneckny.org/324/Sustainability-Collaborative>

ADDITIONAL NOTABLE EXAMPLES INCLUDE:

Visions And Principles for a Resilient Catskill - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://extapps.dec.ny.gov/docs/remediation_hudson_pdf/catskilltffr.pdf

Long Beach NY Rising Community Reconstruction Plan - https://hcr.ny.gov/resilient-homes-and-communities?utm_medium=301&utm_source=stormrecovery.ny.gov

Effects of Climate Change in Orange County, NY - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.orangecountygov.com/DocumentCenter/View/13649/Effects-of-Climate-Change-in-Orange-County-NY--NRI-Vulnerability-and-Adaptation-Strategies-July-2019-PDF

Piermont Climate Smart Resilience Planning Assessment - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.scenichudson.org/wp-content/uploads/legacy/files/Piermont%20CSR%20report-%20FINAL.pdf

Moodna Creek Watershed and Flood Mitigation Assessment - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://hudsonwatershed.org/wp-content/uploads/Lower-Moodna-Creek-Flood-Mitigation-Assessment-Report.pdf

Schoharie Watershed Flood Mitigation Study - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://mohawkriver.org/wp-content/uploads/2017/06/Schoharie-Basin-Flood-Mitigation-Study-Final-Report-web.pdf

Saw Kill Watershed and Flood Mitigation Assessment - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://sawkillwatershed.files.wordpress.com/2018/05/saw-kill-final-technical-report-with-appendices.pdf

Tompkins County Comprehensive Plan Section on Adaptation - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.tompkinscountyny.gov/files2/planning/ComprehensivePlan/Adaptation.pdf

Beacon Sustainability and Climate Resilience Vision - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://beaconny.gov/wp-content/uploads/2021/08/Beacon-Sustainability-and-Climate-Resilience-Vision_Final.pdf

Climate Resilient San Diego Plan- https://www.sandiego.gov/climate-resilient-sd

Ossining's Waterfront on the Rise: Climate-adaptive Design Studio - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://trophic.design/wp-content/uploads/2020/10/CaD-Ossining-LookBook.pdf

Dutchess County Hazard Mitigation Plan - https://www.dutchessny.gov/Departments/Emergency-Response/Hazard-Mitigation-Plan.htm

New York City's A Stronger, More Resilient New York - https://www.nyc.gov/site/sirr/report/report.page

Town of Red Hook: Community Preservation Plan - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.redhookny.gov/DocumentCenter/View/609/2019-Proposed-Community-Preservation-Plan

Red Hook, NY, Planning for Resilient, Connected Natural Areas and Habitats: A Conservation Framework - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.redhookny.gov/DocumentCenter/View/491/Red-Hook-Habitat-Connectivity-Report-PDF-1

Rensselaer County Conservation Plan - https://www.renstrust.org/protect/county-conservation-plan

Drainage Master Plan for the Town of Blooming Grove and Villages of Washingtonville and South Blooming Grove - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://townofbg.newwindsor-ny.gov/Portals/5/NY%20Rising/Final%20Blooming%20Grove%20Drainage%20Master%20Plan%20Report%20-%20reduced.pdf?ver=2019-12-03-183205-207

City of Newburgh Green Infrastructure Feasibility Report - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://neiwpcc.org/wp-content/uploads/2018/09/2013-050-Final-Report.pdf

Buffalo, NY, Long Term Control Plan - chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://buffalosewer.org/app/uploads/2017/08/LTCP-Exec-Summary.pdf

City of Rochester Green Infrastructure Retrofit Manual -https://www.cityofrochester.gov/gireetrofitmanual.aspx

OTHER RESOURCES

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

Community Resilience Building Workshop

www.CommunityResilienceBuilding.org
https://www.communityresiliencebuilding.com/_files/ugd/29a871_ed557c1fca834ca898961d7705dfef03.pdf

Hazard Mitigation Planning

FEMA
<https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning>

Disaster Recovery

NYS DOS Division of Homeland Security and Emergency Services
<https://www.dhSES.ny.gov/disaster-recovery>

Planning for Post-Disaster Recovery: Next Generation

American Planning Association
<https://www.planning.org/research/postdisaster/>

EPA's Stormwater Program and Improving Resiliency with Green Infrastructure

U.S. EPA
https://www.epa.gov/sites/default/files/2016-11/documents/4-holly_galavotti_0.pdf

Basic Land Use Tools for Resiliency

NYSDEC
<https://dos.ny.gov/basic-land-use-tools-resiliency-0>

Risk Areas Map

NYSDEC Geographic Information Gateway
<https://opdgig.dos.ny.gov/>

Floodplain Management

NYSDEC
<https://www.dec.ny.gov/lands/24267.html>

Floodplain Management Training Resources

NYSDEC
<https://www.dec.ny.gov/environmental-protection/dam-safety-coastal-flood-protection/floodplain-management#Training>

Risk Assessment

Mitigate NY
<https://hazardmitigation.ny.gov/risk>

NYS Hazard Mitigation Revolving Loan Fund (HM RLF)
NYS Division of Homeland Security and Emergency Services
<https://www.dhSES.ny.gov/hazard-mitigation>

Westchester Coastal Flood Insurance Rate Map (FIRM)

Panels by Municipality
Westchester County Department of Planning
<https://planning.westchestergov.com/images/stories/pdfs/FIRMPanelsbyMun.pdf>

Local Waterfront Revitalization Programs

NYSDEC
<https://dos.ny.gov/local-waterfront-revitalization-programs>

Local Hazard Mitigation Planning

NYSDEC
<https://www.dhSES.ny.gov/hazard-mitigation>

NY Rising Community Reconstruction Plans

NYS Office of Resilient Homes & Communities and Governor's Office of Storm Recovery
<https://stormrecovery.ny.gov/nyrcr/final-plans>

Planning for Post-Disaster Recovery: Next Generation

American Planning Association
<https://www.planning.org/research/postdisaster/>

Stormwater Management Design Manual

NYSDEC
<https://www.dec.ny.gov/fs/docs/pdf/stormwaterdesignmanual.pdf>

Stormwater Planning

U.S. EPA
<https://www.epa.gov/npdes/stormwater-planning>

Transfer of Development Rights: James A. Coon Local Government Technical Series

NYSDEC Division of Local Government Services
<https://dos.ny.gov/system/files/documents/2023/01/transfer-of-development-rights.pdf>

The Westchester County Association unites and mobilizes professional leaders to advance issues and lead initiatives that strengthen our regional economy. Our vision is to establish Westchester and the region as a premiere center of economic opportunity and upward mobility – to make Westchester the best place for businesses to thrive and workers to live.

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