

Plan On It

A Dutchess County Planning Federation eNewsletter



May/June 2019

Streamlining the Land Use Process

By Jennifer Coccozza, Deputy Commissioner

Whether you are a resident seeking to build an addition to your home or a developer who is proposing a commercial development, navigating the land use development process can be tricky. Not only are there municipal and building codes to adhere to, but there may be one or many local officials, municipal boards and county/state agencies to obtain approval from. To complicate matters, each municipality has its own way of doing things. This means that the steps to obtaining a building permit or site plan approval are different from one town to the next.

Residents, business owners, and developers alike want the process to go smoothly. You want to know what to expect, how long it will take, and how much it may cost. And you have a realistic expectation that if you meet all the requirements, you will get through the process in a reasonable amount of time. Unfortunately, and without intent, the complex land use process does not always run smoothly and can result in unnecessary delays that cost time and money and in doing so, discourage economic development and community investment.

If you've heard complaints about the land use process in your community, or if you just want confirmation that everything is working well, then perhaps a look at your land use process is in order.

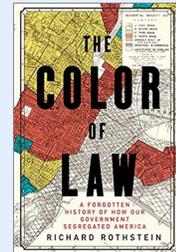
With the assistance of the Pace University Land Use Law Center, three Dutchess County municipalities took on the task of unraveling their processes in order to glean where improvements could be made. Tiffany Zezula and Jessica Bacher of the Pace Land Use Law Center presented this topic at a Dutchess County Planning Federation training session in April, and below is an overview of the process they shared.

What We're Reading

Ever wondered what your friendly county planners are reading these days? We've launched this new segment to share interesting books, blogs and more to further spark your interest in the how's and why's of placemaking. We hope you find it inspiring!

Anne's BOOK REVIEW

The Color of Law: A Forgotten History of How Our Government Segregated America
by Richard Rothstein



What do redlining, single-family zoning, deed restrictions, and predatory lending have in common? They were (and in some cases still are) tactics used, both in the private sector and by the government, to perpetuate housing discrimination based on racial segregation long after such a practice technically became illegal. The author points out that although the practice of segregation was first made unlawful by the Civil Rights Act of 1866, countless policies and programs actively worked for the next 100+ years against the integration of African Americans into the neighborhoods of their choice, which over the course of decades has had a ripple effect that fuels a number of the struggles our society faces today.

Rothstein discusses the difference between de facto segregation (resulting from private practices and choices) versus de jure segregation, or "segregation by law and public policy." This is a critical distinction made by

What is Streamlining?

In this context, “streamlining” refers to analyzing and understanding the local land use process to determine what improvements can be made and then making the necessary adjustments. A collectively well-understood and well-run system is key in ensuring predictability, efficiency, timeliness, and equity in the implementation of the land use regulations.

The Process

When we speak of “the process” we are talking about everything from where to drop off an application, to which department conducts the first review, to inter- and intra-agency referrals, to obtaining a final certificate of occupancy.

Understanding the process involves communicating with and learning from everyone involved:

- Interview municipal staff (board secretaries, building inspectors, fire inspectors, zoning enforcement officers, zoning administrators, etc.) for feedback on what is working and what is not.
- Ask residents and developers who have been through the process what their experience was.
- Meet with all municipal boards to discuss the process. This includes conservation advisory boards and councils, architectural review boards, historic commissions, advisory committees, etc.

The goal is to identify anything that is confusing, duplicative, unnecessary or is just not working. One of the best ways to tease-out potential concerns is to develop a process flowchart with all involved parties present. This was one of the most enlightening exercises that Pace coordinated, and the key was having everyone present. This exercise not only educated those involved on how the system works outside their individual silos of responsibility, but also exposed misunderstandings, areas of confusion, and where efforts may be being duplicated.

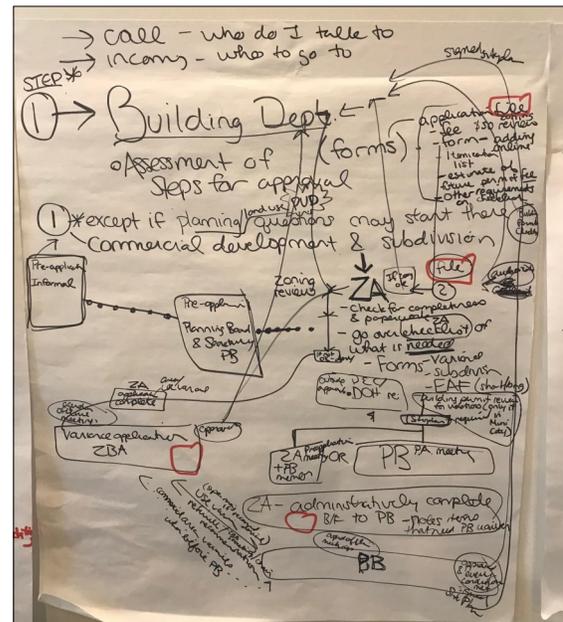
Issues and Challenges

Once you have conducted interviews and discussed the process with all involved, list the issues and challenges that each staff department/position and each board has identified. Common issues observed in the communities Pace worked with were:

- Duplicative tasks that are being done by several people
- An unclear approval process

successive Supreme Courts, as the government has an obligation to remedy de jure segregation. The author lays out a compelling case about the role of de jure segregation in our country. One of the most shocking sections outlines the segregation perpetuated by the administration of our own local hero, President Franklin D. Roosevelt. The long-term implications of de jure segregation are hard to fully grasp, but understanding the full scope of our shared history regarding housing discrimination is an important step in ensuring we move toward a more equal society.

Listen to an interview: [NPR's Fresh Air](#)



Example of a process flowchart from one of the local workshops conducted by Pace Land Use Law Center.

- Outdated forms/lack of information
- Confusion over board roles and responsibilities
- Outdated comprehensive plans and zoning codes
- Local laws conflicting with each other
- Extra or unnecessary steps in the process
- Need for a central intake desk where applicants can submit paperwork and fees, and find out which board or department will review their project first
- Lack of coordination between boards; boards are unfamiliar with each other and the process
- No unified tracking system for applications

Strategies to Improve the Land Use Review Process

With all the information gathered from the interviews and flowchart exercise, the next step is to develop strategies to remedy the challenges that were identified. For instance, if the zoning code is out of date and interpretations are constantly being sought, a strategy might be to put together a task force to review the zoning code and propose amendments. If applicants are unclear what the land use process is and how to go about obtaining a building permit, a possible strategy could be to put together a simplified flow chart and then post it at the municipal hall and on the website.

Pace has put together several examples of [opportunities and best practices](#) from New York State municipalities with regard to strategies that communities can employ to help streamline their land use process. Each one of these main topics has several sub-topics that can be employed based on a community's needs:

- Simplify the Process
- Consolidate the Review and Approval Process
- Clarify the Review and Approval Process
- Automate the Process
- Pre-Application Consultations
- Adopt Fast-Track Process for Priority Projects
- Train Local Boards

Implementation Plan

Moving beyond the strategies developed above, create an implementation plan to keep everyone on track. State the goal (what you want to do) and the strategies (how you will accomplish what you want to do) in a chart. You may want to assign specific people to be in charge of each goal/strategy, list expected timeframes for completion, and include any helpful resources.

Summary

Between staffing turnover, board member changes, new laws, new requirements, and new technology, it makes sense to take a step back every so often to evaluate whether the land use process is working.

"The streamlining workshop was beneficial for the city in multiple ways. Not only did it allow us to step back and look at the full land use approvals process, identifying inefficiencies and opportunities for improvement or technological upgrades, but it also provided us with the opportunity to get all the necessary people (elected officials, board volunteers, city staff) in the same room at the same time. The dialogue between different stakeholders and perspectives was extremely helpful.

*–Natalie Quinn, City of Poughkeepsie
Planning Director*

More Information

[Appendix G: Opportunities and Best Practices for a Streamlined Review and Approval Process](#)

[Presentation: Streamlining the Land Use Review and Approval Process](#)

Click here to [view past issues of Plan On It](#).

This newsletter was developed by the Dutchess County Department of Planning and Development, in conjunction with the Dutchess County Planning Federation.

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