

Dutchess County Planning and Development Land Use Training Program



November 29, 2016

The Land Use System: Setting the Stage



The Land Use Law Center of Pace University School of Law

Dedicated to fostering the development of sustainable communities through the promotion of innovative land use strategies and collaborative decision-making techniques.



Agenda

- 6:00 – 6:15 Welcome and Introductions
- 6:15 – 6:30 The Land Use System
- 6:30 – 7:00 Exercise: The Sharon Hill Development
- 7:00 – 7:20 Policy Development & Comprehensive Planning
- 7:20 – 8:00 Participation in Planning: Setting the Stage

Your Presenters Today

Jessica Bacher & Tiffany Zezula

Land Use Law Center

Pace Law School

(914) 422-4262

Who's in the room?

- A. Land Use Board member
- B. Municipal Planning/Building Department staff
- C. Elected officials
- D. County government
- E. Developers
- F. Planners, Attorneys or other professional
- G. Community members
- H. Other

THE LAND USE LEGAL FRAMEWORK

The New York State land use enabling act delegates authority to **LOCALITIES** to:

- Adopt comprehensive plans
- Zone
- Approve subdivision and site plans
- Issue special use permits
- Award variances



THE LAND USE LEGAL FRAMEWORK . . .

The New York State laws delegate authority to **STATE AND COUNTY AGENCIES** to regulate land development, such as:

- Wetland regulations
- Access to state and county roads
- Development of water and sewer systems



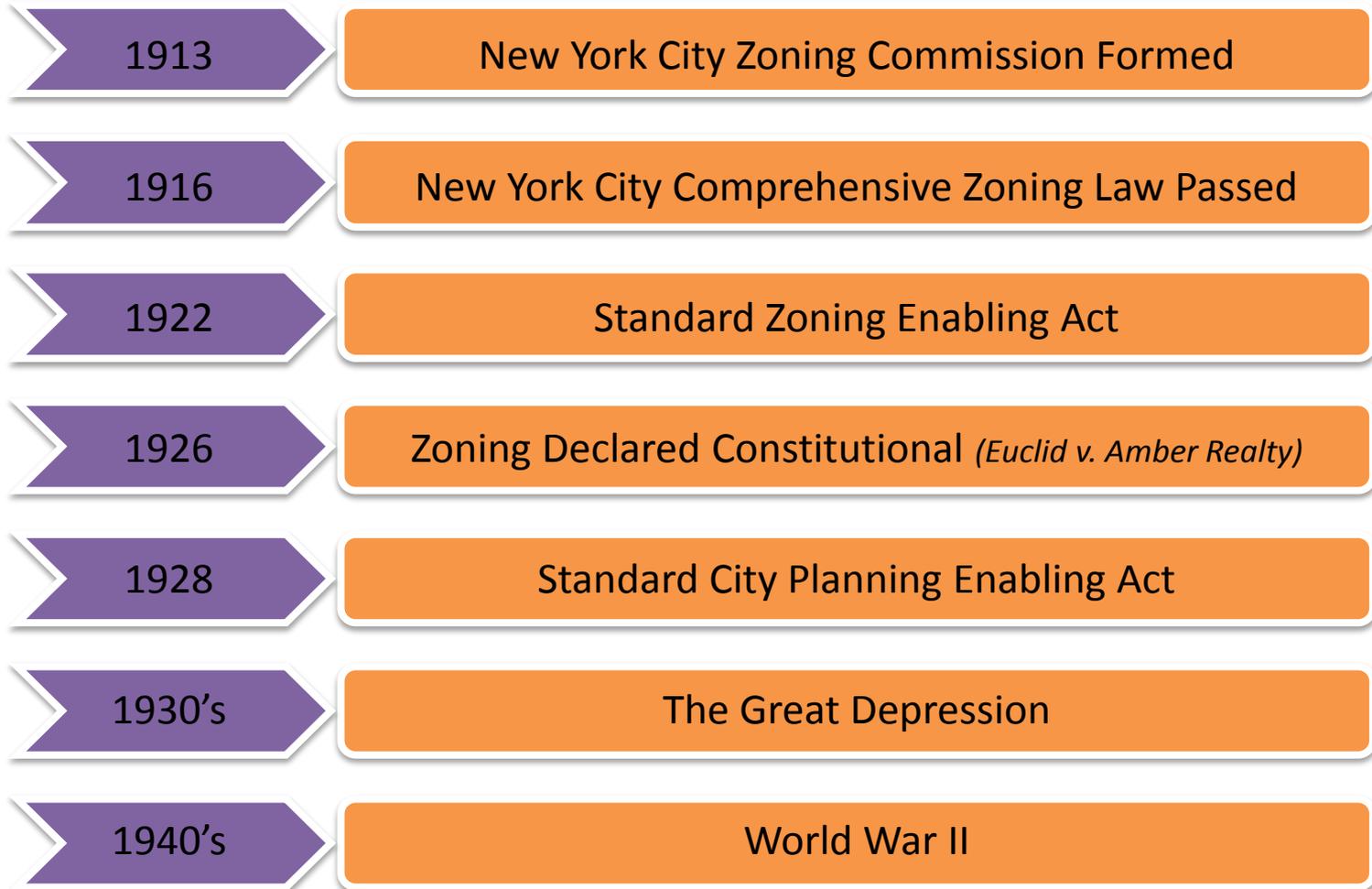
THE LAND USE LEGAL FRAMEWORK . . .

Federal and New York State laws to **PREEMPT** or limit local land use authority regarding issues, such as:

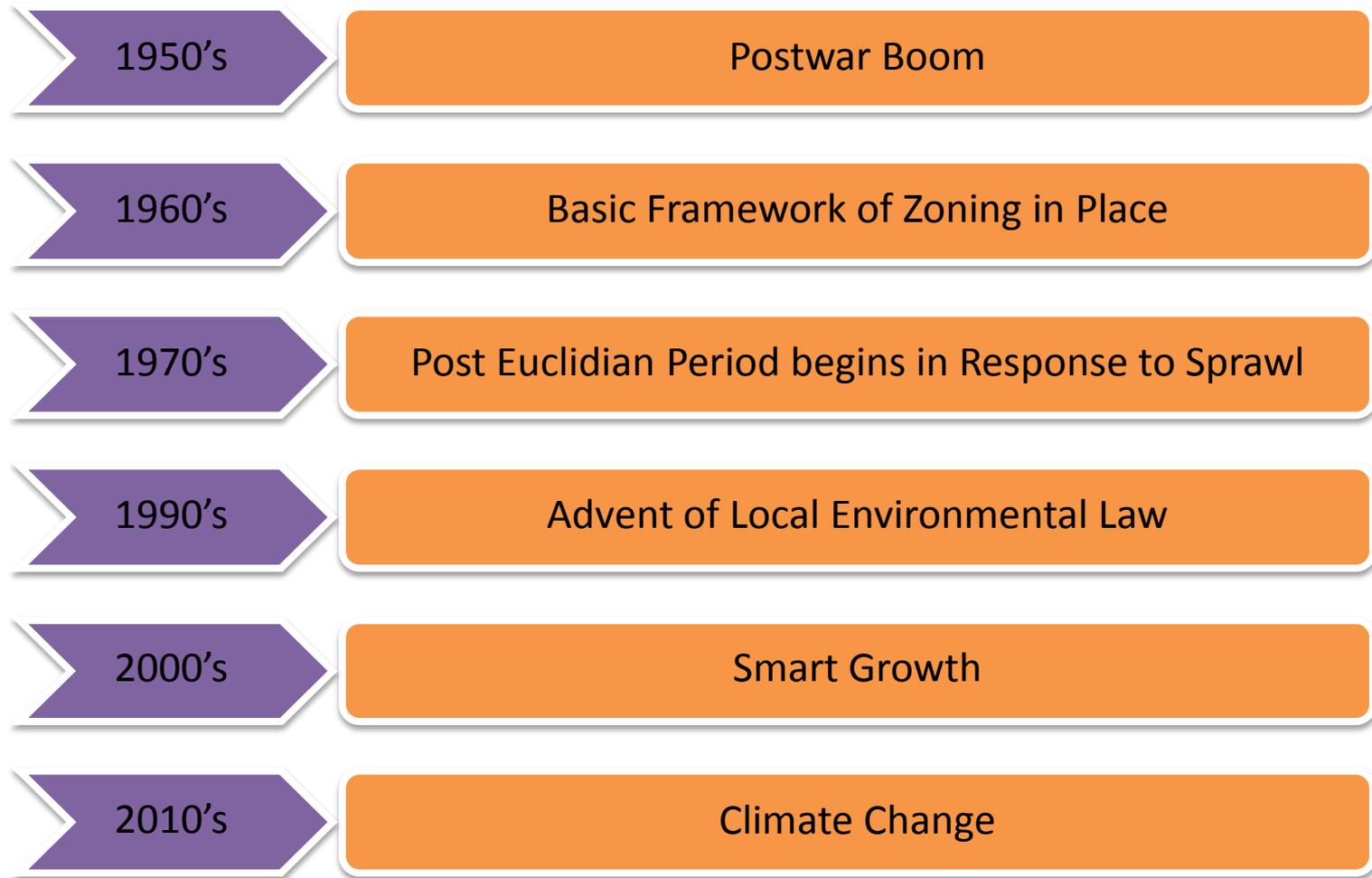
- Utility siting
- Cellular facilities
- Religious uses
- Group homes



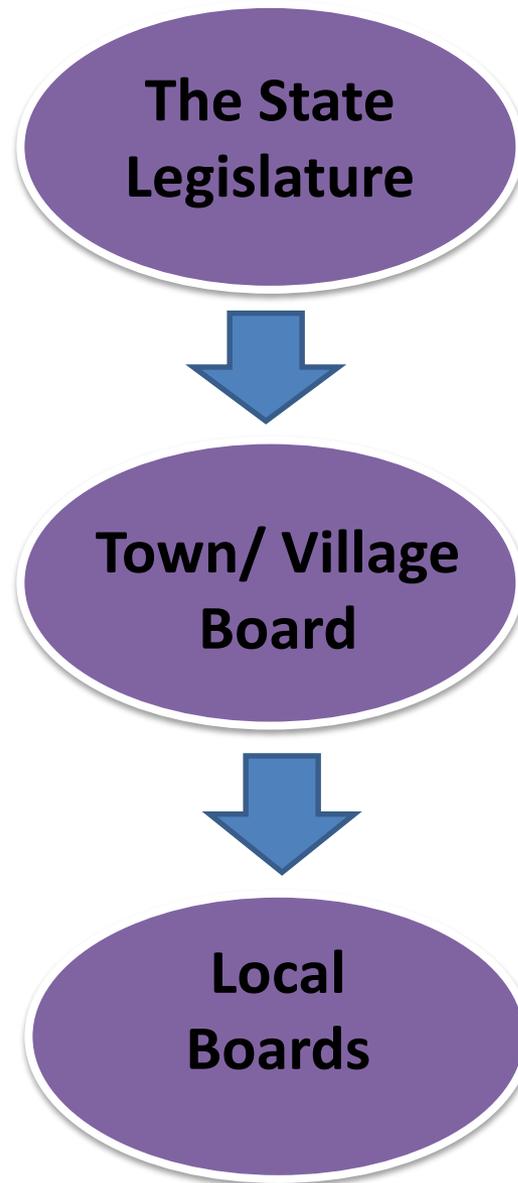
THE EVOLUTION OF NEW YORK LAND USE LAW



THE EVOLUTION OF NEW YORK LAND USE LAW



THE DELEGATION OF LEGISLATIVE AUTHORITY



Role of Local Gov't & Planning

1,550+ local jurisdictions in NY
With land use authority

Source: NREL

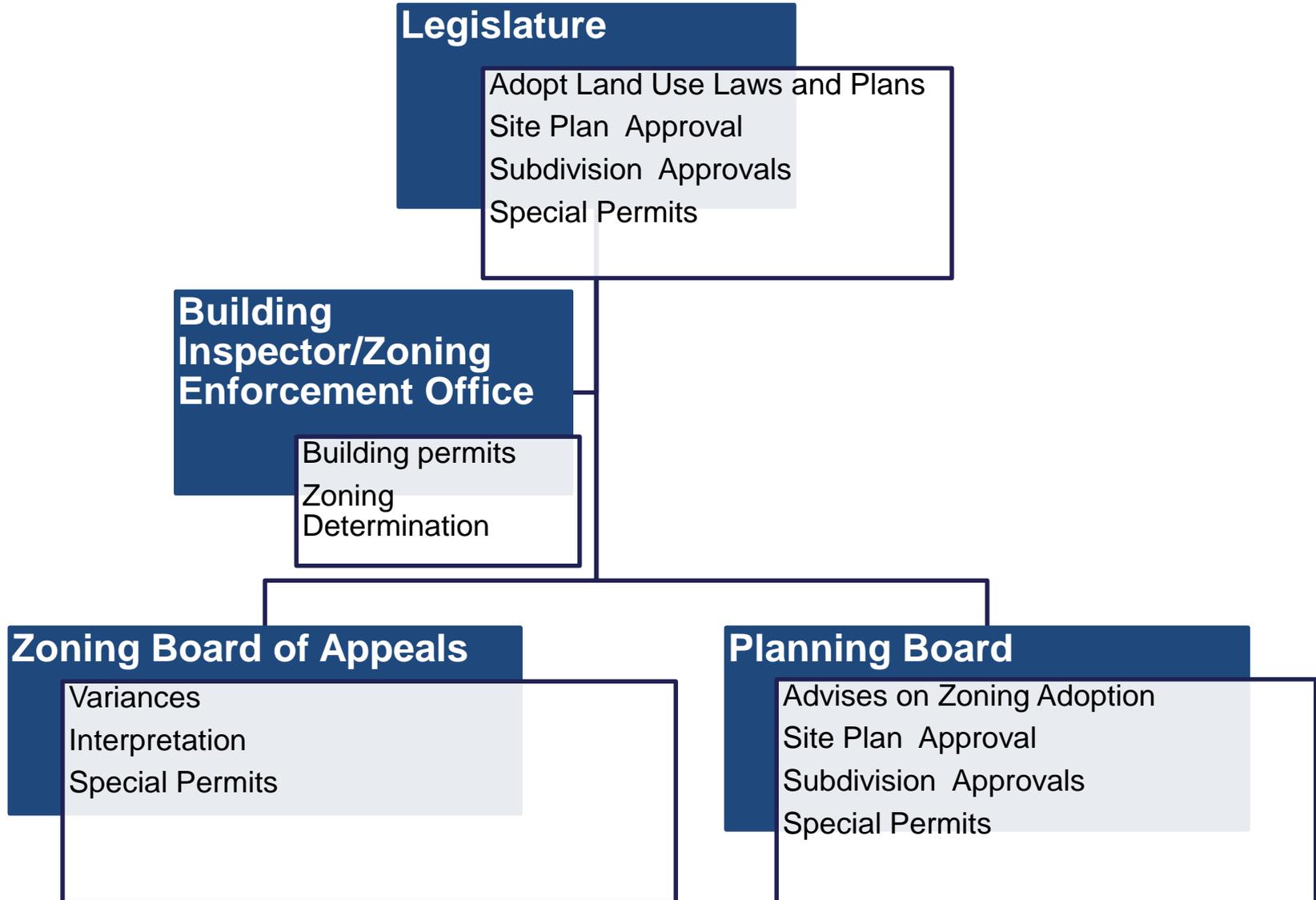
NEW YORK MUNICIPALITIES . . .

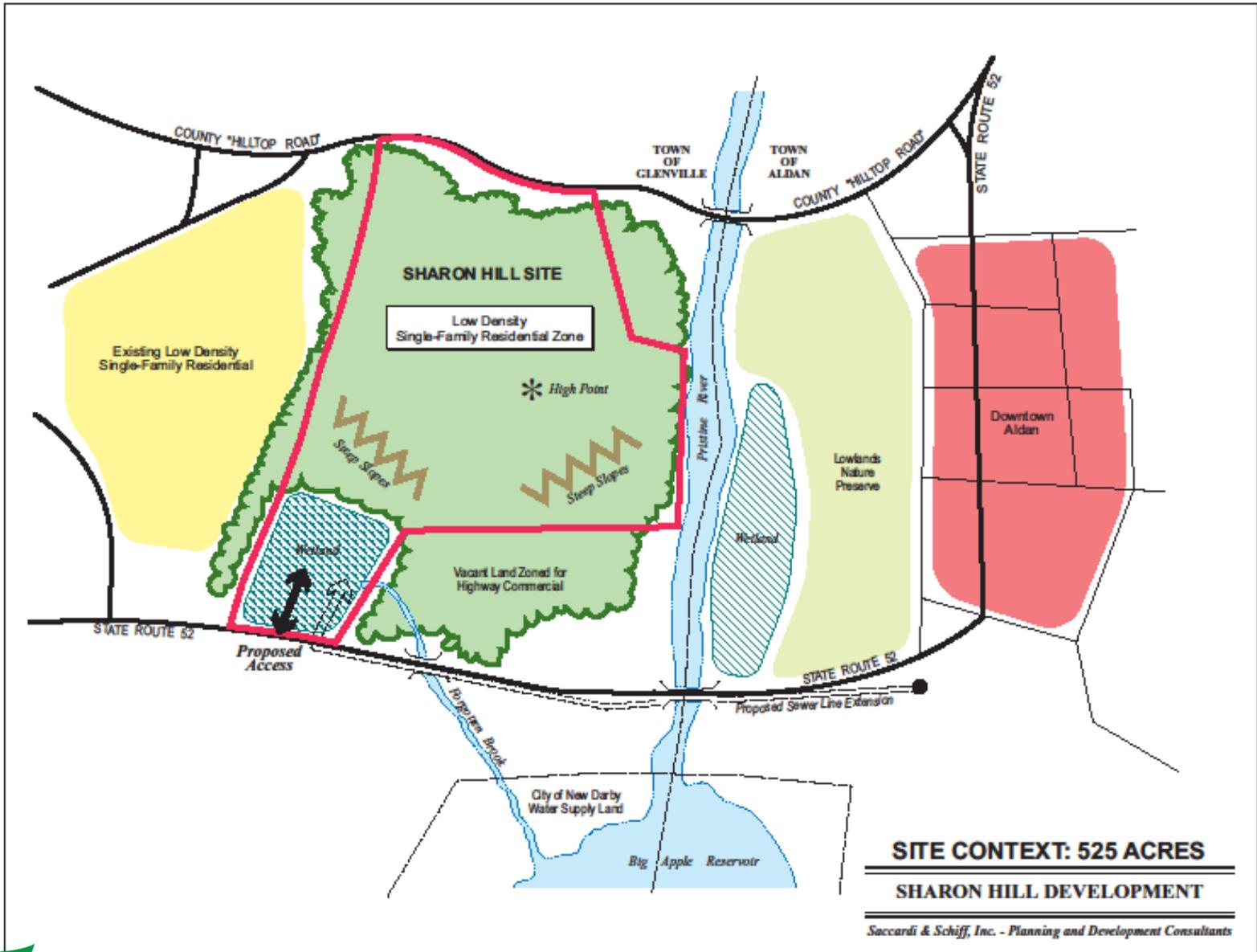
Have **SPECIFIC AUTHORITY** under Town, Village, and General City Law to adopt:

- Comprehensive plans
- Zoning laws
- Subdivision regulations
- Site plan regulations



Delegation of Authority





WHAT WE USE THE LAND USE SYSTEM TO ACCOMPLISH . . .

“Among our most important powers of local government is the responsibility to undertake comprehensive planning and to regulate land use to protect the public health, safety and general welfare.”



N.Y. Town, Village, General City Law

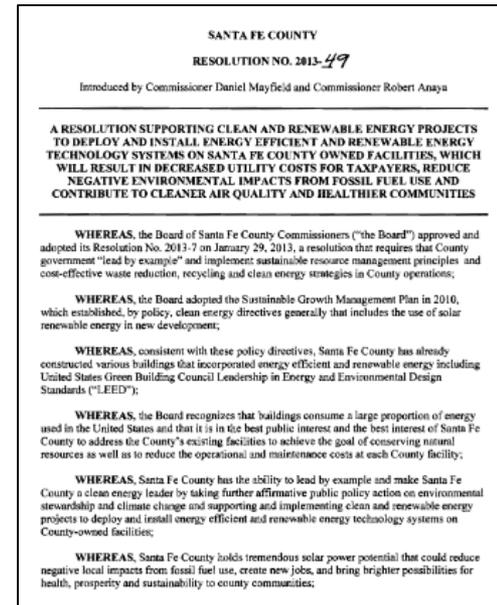
Zoning

**Zoning Must Be in Accordance with
Comprehensive Plan**

Policy Development Framework

Adopt a Resolution that:

- Lists purpose (benefits and findings)
- States intention to plan and regulate
- Adopts a task force/committee
- Authorizes research and studies
- Seeks state and federal funding and assistance
- Develop a community engagement process



Appoint a Task Force/Committee

- Charge an existing task force/committee or conservation advisory council
- Work with the County
- Create a new Task Force/Committee

Who sits on the Task Force?

- Municipal Officials
- Chamber of Commerce
- HOAs
- Environmental/Non-profit Community
- Historic Preservation Representative
- Developers
- Landowners & Farmers
- Planning Board Member (required for Comp. Plan)

What is the Task Force's Role?

- Conducting studies & performing research
- Partnering with adjacent communities
- Leveraging state and federal technical assistance grants
- Developing a community engagement process
- Amending the comprehensive plan
- Considering regulatory changes

Task Force/Committee

- Who has a Task Force/Committee?
- Who sits on your Task Force/Committee?
- What is the role of your Task Force/Committee?

Plan Making

Communitywide Comprehensive Plan

Neighborhood
Plans

Corridor Plans

Special
District Plans

Green
Infrastructure
Plans

Energy Plan

Climate Action
Plan

Town of New Castle

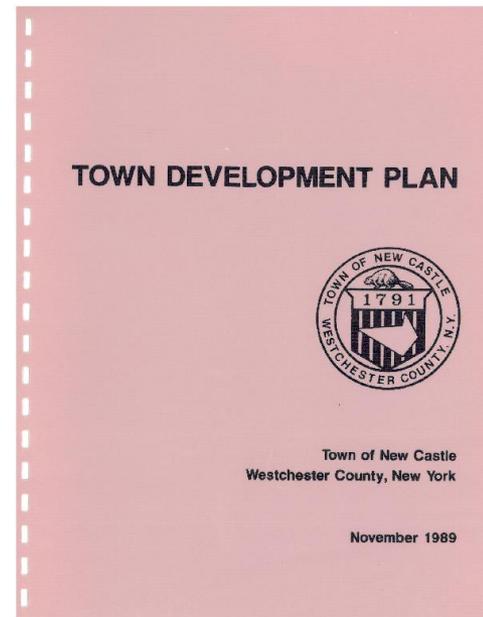
2016 Comprehensive Plan



Then

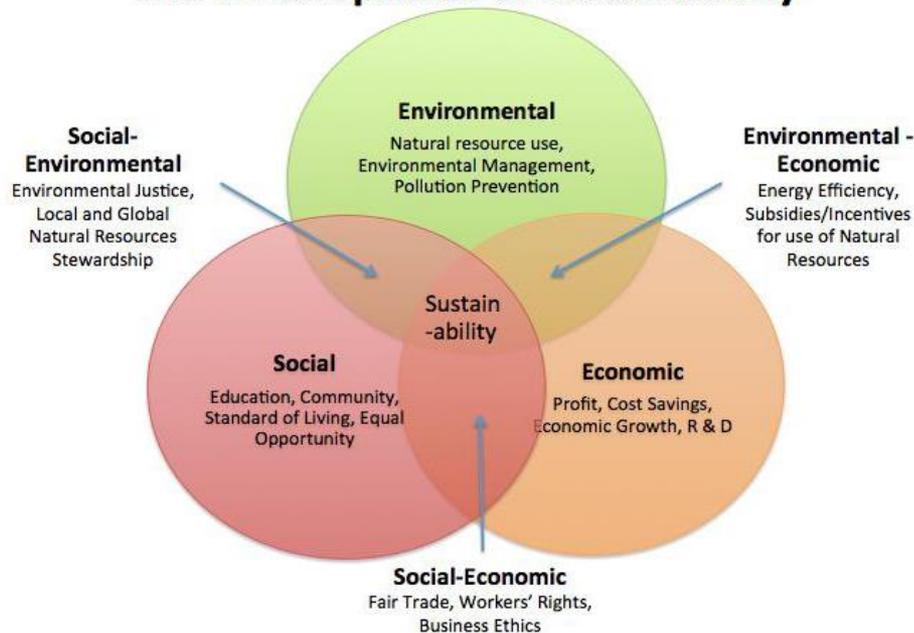
1989 Town Development Plan

- Introduction
- Basic Studies
- Town Development Plan
 - Planning Goals and Policies
 - Residential Development
 - Commercial Development
 - Open Space and Recreation
 - Transportation
 - Community Facilities and Services
- Plan Implementation



Sustainability and the Comprehensive Plan

The Three Spheres of Sustainability



- APA CP Standards and Best Practices
- LEED ND Rating System
- NYS Climate Smart Communities Certification Program
- STAR Communities Rating System
- Mid-Hudson Regional Sustainability Plan
- Mid-Hudson Economic Development Plan

Now

2016 Comprehensive Plan

- Introduction
- Livable Built Environment
- Harmony with Nature
- Resilient Economy
- Healthy Community
- Responsible Regionalism
- Implementation Table
- Appendices

New Castle Comprehensive Planning Strategy: Livable Built Environment

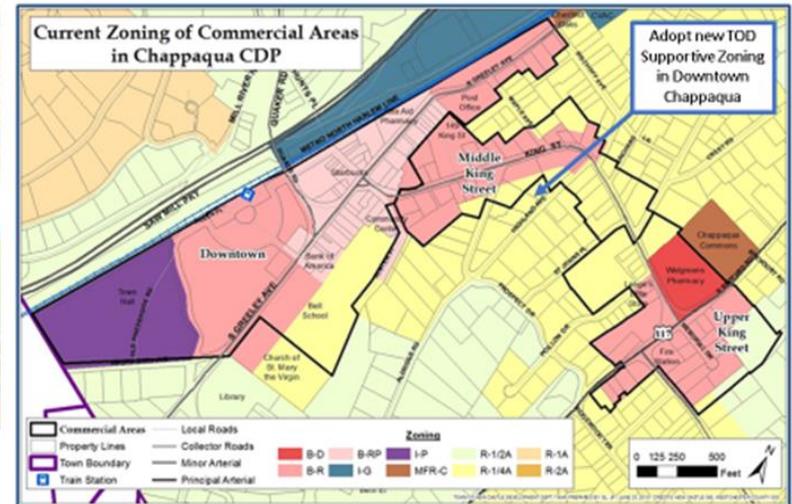
Strategy LBE 1: Adopt transit supportive land use measures to improve access to and within Chappaqua train station (e.g., walkable environments, intermodal connectivity, highest and best land use)



Example of a TOD



Example of a Walkable Main Street



Major Themes

Livable Built Environment

- Preserve the bucolic residential character in low-density areas
- Provide alternative housing to meet the housing needs of seniors, young professionals, and small and low income families
- Enhance access, mobility and circulation

Harmony with Nature

- Protect and maintain the Town's natural resources
- Mitigate and adapt to the effects of climate change

Resilient Economy

- Plan and zone for vibrancy and mixed-use land patterns in hamlets
- Improve and strengthen the Town's fiscal health

Healthy Community

- Create a safe and healthy community

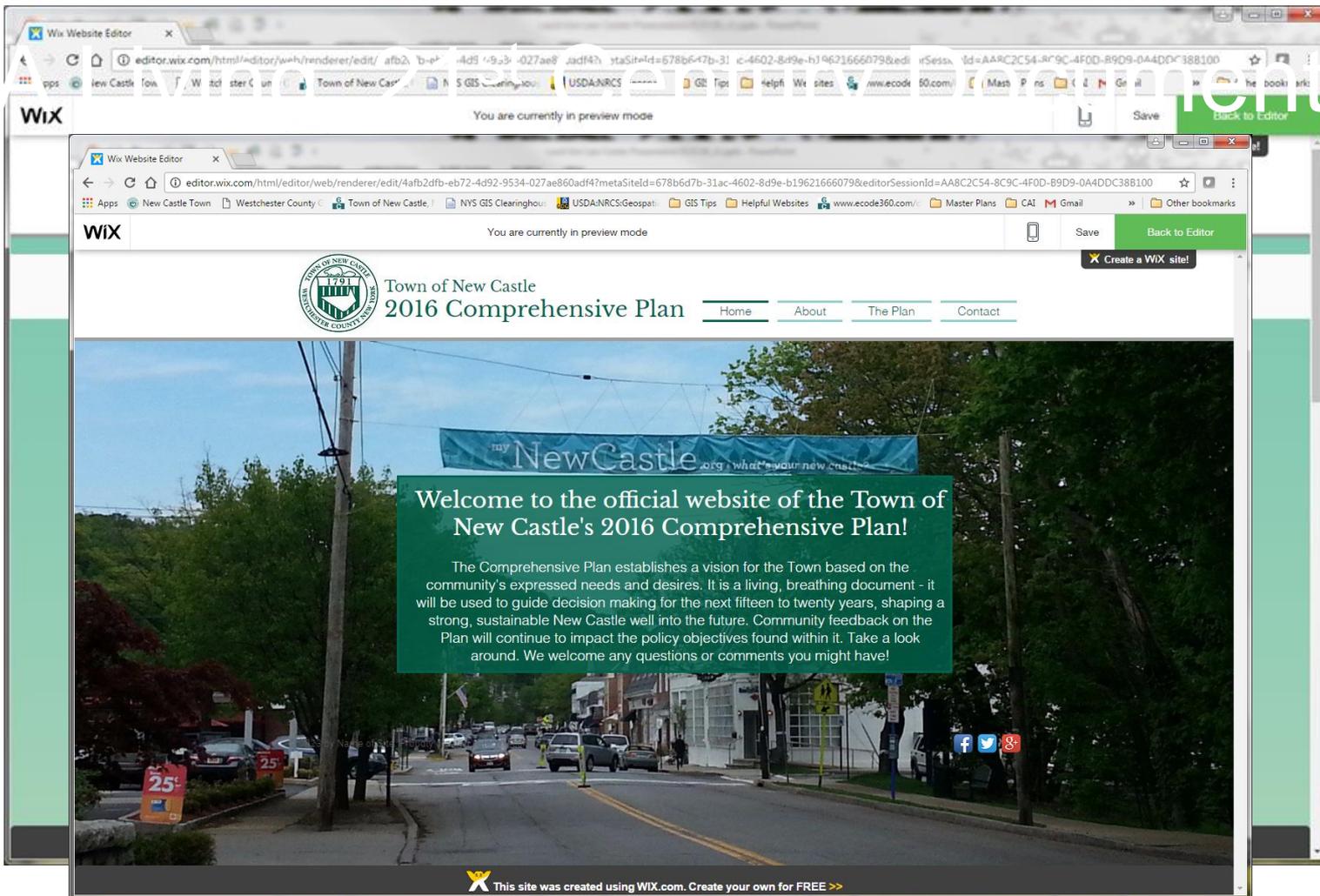
Responsible Regionalism

- Solidify New Castle's regional role as a cooperative partner and vital stakeholder

Policies

	Livable Built Environment	Harmony with Nature	Resilient Economy	Healthy Community	Responsible Regionalism
Goal	Range of housing options in/around hamlets	Protect and maintain the Town's environmental resources	Preserve and enhance the unique assets of the hamlet areas	Improve off-road linkages	Continue and improve cross-jurisdictional planning
Action	Update zoning code	Amend wetland statutory requirement	Analyze the feasibility of a Business Improvement District	Encourage the use of the North County Trailway in Millwood	Identify cross-boundary open space corridors

GOAL	ACTIONS	ACTION TYPE	IMPLEMENTATION TIMEFRAME			RESPONSIBLE PARTY
			Near-Term	Short-Term	Long-Term	
Create a sustainable mix of commercial and residential uses within the hamlets	Undertake an analysis of development/infill opportunities in the hamlets consistent with community needs, public vision, and environmental and infrastructural constraints.	Study and Analysis				
	Review and revise existing zoning regulations or develop alternative zoning (i.e. form based zoning) to better allow mixed-used development in the hamlets (e.g. regulations regarding driveway width, building height, front yard setbacks, parking requirements).	Zoning Study				
	Revise zoning and design standards to include appropriate smart growth principles (e.g. LEED-ND) to encourage sustainable development in hamlet areas.	Zoning Study				
	Examine existing industrial zoned property to determine the best use of property consistent with the surrounding area in the case that properties become available for future development.	Study and Analysis				
Locate a range of housing options (single and multi-family units) in or in proximity to the hamlets	Update zoning code to include provisions for mixed-use, multi-family, condominiums, townhouses, apartments, senior and workforce housing, and accessory dwelling units in or in proximity to the hamlets. Consider revising minimum lot size, parking regulations, setbacks and other regulations to allow for a range of housing types.	Zoning Study				
Create vibrant and walkable mixed-use areas in the hamlets that are well connected to public transit	Include smart growth principles in the development of hamlet design guidelines to create an active pedestrian environment	Study and Analysis				
	Review and revise existing zoning regulations or develop alternative zoning (i.e. form based zoning) around the Chappaqua train station to encourage a higher level of transit-oriented development, which in turn will promote transit use, intermodal connectivity, walkability, and intensification of land use	Zoning Study				



Objectives of the Session

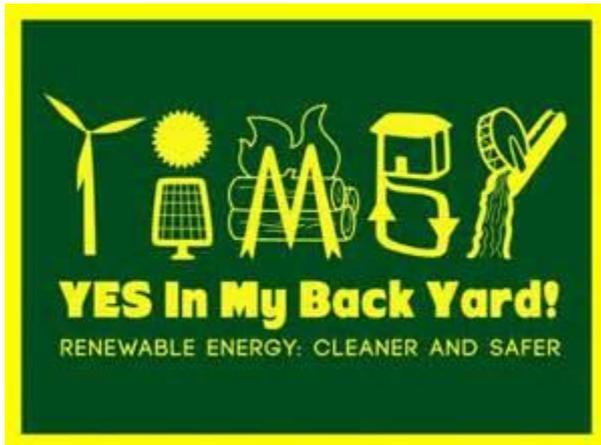
- To describe the basic requirements of the land use decision making process
- To illustrate why the land use decision making process is not suited for collaboration
- To demonstrate how effective public engagement can be used to build community
- And to introduce participants to the principals of community engagement



NIMBY



Imagine...



Minimum or Maximize?



Stages of Decision-Making



Minimum Requirements of the Process



- An impartial tribunal
- A fair and orderly process
- The decision made is based on facts on the record



The Required Decision Making Process . . .

- **DOESN'T** prevent or avoid challenges from being made by the public
- **DOESN'T** help create conversation between local boards, developers and the affected public
- **DOESN'T** reduce the possibility of opposition
- **DOESN'T** get community support



Stages of the Required Decision Making Process



What is Citizen Engagement?

- Citizens of a community are “engaged” when they play an effective role in decision-making
- They are actively involved in defining the issues, identifying solutions, and developing priorities for action and resources.



What are the DISADVANTAGES of a Collaborative Process?



- Messy process
- Takes too long
- Expensive
- Hard to control
- Not focused



Advantages of Community Engagement

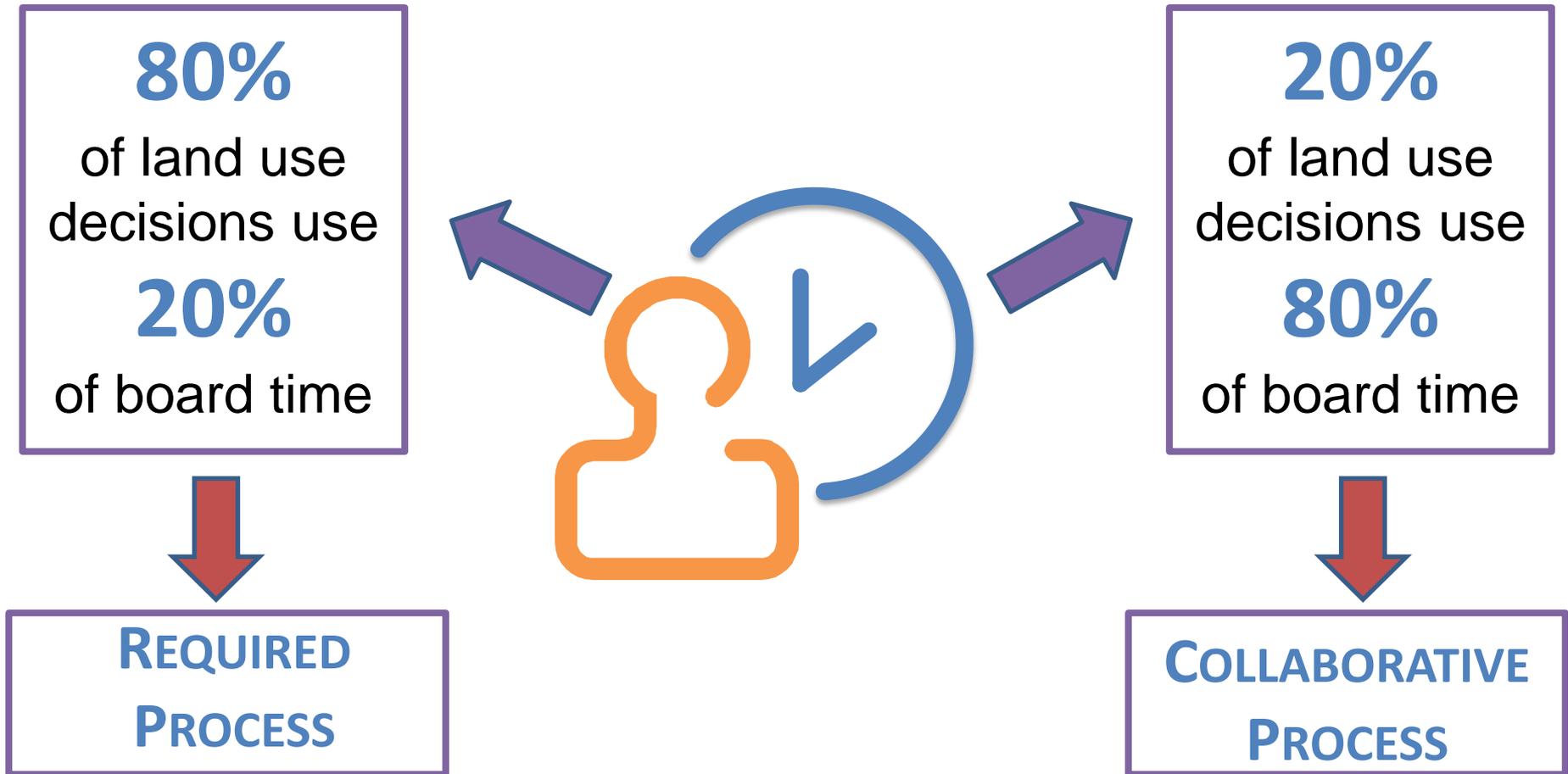
- ✓ Saves time
- ✓ Better ideas and shared problem solving
- ✓ Builds relationships
- ✓ Satisfactory result
- ✓ Creates buy-in
- ✓ Considers a range of interests
- ✓ Encourages future involvement
- ✓ Boosts confidence in government
- ✓ Increases compliance



Community Engagement

	Required	Supplemental
Goal	Technical viable plan that conforms to all laws, rules and regulations	Technical viable plan that integrates stakeholder interests
Primary Audience for Plan	Decision-makers	Decision-makers and stakeholders
Purpose of Information	Ensure the plan conforms to professional practice and passes technical review	Ensure the plan is feasible and addresses stakeholders' issues and concerns
Skills	Technical (engineering, design, fiscal, legal)	Technical, legal, and facilitation/community engagement
Role of Public	Input and Advice at Public Hearing	Engage in discussion, join problem-solving

The 80/20 Rule



Collaborative Process is Appropriate When . . .

- The solution is NOT IMMEDIATELY CLEAR to all the parties
- The parties FUNDAMENTALLY DISAGREE on the best solution
- The decision is likely to have FAR REACHING IMPACTS
- The decision is likely to be CHALLENGED



Community Engagement

Principles

- Engage Early
- Listen & Learn First
- Build on Interests, Not Positions
- Design an Effective Process
- Be Inclusive & Involve Many
- Be Transparent & Responsive
- Use a Skilled Facilitator



POSITIONS vs. INTERESTS

What are **POSITIONS**?

Parties' assertions,
wants, demands,
offers, and solutions

What are **INTERESTS**?

A person's needs and
concerns



Techniques for Public Engagement

Incentives for Participation:

- To improve services / their community
- Opportunity to be a part of change
- To have a voice
- Build self-confidence
- Meet other people
- Refreshments (this is always a good idea when hosting an event)
- Coming to an event and the engagement being secondary (eg: a community event)
- Freebies / a goodie bag
- Cash
- Vouchers
- Entry into a prize drawing

Techniques for Public Engagement

Methods:

- Community Meetings
- Interviews, Polls & Surveys & Hotlines
- Websites, Email, Social Media & Texting
- Focus & Advisory Groups
- Neighborhood Walks



Techniques for Public Engagement

Choose creative locations that will attract diverse stakeholders and get mobile:

- Trains
- Parks
- Bars/Restaurants
- Schools
- Shopping Centers
- Homeowner Association Meetings
- Senior and Recreational Centers
- Business locations/restaurants



Designing a Community Meeting

Step 1: Define the Purpose of the Meeting

Step 2: Identify Who Should Participate

Step 3: Logistics

Step 4: Create a Positive Environment

Step 5: Maintain and Continue Open Lines of
Communication

Step 1-Define Purpose of Meeting

Host a general community meeting to define and clarify the issue:

- What are the benefits of higher density zoning?
- What are your concerns with higher density zoning?
- What are some strategies to overcome your concerns?

Step 2 - Identify Participants

- Land use board members
- Municipal staff and officials
- Historical Preservation members
- Local developers
- Religious leaders
- Local environmental activists and citizen groups
- Architects and engineers
- Large landowners
- Chamber of Commerce
- Homeowner Association members
- Schools



Step 3 - Logistics

- Hold Multiple Meetings
- Schedule Meetings to meet the needs of various stakeholders
 - Select convenient and accessible venues
 - Select varying dates and times
 - Publicize meetings



Step 4 - Create a Positive Environment

- Distribute Detailed Agendas
- Establish Ground Rules
- Offer Refreshments
- Distribute Meeting Summary
- Discuss interests instead of positions



Step 5 - Maintain Communication

- Post meeting notes and technical information
- Find ways to continue to receive input/feedback
- Continue to ask, “who else & update?”
- Schedule future meetings
- Give feedback



Thank You

Questions?