

Land Use and Local Government Advisory Panel Meeting

February 1, 2021 | 1:00-3:00pm

At a Glance

- The Land Use and Local Government Advisory Panel (LULG AP) was provided a summary of input from the stakeholder survey.
- Laura Heady provided an update on the Carbon Sequestration subgroup.
- Mark Lowery provided an update on the Adaptation and Resilience subgroup.
- Panel members provided feedback on proposed recommendations from:
 - the Land Use subgroup (presented by Paul Beyer)
 - the Clean Energy subgroup (presented by Brad Tito)

Members in Attendance

- **Chair**, Sarah Crowell – Director, Office of Planning, Development, & Community, Department of State
- Ed Marx – Former Commissioner of Planning, Tomkins County
- Eric Walker – Climate and Clean Energy Strategist
- Gita Nandan – Board Chair, RETI (Resilience, Education, Training, and Innovation) Center
- Jayme Breschard-Thomann – Senior Project Manager, Bergmann PC
- Jessica Bacher – Managing Director, Pace University School of Law, Land Use Law Center
- Juan Camilo Osorio – Assistant Professor, Pratt Institute School of Architecture
- Kathy Moser – Senior Vice President, Open Space Institute
- Katie Malinowski – Executive Director, NYS Tug Hill Commission
- Mark Lowery – Assistant Director, Office of Climate Change, Department of Environmental Conservation
- Kevin Law – President & CEO, Long Island Association
- Priya Mulgaonkar – Project Manager, Hester Street Collaborative

Members Not in Attendance

- None

Staff Who Participated in the Call

- Paul Beyer – Department of State
- Laura Heady – Department of Environmental Conservation
- Josh Hunn – Department of State
- Brad Tito – Communities & Local Government, NYSERDA

Notes

Welcome and Roll Call

- Sarah Crowell, the Advisory Panel Chair, provided welcoming remarks, conducted roll call, and went over the agenda for the AP meeting (see 'Meeting Agenda' slide).

Stakeholder Input Survey Summary – Josh Hunn

- Josh Hunn provided a brief overview of input from the stakeholder survey (see slides for details).

Public Comments

- Public comments can be submitted via email: LULG@dos.ny.gov

Carbon Sequestration Subgroup Update – Laura Heady

- Laura Heady provided an update on the Carbon sequestration subgroup (see slide for details).

Adaptation and Resilience Subgroup Update – Mark Lowery

- Mark Lowery provided an update on the Adaptation and Resilience subgroup (see slide for details).

Land Use Subgroup Proposed Recommendations

- Sarah Crowell provided an overview and reminder of the panel goals (see slides for details).
- Paul Beyer provided an overview of recommendations from the Land Use subgroup (see slides for details). Discussion followed each presented strategy, which is presented below.
- Proposed Strategy #2 – Discussion:
 - Eric Walker: Is there any thought on the connection between comprehensive planning work and single-family zoning? I don't see that specifically specified in terms of transit-oriented development (TOD).
 - Paul Beyer: On TOD – we're spending a lot of time on how to specifically incentivize it. It is currently getting grouped in with priority development. In terms of single-family zoning, we're still figuring that out. Maybe we can get rid of it all together and focus on high-density development instead.
 - Eric Walker: We want to make sure we prioritize disadvantaged communities.
 - Paul Beyer: Yes, that will be a central component of affordability. We're looking at strategies that won't result in displacement and gentrification. We're looking at impacts on several different aspect, which will get granular really granular.
 - Ed Marx: There should be an evaluation of plans we've used in the past. We want to make sure we're not making the same mistakes as in the past. Where are resources for monitoring and evaluation going to come from?
 - Paul Beyer: That's a really good point and something that we're looking at.
 - Katie Malinowski: Going back to the first strategy, local towns and villages need to be involved in that for it to be successful. Local governments also want a say in where solar projects are developed.
 - Paul Beyer: Okay, thanks Katie.
 - Eric Walker: I agree that local towns and villages should be involved. In my experience, there has been some pushback, due to the tension with agricultural land. It is also driven by interconnection to the grid.
 - Katie Malinowski: That's a good point, but towns will still want a say about where things go, if this is going to happen anyway.
 - Eric Walker: Maybe there needs to a sub-component around education and outreach. NYSERDA has done this well in the past. We want to get local governments to participate.

- Juan Camilo Osorio: I agree. We want every community to be able to participate. Perhaps providing funding so they can develop the expertise to participate meaningfully. It shouldn't just be an opportunity to educate communities, but use it as an opportunity to develop new proposals.
- Paul Beyer: Yup, all great ideas. Sarah will also be spearheading a cross-panel group on the tensions with renewable energy siting.
- Sarah Crowell: Yes, this is something we'll be discussing with the Power Generation panel and the Agriculture & Forestry panel. We'll organize a cross-panel discussion with those groups.
- Juan Camilo Osorio: I also want to highlight the importance of making sure that the planning groups represents the folks that are being planned for (people of color, low- and moderate-income households, etc.).
- Proposed Strategy #3 – Discussion:
 - Kevin Law: Thanks for included these. They're very interesting. I think you'll get interest from the real estate market. We do need to appease a few different stakeholders here. If we're offering incentives for desirable development, then it is worthy of them getting expedited treatment, through SEQRA, or something else. I think it would be good to segregate larger counties out for some of these incentives or maybe a set aside for very large counties.
 - Paul Beyer: Good idea.
 - Gita Nandan: I think number 2 is super critical because a lot of smaller counties/communities don't have the funding to make a nice website. Is it possible for the state to host a website for those going through the SEQRA process? This would help centralize the information and ease the burden on all of the small counties to do this.
 - Paul Beyer: Yes, that's a great idea.
 - Juan Camilo Osorio: Could you expand a little bit on #3, the "Amend SEQRA...". How will the application process work for environmental justice (EJ)? We want to make sure we're not diluting the value of environmental protections. I also wonder if any changes to SEQRA can be informed by those who are in the weeds with it.
 - Paul Beyer: You need to put in as many protections as possible to ensure it meets the Type II listings. You need to make sure it goes through public comment and is achieving the goals you set out to achieve. Massachusetts has done some of this work. We'll get you info on that. We want to build off of examples that work.
- Proposed Strategy #4 – Discussion:
 - Eric Walker: I'm curious here if you see any immediate implications for some redesign or enhancement of existing landbank legislation? The local landbank in Western NY does not do a lot of work in the city, mostly in the suburbs. I think there's a way to enhance the way they work (particularly in Buffalo).
 - Paul Beyer: Most certainly. I didn't include that here, but I will.
- Proposed Strategy #5 – Discussion.
 - Jessica Bacher: We want to go further than a dashboard and find ways to actually connect them and streamline coordination across silos in state government. We need to get rid of silos and have programs actually come together.
 - Paul Beyer: Yes, good idea.

- Ed Marx: I agree with Jessica. With respect to the first one here, we need to acknowledge that local governments have expertise for land use, so expecting someone to come in and really provide additional info on energy planning is unreasonable. Maybe try to develop capacity at a more regional level.
- Gita Nandan: I agree with Jessica and Ed. You can't expect that clean energy coordinators will be able to pick up the land-planning component of the work
- Mark Lowery: We need to acknowledge that a lot of the requests for the state to do stuff that we're getting at as a part of this conversation are things that have been on the state's list for a long time, but we haven't had the capacity to do, so it may take a while.
- Paul Beyer: Yeah, we need to think about staff increases.
- Sarah Crowell: As we dive in at the subgroup level, we can think about costs and resources.
- Jessica Bacher: There may be a short-term need for more staff that doesn't pan out in the long-term, so need to consider that as well.
- Proposed Strategy #6 – Discussion:
 - Kevin Law: I have chaired the Long Island Regional Economic Development Council (LI REDC) for the past few years. I don't think anything you've laid out will be difficult. One other point on a word change: change the word "defund".
 - Paul Beyer: Yup, we're going to wordsmith that.
 - Juan Camilo Osorio: I appreciate some of the ideas in this slide, particularly, the sustainability economic committee being stepped up to a more important role and evaluating whether the REDCs are complying with the legislation. There may also need to be another bullet that talks about how we evaluate implementation at a regional level.
 - Paul Beyer: Yeah, and that's where the data comes in. It would help if we had metrics, particularly ones that are public.
 - Juan Camilo Osorio: Maybe environmental justice and equity should also be reflected in the title and mission of those committees.
 - Paul Beyer: Yup, sure thing.
 - Sarah Crowell: There has been some great discussion and I'm also seeing comments come in, which can be integrated. Any other comments?
 - Ed Marx: On the GHG benefit, we also need to consider non-development as a carbon sink.

Clean Energy Subgroup Proposed Recommendations

- Brad Tito provided an overview of recommendations from the Clean Energy subgroup (see slides for details). Discussion followed each presented strategy, which is presented below.
- Proposed Strategy #1 – Discussion:
 - Gita Nandan: Are we thinking about the granularity of the data or is that something that is going to be fleshed out?
 - Brad Tito: It will be at the village- and county-level. It is hard to get really granular data, but we'll look at whatever level the data is available.
 - Gita Nandan: It shouldn't just be about energy usage, but also about production. We should be able to look at the whole cycle.

- Brad Tito: I hear you, and we'll take that down. It would also be useful to show charging stations and rooftop solar.
- Ed Marx: It would be helpful if this was constructed in such a way that county-level data can be shown at a state level to make sure that it is consistent.
- Brad Tito: I hear that's really difficult, but we'll see what can be done.
- Eric Walker: I am just wondering if the data reporting protocol is distinct from the utility energy registry that already exists.
- Brad Tito: That would be the electricity and natural gas component of this dashboard, but that's only one piece of emissions. We want the whole view. ICLEI – Local governments for Sustainability has standards that we can use for this reporting.
- Eric Walker: There seems to be a disconnect between how we're focused on local engagement and how it meshes with community aspirations. I'm struggling with the bridge here. It seems that we're focused on local government operations as the opportunity to increase renewable energy.
- Brad Tito: We're looking at things under local government control in strategy 6. Strategies 1 through 5 are community-focused activities, where we'll get really big reductions.
- Eric Walker: I know there is a broad mantra to reduce costs for the benefit of tax payers. I wonder if we can challenge that notion and instead focus on how we can best leverage investment to make sure local governments get what they need to get things done.
- Paul Beyer: Good point and we'll definitely need to think about revenue for local governments.
- Proposed Strategy #2 – Discussion:
 - Mark Lowery: We've had feedback that some communities don't like stretch codes. They want an even playing field. The response is that by allowing stretch codes, they are a laboratory. Maybe we can make that more explicit. When they adopt a stretch code, it is an attempt to pilot something.
 - Brad Tito: Yeah, that's a good point. There is some trial and error with it. We saw it in New York City with voluntary green buildings, which slowly progressed into a regulatory mandate, after it was proven it could be done.
- Proposed Strategy #3 – Discussion:
 - Ed Marx: Having a clear picture of different phases of this work in the future in terms of the code would be useful. If communities want to jump ahead, they can do so.
 - Brad Tito: Yup, the stretch energy code kind of does this. It likely shows what the standard will be three years from now. The stretch code essentially just means you're doing it first.
 - Juan Camilo Osorio: Are you referring to specific types of buildings? What are the potential unintentional impacts on industrial businesses and buildings? How can you mitigate the impacts on business that may be impacted and are operating on a tight margin? For a just transition, we need to protect jobs.
 - Brad Tito: That's a good point. Industry can be really energy intensive. The policies you're looking at here mostly impact large private buildings. The model policy we're relating to here is what they've done in New York City: residential and commercial buildings over 25,000 sqft. We can add information about business impacts.

- Juan Camilo Osorio: The reason why I mention this is you're trying to inspire pollution reduction ideas. There are things that can be done from an efficiency perspective inside the building that can reduce emissions.
- Gita Nandan: How do we link in some of these recommendations to the utility? (i.e. how they're functioning and how they're making mandates and dealing with clean energy at the utility-scale).
- Paul Beyer: There are policies at the state level that deal with this, such as the clean energy standard.
- Gita Nandan: The partnership of utilities and local government is key to achieving these goals. Do we need to specifically call this out? I'm also really concerned about new power plants that are coming online that don't align with the greenhouse gas (GHG) goals in the state.
- Paul Beyer: We're viewing power plants mostly separate from local government. It should be addressed by other panels, even though a local government somewhere does need to be involved in the siting of new power plants.
- Sarah Crowell: We will have a conversation with the Energy Efficiency and Housing Advisory Panel to talk about energy efficiency and what local governments can do to help.
- Proposed Strategy #4 – Discussion:
 - Jessica Bacher: Communities sometimes don't really know what the goals are or the best ways to achieve them, which will prevent them from adopting laws and regulation.
 - Juan Camilo Osorio: On the technical assistance side of things, this is a great opportunity to identify models for shared infrastructure.
- Proposed Strategy #5 and #6 – Discussion:
 - Gita Nandan: Related to electrification, which I'm a fan of, we need to be cognizant of the issue of batteries. We need a clean disposal process because there are environmental justice considerations in disposing of the batteries.
 - Sarah Crowell: This is an issue that is being considered. There will be a presentation at the next CAC meeting that would be worth attending because they're dealing with these issues.

Meeting Close and Next Steps

Sarah Crowell discussed next steps, upcoming schedule, and closed the meeting.