

Land Use and Local Government Advisory Panel Meeting

April 14, 2021 | 1:00-3:00pm

At a Glance

- Sarah Crowell provided details on panel subgroup and cross-panel collaboration efforts.
- Josh Hunn discussed the Advisory Panel's public engagement efforts.
- Mark Lowery presented on updates to the Adaptation and Resilience subgroup's recommendations.
- Paul Beyer presented on updates to the Land Use subgroup's recommendations.
- Brad Tito presented on updates to the Clean Energy subgroup's recommendations.
- Laura Heady presented on updates to the Carbon Sequestration subgroup's recommendations.

Members in Attendance

- **Chair**, Sarah Crowell – Director, Office of Planning, Development, & Community, Department of State
- Ed Marx – Former Commissioner of Planning, Tomkins County
- 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

Members Not in Attendance

- Eric Walker – Climate and Clean Energy Strategist
- Gita Nandan – Board Chair, RETI (Resilience, Education, Training, and Innovation) Center
- Kevin Law – President & CEO, Long Island Association
- Priya Mulgaonkar – Project Manager, Hester Street Collaborative

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, gave welcoming remarks, conducted the roll call, thanked everyone for participating and went over the agenda for the AP meeting (see 'Meeting Agenda' slide).

Subgroup and Cross-Panel Collaborations – Sarah Crowell

- Sarah Crowell detailed the subgroup and cross-panel collaborations that the AP has conducted since the last meeting (see slides for details).

Public Engagement – Josh Hunn

- Josh Hunn highlighted public engagement conducted as part of recommendation development, including public comments, full panel meetings, local government roundtables, public engagement sessions, and the stakeholder input survey (see slides for detail).

Adaptation and Resilience Subgroup Update – Mark Lowery

- Mark Lowery provided an update on the Adaptation and Resilience subgroup, including the three themes used to organize recommendations: building capacity; living systems; and infrastructure. He also mentioned ongoing public comment opportunities (see slides for details).
 - To provide comments, email LULG@dos.ny.gov or the address given on the slides before May 7, 2021.

Land Use Subgroup Proposed Recommendations – Paul Beyer

- Paul Beyer highlighted updates made to the Land Use recommendations, including adding a strategy on Transit-Oriented Development (TOD), as well as the development of benefit and impact assessments and case study development (see slides for more details).
- Discussion on the final recommendations included:
 - Recommendation LU-1:
 - Juan Camilo Osorio: Thanked the staff for their work and noted he would be following up with written comments. He urged staff to clearly define smart growth and to ensure that there is an understanding of how it can impact disadvantaged communities, particularly as it relates to gentrification. He noted that the recommendation as written seems more tailored to suburban communities, and that higher-density urban areas are also in need of smart growth.
 - Sarah Crowell: Clarified that the panel recognizes that this is not just about building more units, but building in a manner that ensures healthy, equitable communities, including mixed-use development, access to public space, mixed-income housing, etc.
 - Juan Camilo Osorio: Noted this was helpful but reiterated the point regarding the need to ensure these amenities don't displace people.
 - Sarah Crowell: Welcomed Juan's additional written comments and reaffirmed that the panel is interested in ensuring equitable implementation of the recommendations.
 - Recommendation LU-2:
 - Jessica Bacher: Thanked the staff for the updates, noting how important it is to include land use technical assistance.
 - Juan Camilo Osorio: Thanked the staff for including recommendations for a central repository of databases. Wanted to highlight that the more he learns about the NY climate science clearinghouse, the more he thinks a central repository could and should be something that exists. NYSERDA is interested in

partnering with other state agencies, so he encourages a review of that partnership strategy. He suggests explicitly laying out the type of resources that will be created; for example, a state land use layer that could go with SUNY and a use cover to help lay out the types of data products available in the clearinghouse.

- Juan Camilo Osorio: Discussions around eligibility for funding for community organizations may help to lay out more clearly where they can be funding applicants and where they should work in partnership with local governments. In addition, the Climate Leadership and Community Protection Act (CLCPA) could have implications for the structure of agencies across the state. There are limitations to regional economic councils (REDC); we need to make sure our goals of equity are reflected in the diversity and inclusion of the people who live in the areas the councils plan for.
- Paul Beyer: Yes, we have been talking about that and note that the REDCs are required to have 1 Environmental Justice (EJ) representative, but sometimes this person is not always truly representative of the citizen stakeholders.
- Recommendation LU-3:
 - Juan Camilo Osorio: This is a tricky one and he commends the panel and staff for work that has been done. It is a controversial recommendation, so he appreciates the language in the updates that were made, as he feels it has located a middle ground. He has a question: does he understand correctly that the GEISs will generate a baseline at a regional or city scale, allowing local review to focus on the details of specific projects?
 - Paul Beyer: Yes, a baseline analysis is how to conceptualize it. Rather than have them start from scratch, we'd have a publicly supported baseline review. Next step is zeroing in on nuances. Setting the table is another incentive and will help jump start the process.
 - Juan: This is a really interesting way to expedite the review process and it is sound. Some of the suggestions he wants to make explicitly lay out the capacity that local governments will have to review whatever scope will be used, as well as consultants or convener fund to build capacity to carry out the review. Also he wants to know what the specific opportunities to strengthen community engagement are. Questions about whether the type of local review can demonstrate local support and if community grassroots groups can truly be engaged in process, rather than just checking the box on community engagement.
 - Paul Beyer: There is a lack of tinkering with the State Environmental Quality Review Act (SEQR). If a project is green and equitable it should get through; SEQR reform has been years long, and we can achieve this by expediting the review process. The panel must make recommendations based on things that have worked in field.
 - Juan Camilo Osorio: How do we deal with the definition of disadvantaged communities that are not ready yet, high priority areas are not ready yet? High property taxes need to be addressed, which are defined by the communities

that live and work there. How are we integrating the latest science on the mitigation and adaptation side, where can we have the greatest carbon impact, and how are we evaluating the impact of these projects on achieving carbon emission reduction goals? How are we using data to ID these areas that should be prioritized?

- Paul Beyer: Turns that to the panel.
 - Sarah Crowell: She has a question. How would this work in a home rule state? Perhaps we could define the criteria, but also we could empower communities to determine certain criteria on where they do and do not want to develop.
 - Juan: Part of that is creating excitement. We also need to align that process of criteria determination with regional and statewide goals and emissions targets. On the adaptation side, let's speak about high priority areas. We should anchor that to new state projections, and as the definition of disadvantaged communities gets updated, we can monitor this prioritization.
 - Paul Beyer: The goal is not for the state to develop but to give communities the criteria they need to make land use decisions.
 - Juan Camilo Osorio: Knows that definition of disadvantage communities won't be ready for a while. In the final iteration of recommendations, we need to finish that part, so it is not left out for interpretation.
 - Paul Beyer: This is part of the scoping process.
- Recommendation LU-4:
 - Juan Camilo Osorio: Thank you for highlighting BOAs, this is a perfect example of how smart growth addresses environmental issues beyond carbon. It may need clarification on the definition. In this list there is room to consider whether coastal zone management can be adjusted using the CLCPA mandate to require a reduction of diesel truck traffic where maritime and rail should be prioritized.
 - Paul Beyer: There is going to be a roundtable on freight, so he can distribute an invitation. There is a very real concern on air quality in proximity to ports.
 - Juan Camilo Osorio: We can recommend specific changes to encourage that type of investment, there is some low hanging fruit, but we can also think of other policies, like the CA green zones where comprehensive planning can be used to elevate local priorities and find ways to fund them.
 - Paul: That is a good idea. We have in here the Local Waterfront Revitalization Program eligible funding activities. He would like to see health impacts analysis built into planning process before starting projects.
 - Recommendation LU-5:
 - Sarah Crowell: Gita Nandan noted that she has comments but had technical difficulties getting on and can share comments after.
 - Juan Camilo Osorio: Echoing comments in the chat about the different aspects and implications on the timeline for disadvantaged communities. This recommendation lends itself to thinking about communities in different ways:
 - The community – who lives and works there.
 - Land use aspects – likes that this is being developed with Transportation Advisory Panel, but it is important to think about how development

opportunities will be harnessed. How is the framework encouraging communities to utilize services and goods for improvements? We need to relate back to the definition of smart growth.

- The EJ movement is thinking of how to position places as manufacturing hubs to produce goods and services, as well as retrofitting buildings to achieve emissions reductions strategies. Is there an opportunity here to embed this into a comprehensive planning framework, not just where commercial and residential can coexist, but where industrial and manufacturing can too (i.e. a working waterfront)? Can this be achieved and funding be utilized to elevate priorities?
- Paul: That is the goal. Planning around transit is certainly very different in the different community types.

Clean Energy Subgroup Proposed Recommendations – Brad Tito

- Brad Tito highlighted updates made to the Clean Energy subgroup’s recommendations (see slides for more details).
 - Recommendation CE-1:
 - Juan Camilo Osorio: It sounds like the audience for the dashboard is different than the clearinghouse we discussed for the LU-2 recommendation. How could these be integrated to make it a one stop shop rather than two separate entities?
 - Brad Tito: That’s a great point. They are different technical solutions. He hears Juan’s point and thinks some amount of integration should be developed, but also thinks the panel needs to consider how different data points translate to different decision points. Think about how the GHG emissions dashboard will provide insight not only on how we are doing as a state but also how we are doing at the local government level. All parts have a carbon footprint, so how do we empower carbon footprint reduction at all levels?
 - Juan Camilo Osorio: He has ideas in terms of integration. Planning for clean energy siting is definitely different but should be connected to a comprehensive strategy.
 - Recommendation CE-4:
 - Ed Marx: Noting that on 3rd bullet, there are a lot of other land resource impacts that we want to minimize. Forests are an important priority, especially with recent news about forests being felled for solar.
 - Recommendation CE-6:
 - Juan Camilo Osorio: This is exciting because it is where the committee is beginning to connect with outside world. It is the most comprehensive strategy. He has a question: how are we integrating recommendations across subgroups related to energy siting? For example, how can we make sure the clean energy recommendations here can also result in resilient energy and tie in with land use recommendations and an expanded definition of land use?
 - How are we connecting with plans to decommission and redevelop power plants?

- How are you situating these in larger planning framework?
- Brad Tito: There is a need to programmatically differentiate, but certainly we are looking at applying Just Transition (JT) principles in specific communities.
- Sarah Crowell: There is a connection there that is implied. The decommissioned power plants are geographically limited and efforts on those are focused on helping the local communities and areas.
 - How do we make sure communities benefit from new site development, addressing environmental and health impacts? That approach is intended to be reflected throughout these recommendations, maybe there is a way to tie in better?
 - Have we had the JT group review the recommendations and can we talk to them about this specifically to be sure they are tied in?
- Juan Camilo Osorio: That's very helpful and love the references to the BOA program. We have to recognize local, grassroots leadership to create vision for redevelopment and engage with the community and developers to ensure equitable implementation. Shared ownership should be considered. Additionally, what are the economic development opportunities for infrastructure deployment? Where are the charging stations located, where will they be manufactured, and how do community members place themselves along the chain to benefit?
- Juan Camilo Osorio: Let's encourage local municipalities to encourage local entrepreneurship and investments. Strategies include sunset park, sunset solar, cooperatives, and coownership of infrastructure. That way we are distributing benefits and wealth across community.
- Juan Camilo Osorio: Common question he hears from the community: my energy bill is going up even though my usage has not. Why? The cost of maintaining system will go up, so those that can disconnect will go off grid, but those that don't will have to carry the burden. What are the equitable impacts that you hinted at in some previous slides?
- Sarah Crowell: We can talk about it, but it is a big question that needs to be addressed by CAC in the scoping plan. How do we stay true to the requirement in the CLCPA that ensures it is equitable and benefits disadvantaged communities? That's the overarching umbrella under which we're functioning. There may be ways to more pointedly touch on those things, but what you're raising is the big issue that we have to focus on across the board. One way to think about it is: how are the land use strategies and types of development connected with clean energy interventions? We always have to consider land use potential and economic development implications.
- Brad Tito: Appreciates that Sarah is pushing us to find connections. The JT principles offer opportunities for pilot projects on land use, clean energy, and resilience in the communities affected by the clean energy transition. NYSERDA is working to get these pilots going.

- Laura Heady thanked all those engaged and presented updates to the Carbon Sequestration subgroup's recommendations (see slides).
 - She hopes this reflects everyone's contributions
 - Key areas of focus are: wetlands and blue carbon, mapping, and technical assistance.
 - Significant carbon sequestration recommendations are coming from the Agriculture and Forestry Advisory Panel, but we're aiming to add this topic through land use and conservation of other areas, like wetlands.
- Kathy Moser: She understands strategies have a low carbon value, but they also have an adaptation value. She is worried that when they send it to CAC, this goes to the wayside when there are other benefits tied to climate change.
- Laura Heady: We will coordinate that with Mark, and strategize how to highlight those benefits. Having biologically healthy wetlands not only support biodiversity, they deliver benefits to communities through ecosystem services such as decreased risk of flooding, cleaner air and water, and access to open space and nature.
- Ed Marx: The Agriculture and Forestry group identified a huge gap in sequestration to hit goal. Every bit of it is critical, and their recommendations only get halfway to the 2050 goal. If we don't get them all we don't get to the goal.
- Laura Heady: Being comprehensive on the smaller bits as well as larger will help get to that goal.

Meeting Close and Next Steps

- Sarah Crowell discussed next steps, upcoming schedule, and closed the meeting (see slides).