

# Climate Leadership and Community Protection Act

## Land Use and Local Government Advisory Panel

Sarah Crowell, LULGAP Chair  
New York State Department of State

February 1, 2021

1:00pm – 3:00pm EST

Meeting 6

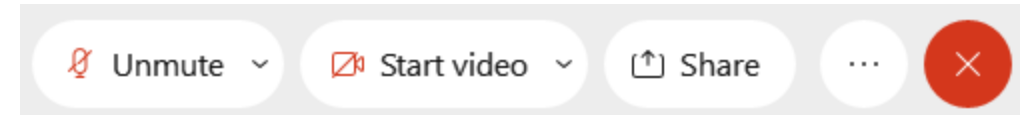


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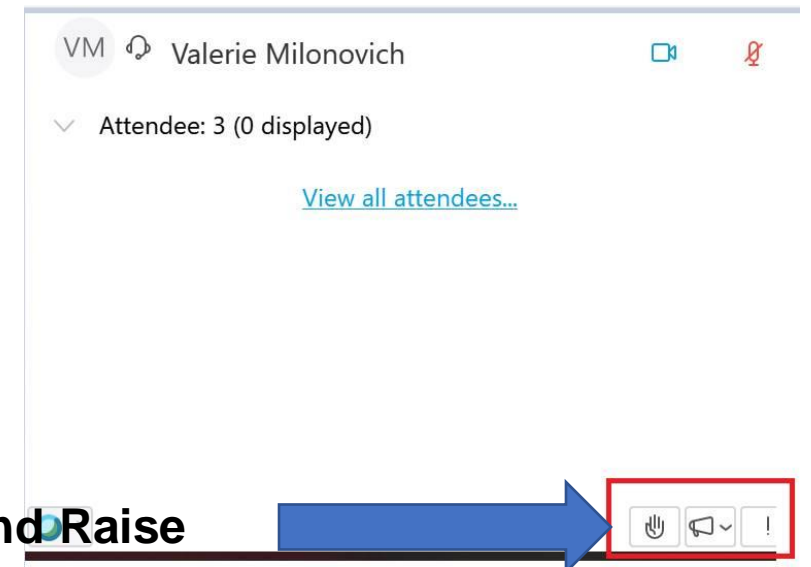
# Meeting Procedures

## Before beginning, a few reminders to ensure a smooth discussion:

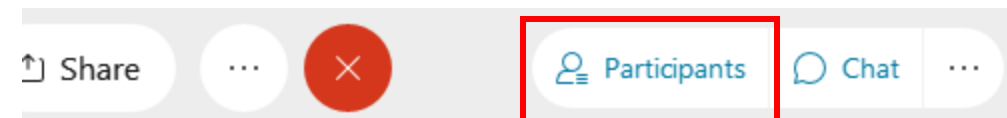
- > Panel members should be on mute if not speaking.
  - > If using phone for audio, please tap the phone mute button.
  - > If using computer for audio, please click the mute button on the computer screen (1<sup>st</sup> visual).
- > Video is encouraged for Panel members, in particular when speaking.
- > In the event of a question or comment, please use the hand raise function (2<sup>nd</sup> visual). You can get to the hand raise button by clicking the participant panel button (3<sup>rd</sup> visual). The chair will call on members individually, at which time please unmute.
- > If technical problems arise, please contact 518-402-9710 or LULG@dos.ny.gov



You'll see  when your microphone is muted



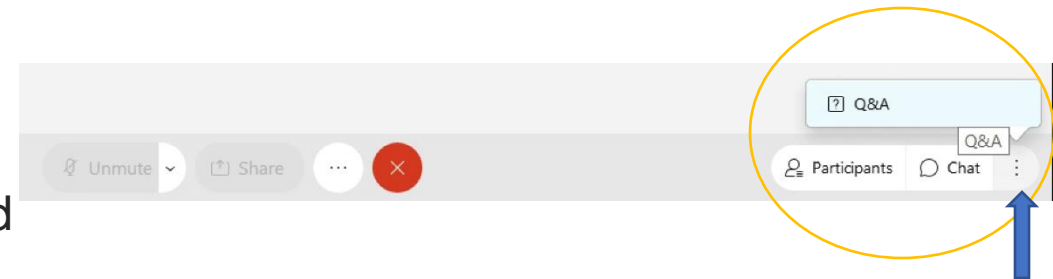
Hand Raise



# Procedure for Public Input

## The Advisory Panel welcomes public comments and questions both during and in between its meetings

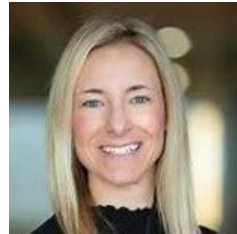
- > To submit feedback to Panel Members and agency staff during the meeting, members of the public can use the Webex Chat function located in the right bottom corner.
  - Comments and questions submitted through WebEx will be aggregated and submitted to panel members to be included in deliberations.
- > To submit feedback between Advisory Panel meetings, please email [LULG@dos.ny.gov](mailto:LULG@dos.ny.gov)



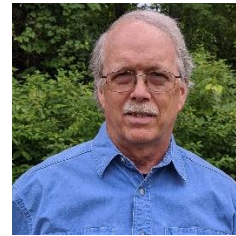
# Land Use and Local Government Advisory Panel Members



**Sarah Crowell, Chair**  
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Infrastructure: DOS



**Jayme Breschard-  
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Change: DEC



**Kevin Law**  
President & CEO:  
Long Island  
Association



**Kathy Moser**  
Senior Vice  
President:  
Open Space  
Institute



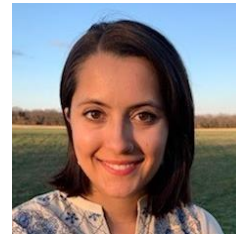
**Juan Camilo Osorio**  
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**Jessica Bacher**  
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**Priya Mulgaonkar**  
Project Manager:  
Hester Street  
Collaborative



**Eric Walker**  
Climate and Clean  
Energy Strategist

# Meeting Agenda

- > Welcome, Attendance, Agenda
- > Engagement and Collaboration
  - Stakeholder Survey Summary
- > Report Outs from Strategy-Specific Work Sessions
  - Carbon Sequestration
  - Adaptation and Resilience
- > Proposed Recommendations Review and Discussion
  - Land Use Subgroup
  - Clean Energy Subgroup
- > Next Steps and Wrap-Up

# Engagement and Collaboration Updates

## Land Use and Local Government Advisory Panel



**Climate Action  
Council**

# Stakeholder Input Survey: Summary

## Land Use and Local Government Advisory Panel

### Respondent Summary

- > The panel invited stakeholders and local officials to provide input, 38 responses were received. Respondents represented all 10 REDC regions, with lots of interest from MHV and Southern Tier. Respondents represented all levels of local and regional government
- > The most impactful GHG reduction actions reported were municipal building energy efficiency energy retrofits & clean energy upgrades, municipal Street and Traffic Light Conversions to LED, and Technical Assistance to Local Governments through the CEC and CSC programs
- > The most significant challenges or hurdles to achieving a reduction in GHG emissions were high upfront costs and limited funding, limited local staff and regional capacity, and low political will/leadership/education.
- > Most respondents existing climate programs didn't focus their benefits on low-income communities, communities of color, and/or environmental justice areas
- > Most respondents listed climate justice/gentrification related concerns as unintended consequences that the panel should be aware of and seek to mitigate

# Stakeholder Input Survey: Summary

## Land Use and Local Government Advisory Panel

**Survey Results:** ~80 recommendations received covering a wide range of sectors

### Key Themes (approx. response count)

1. Enhanced State and Regional Technical Assistance and Tools (13)
2. Improve Transit, Mobility, and Smart Growth (10)
3. Support for Municipal Solid Waste/Recycling and Wastewater Programs/Initiatives (10)
4. New and Existing Private-Sector Building Decarbonization (7)
5. Open-Space, Wetlands, and Natural Resources Protection (6)
6. Equity and Climate/Resilience requirements for State grant programs (6)
7. State-led education campaigns on climate science, renewables, emerging technologies, and climate action (5)



# Public Comments

## Land Use and Local Government Advisory Panel

### Public Emails and Chat Comments

- > The panel inbox (LULG@dos.ny.gov) remains open for public comment.
- > Substantial public comment has already been provided via the chat function during panel meetings.
- > Public comments from these sources continue to be compiled weekly and provided to the panel to advise recommendation development

**"[Consider] local park grasslands as an opportunity for towns to sequester carbon underground in the form of deep roots to help address climate change"**

#### Topic Area

[More Details](#)

● Land Use and Smart Growth	16
● Clean Energy	7
● Adaptation and Resilience	1
● Other	8



# Subgroup Updates

## Land Use and Local Government Advisory Panel



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# Carbon Sequestration Subgroup Update

## Land Use and Local Government Advisory Panel

- > The Carbon Sequestration Subgroup met for the first time on January 25 and is scheduled to meet again on February 8.
- > The Subgroup agreed to focus initially on issues related to conservation and restoration of priority natural areas, including coastal systems ("blue carbon"), freshwater wetlands, and forests.
- > Emerging themes include the need for research on sequestration rates of different ecosystem types; updating of wetland and coastal hazard area maps; capacity-building of municipalities and counties to conserve natural areas; and increased local financing opportunities.
- > We are in communication with Agriculture and Forestry Advisory Panel to identify cross-panel synergies and priorities.
- > A cross-panel learning session focusing on carbon sequestration in forests and trees has been scheduled for February 5th with Dr. Andrew Reinmann and Dr. Susan Cook-Patton

# Adaptation and Resilience Subgroup Update

## Land Use and Local Government Advisory Panel

- > A/R recommendations due to CAC in May
- > A/R Group meeting February 4: LULGAP, A/R Liaisons, LULG SWG
  - Agenda: climate change impact assessment, biodiversity report, process for recommendation development and integration with mitigation strategies
- > A/R Group meetings to be scheduled through April
- > Stakeholder input on A/R recommendations
  - Focused outreach to staff and external experts
  - Public comment session in April
  - Public comments to [LULG@dos.ny.gov](mailto:LULG@dos.ny.gov)
- > Progress updates during scheduled February/March LULGAP meetings, final LULGAP review in late April/early May

# Proposed Recommendations

## Land Use and Local Government Advisory Panel



# Panel Goals

## Land Use and Local Government Advisory Panel

### Goals that are guiding recommendation development

1. Support local and regional initiatives to promote efficient land use/smart growth
2. Foster the expansion of low-/no-carbon, energy-efficient mobility options
3. Maximize carbon sequestration potential of both developed and undeveloped lands
4. Build capacity at the regional level and streamline/enhance support to municipalities
5. Increase energy efficiency in new development and promote energy efficiency retrofits
6. Accelerate development and adoption of clean energy sources
7. Reduce emissions associated with municipal operations, buildings, facilities, and fleets

# Land Use Subgroup Draft Recommendations



# Land Use Subgroup

## Proposed Strategy #1

Description	Action type	Ease of implementation	Cost
Develop a regional and county-based program of land use planning and designating priority development areas and priority conservation areas	New state programs, regulations, grants and expansion of existing programs	Medium	\$\$



# Land Use Proposed Strategy #1

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Develop a planning grant program to update and expand upon 2013 Regional Sustainability Plans	NYSERDA	2 years	Regional Entities/Local Gov'ts
Develop a new planning grant program for counties to develop county-wide smart growth comprehensive plans	DOS	2 years	Counties
Extend eligibility for smart growth-related planning and implementation grants.	DOS	1 year	Regional Planning Councils
Create an inter-agency group involved with land use, community development and open space conservation	DEC/DOS	<1 year	Multiple NYS Agencies
Create a grant program for regional entities and counties to identify priority development and priority conservation areas, in consultation with municipalities	DOS/DEC	2 years	Regional Entities/Local Governments
Process for priority development and conservation areas to be submitted to the DOSD for review, approval and/or amendments by an inter-agency group coordinated by the DOS.	DOS	2 years	Public
Expand shared services plans and inter-municipal agreements more fully into land use planning and zoning.	DOS	<1 year	Local Governments
Expand the TOD/Workforce Housing State Housing Goal in HCR's Unified RFP beyond solely the 9% LIHTC Program to include all relevant HCR solicitations.	HCR	<1 year	DOS
Expand and enforce the "priority and preference" provision in the BOA statute to include other relevant grants beyond those already identified in statute	DOS	1 year	Stakeholders/Local Governments
Create an experimental, inter-disciplinary mini-grant program for quick, targeted outcomes	DOS	1 year	Local Governments

# Land Use Subgroup

## Proposed Strategy #2

Description	Action type	Ease of implementation	Cost
Develop a more streamlined “Plan-to-Zone” initiative or program that satisfies the pre-condition for a plan to allow municipalities to proceed to zoning more quickly and simply	New state guidelines, grant program, and technical assistance tools	Easy	\$

# Land Use Proposed Strategy #2

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Create a grant program to assist municipalities (particularly more disadvantaged and rural communities with less capacity/staff) in the development of expedited or mini-comp plans and district/corridor plans and zoning ordinances (with a preference for comp plans).	DOS	< 1 years -current pilot program	Regional Entities/Local Gov'ts
Define some base criteria for a mini-comp plan, including extensive community outreach and engagement, that would comport with case law.	DOS	2 years	Partnering state agency legal staff
Provide necessary data for municipalities to access and use (see centralized database for municipalities in Initiative	DOS	2-3 years	Partnering state agencies

# Land Use Subgroup

## Proposed Strategy #3

Description	Action type	Ease of implementation	Cost
Expedite local review and approval of equitable smart growth projects with complementary State support	New state grants, programs, regulatory, and statutory amendments	Hard	\$

# Land Use Proposed Strategy #3

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
State funding to assist in the development of GEISs for local smart growth overlay zoning (preferably in priority growth areas, as discussed in Initiative 2/First Strategy, above) to jump-start the project scoping and review process and engage residents early. The State could establish a revolving grant fund to support the GEISs, with a pay-back to the fund by the developer if they develop projects consistent with the zoning.	DOS	1-3 years	DEC/Regional Entities/Local Gov'ts/Private Developers/IDA's/Environmental Justice Community
Expand Pre-Development Community Outreach, Engagement, and Education for smart growth projects to generate community support, awareness and buy-in prior to a developer filing the project with the municipal board, possibly through a SEQRA "uber-scoping" amendment. The State agencies can develop a model outreach approach, which would be conducted primarily by the developers, with assistance from community-based organizations, local government officials, universities and others, as needed.	DEC/DOS/DOT	2-3 years	Regional Entities/Local Gov'ts/Private Developers/IDA's/CBO's/Universities/Environmental Justice Community/Affected State Agencies
Amend SEQRA to include Presumptive Neg Decs or Type II listing for certain smart growth projects, similar to the proposed "Sustainable Development" provisions drafted for the 2017 SEQRA reforms. (Note: Any SEQRA recommendation would need to maintain and ideally expand opportunities for public input and engagement and would require the unanimous approval of environmental justice advocates on the CAC, CJWG and LULG Advisory Panel.)	DEC/DOS/DOT	3-5 years	Same as above + NYS Governor and Legislature
Create an Inter-Agency Priority Permitting/Approval System for Smart Growth Projects (based on Massachusetts' 43D and 43E statutes). The MA statute created a system of both state and local expedited permitting and review for certain priority development sites and a Land Use Priority Development and Conservation Area Plan program areas, which then receive streamlined and priority funding review by state agencies	DEC/DOS/DOT	2-3 years	Partnering State Agencies

# Land Use Subgroup

## Proposed Strategy #4

Description	Action type	Ease of implementation	Cost
De-fund sprawl and reward Smart Growth in State infrastructure spending	New state grants, programs, regulatory, and statutory amendments	Medium	\$

# Land Use Proposed Strategy #4

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
De-Fund Sprawl-Inducing Infrastructure by amending the Infrastructure Act to allow State agencies involved with infrastructure funding to deny funding for sprawl-inducing infrastructure, based on some threshold score in the existing smart growth review process, with the possibility of a waiver under certain circumstances.	DOS/DOT	1-3 years	NYS Governor & Legislature/Affected State Agencies
Reward Smart Growth-inducing infrastructure by providing priority funding for infrastructure projects that score above a certain threshold in Smart Growth review, including those in Priority Growth Areas established by the process described in Initiative 2.2 (similar to the “priority and preference” provision in the BOA statute.)	DEC/DOT	1-2 years	Granting State Agencies
Review and refine the 11 Smart Growth criteria in the State Infrastructure Act to more accurately identify smart growth- and sprawl-inducing infrastructure projects and to align those criteria more directly with the CLCPA	DOS	<1 year	DOT/Affected State Agencies

# Land Use Subgroup

## Proposed Strategy #5

Description	Action type	Ease of implementation	Cost
Support municipal implementation of mitigation strategies through smart growth planning, zoning and project review/approval and local clean energy proliferation.	Existing program expansion and investment, new technical assistance tools, state and local policy changes	Easy	\$\$



# Land Use Proposed Strategy #5

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Expand the roles and responsibilities of NYSERDA Clean Energy Communities (CEC) Regional Coordinators and DEC Climate Leadership Regional Coordinators to provide smart growth planning and zoning technical assistance and capacity-building to municipalities, which would include the integration of land use, transportation and housing planning.	NYSERDA/DEC	1-2 years	Regional Entities and Local Governments
Develop a Sustainable Development/Climate Act Resource. This digital resource would assist regional entities, counties, municipalities, developers and CBOs and communities in navigating, accessing and integrating the maze of state programs relative to sustainable community development and clean energy development.	DOS	1-2 years	Governor's Office, Granting State Agencies
Create a centralized repository or dashboard of data resources useful to regional/county/local planners in the development of land use plans, zoning codes and projects—including data on affordability and other equity matters.	DOS	2-3 years	ITS, Regional Entities and Local Governments
Provide assistance and resources for various shared/community-centered ownership models for businesses and shared equity models for home ownerships—under the banner of “Community Wealth Building”—to help municipalities address displacement, gentrification and the concentration of poverty	DOS and other state agencies	< 1 year	HCR, ESD and other state agencies, Universities, NGO's and LG's
Work with the IDAs in each region to proliferate tax incentive policies in their Uniform Tax Exemption policies to incentivize infill and downtown redevelopment	DOS	5-10 years	IDA's
Utilize and expand General Municipal Law Section 239 County Review. Investigate ways to more effectively utilize and possibly amend county review of certain municipal planning, zoning and subdivision projects under NY General Municipal Law Section 239 (l), (m) and(n) to promote greater inter-municipal perspectives and decision-making.	DOS	1-3 years	Counties/State Legislature

# Land Use Subgroup

## Proposed Strategy #6

Description	Action type	Ease of implementation	Cost
Horizontal programmatic and policy alignment to integrate land use, transportation, housing and economic development planning, regional sustainability plans and REDC strategic plans and projects.	Structural reform across multiple levels of government, supported by new and existing programs	Medium	\$\$\$

# and Use Proposed Strategy #6 Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Assemble a consortium of regional land use entities in each REDC region to achieve coordination and alignment of missions; and to assist in the development of regional sustainability plans and priority development and conservation areas.	REDCs/NYSERDA/DEC/ESD	3-5 years	IDA's, RPC's, Regional Coordinators, MPOs, Transit Authorities, Universities and CBO's, Regional entities
Align all relevant agency geographic boundaries with the REDC regional boundaries and assign a regional director from each agency to the consortium above. Each state agency shall have a regional coordinator assigned to the adjusted regions.	Governor's Office	3-5 years	Each agency—including DOS, ESD, DOT, NYSEDA and DEC, among others
Create an inter-agency and regionally organized consortium to apply inter-disciplinary coordination on the regional and community levels around smart growth and clean energy (similar to DRI)	REDCs/ESD	2-3 years	DOS, ESD, HCR, DOT, DEC, NYSEDA and other State agencies
Each REDC would create a joint Sustainability/Economic Development committee which would coordinate and inform the policy and funding decisions of the REDCs	REDCs/ESD/DEC	1-2 years	Public/private/NGO Regional entities
Each REDC shall appoint a sustainability/climate change liaison as a full voting member of the REDC; the liaison would preferably be the Chair or a Member of the joint Sustainability/Economic Development Committee described in the bullet above.	REDCs/ESD/DEC	1-2 years	Same as above
Create a scoring/incentive system whereby REDC projects and strategic plans that most comport with the regional sustainability concepts receive priority funding/consideration	REDCs/ESD/DOS	1-2 years	State granting agencies
Each region would hire a Regional Sustainability Coordinator as a "circuit rider" to help ensure inter-disciplinary coordination and regular outreach to communities.	REDCs/ESD/DOS	2-3 years	All of the above

# Clean Energy Subgroup

## Draft Recommendations



# Clean Energy Subgroup Proposed Strategy #1

Description	Action type	Ease of implementation	Cost
Develop a statewide dashboard of community greenhouse gas emissions inventories to promote local climate action planning, measure progress, and ensure data consistency at the county/municipality level.	Programmatic	Medium	\$

# Clean Energy Proposed Strategy #1

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Data Reporting Protocols	PSC; NYSERDA; DTF; Regional MPOs	2 years	Fuel oil, gasoline, and diesel suppliers
Dashboard Development and Implementation	NYSERDA	1 year	Community stakeholders

# Clean Energy Subgroup Proposed Strategy #2

Description	Action type	Ease of implementation	Cost
Encourage local governments to demonstrate leadership in energy efficiency by developing and promoting model above-minimum policies such as stretch energy codes, enhanced code enforcement including streamlined permitting, third party inspections, and shared enforcement, and Property Assessed Clean Energy (PACE) financing.	Programmatic	Easy	\$

# Clean Energy Proposed Strategy #2

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Utilize the Clean Energy Communities and Climate Smart Communities programs to encourage local climate action.	NYSERDA; DEC	2 years	Counties, Cities, Towns, and Villages
Continue and expand NYPA Clean Energy Services	NYPA	2 years	Counties, Cities, Towns, and Villages
Expand the Regional Coordinator Network to assist local governments and related entities across a range of climate actions.	NYSERDA; DEC	2 years	Regional Planning Boards



# Clean Energy Subgroup Proposed Strategy #3

Description	Action type	Ease of implementation	Cost
Establish a set of statewide mandates to avoid a patchwork of local policies including align energy codes with CLCPA goals, establish energy benchmarking and performance standards for buildings, and create innovative public benefit financing mechanisms.	Legislative	Hard	\$\$

# Clean Energy Proposed Strategy #3

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Pass state legislation establishing energy benchmarking and performance standards for buildings.	Chamber	10 years	DOS; NYSERDA; AG
Pass state legislation to establish targets for the Energy Code to align with CLCPA goals.	Chamber	10 years	DOS; NYSERDA
Change the Energy Law relating to the Energy Code to extend the consideration of a 10-year cost effectiveness period to allow for assessment over a longer time horizon, potentially the equipment lifecycle or be based on secondary or societal effects, such as reductions in carbon emissions.	Chamber	2 years	DOS; NYSERDA
Provide state funding for administrative costs of code updates incurred by local governments and state agencies, including enforcement, purchase of codes books, guidance documents, and training.	Chamber	2 years	DOS; NYSERDA
Offer municipal based financing for required decarbonization building improvements based on clean water financing model.	Chamber	5 years	EFC; DTF; DEC; NYSERDA

# Clean Energy Subgroup Proposed Strategy #4

Description	Action type	Ease of implementation	Cost
Facilitate clean energy siting through planning support and the development and promotion of model local laws, streamlined permitting, and local development regulations that clearly identify appropriate as-of-right installation opportunities for different clean energy technology types, and clear requirements and reasonable processes for installations that are not as-of-right.	Programmatic	Medium	\$\$

# Clean Energy Proposed Strategy #4

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Develop and promote model local laws and development regulations.	NYSERDA	<1 year	Community Stakeholders, Solar Industry
Streamline the permitting process for clean energy technologies (i.e. NYS Unified Solar Permit).	NYSERDA	<1 year	Code Enforcement Officers
Develop tools and resources including mapping to help communities understand environmental and economic implications of siting clean energy projects on lands with high-quality soils and other competing uses.	NYSERDA	2 years	Community Stakeholders, Agriculture and Forestry; Solar Industry
Provide technical support to help local governments plan for and review solar projects.	NYSERDA	2 years	Regional Planning Boards

# Clean Energy Subgroup Proposed Strategy #5

Description	Action type	Ease of implementation	Cost
Connect homes, businesses, and community institutions with clean energy products, services, and job opportunities through Community Choice Aggregation programs, microgrids, district systems, workforce development initiatives, and community-scale campaigns to encourage adoption of new, innovative technologies to generate value and savings for consumers.	Programmatic	Medium	\$

# Clean Energy Proposed Strategy #5 Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Continue to encourage development of Community Choices Aggregation (CCA) programs where communities choose 100% renewable energy as the default supply, and where participants are automatically enrolled in Community Distributed Generation (CDG).	NYSERDA	1 year	Community Stakeholders; CCA Administrators; ESCOs
Promote community-scale campaigns to encourage adoption of new, innovative technologies to generate value and savings for consumers.	NYSERDA	1 year	Community Stakeholders
Expand workforce development programs focused on training and job placement in clean energy and emerging technologies.	NYSERDA	2 years	Unions; Clean Energy Industries
Enable the development of microgrids (municipal, schools and private) and district clean energy systems.	NYSERDA	10 years	Utilities; Campuses

# Clean Energy Subgroup

## Proposed Strategy #6

Description	Action type	Ease of implementation	Cost
Continue and expand state program opportunities, incentives, technical assistance, and centralized procurement services to motivate local governments and related public entities to improve assets they control with high-impact actions such as LED lighting, energy efficiency upgrades, heat pump projects, methane recovery for energy production from wastewater treatment and landfills, solar on municipal premises, and municipal and school district fleet electrification.	Programmatic	Medium	\$\$

# Clean Energy Proposed Strategy #6

## Components

Components required for delivery	Implementation lead	Time to implement	Other key stakeholders
Reduce interconnection costs for municipal-owned priority sites.	NYSERDA	2 years	Solar Industry
Prioritize funding for project that recover methane from wastewater treatment and landfills for energy production.	NYSERDA	5 years	Community Stakeholders
Provide technical support to help local governments and related public entities develop and implement clean energy projects.	NYSERDA	1 year	Community Stakeholders
Electrify municipal and school district fleets while increasing fleet-wide fuel economy.	NYSERDA; DEC	10 years	School Districts
Increase waste reduction and recycling rates in municipal operations and in the community.	DEC	10 years	Counties
Encourage local governments to track and report the energy use of municipal buildings and facilities (benchmarking).	NYSERDA	2 years	



# Next Steps

## Land Use and Local Government Advisory Panel



**Climate Action  
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# February/March Schedule

## Subgroups:

- **Feb 4: Adaptation and Resilience Subgroup Meeting**
- **Feb 5: Cross-Panel Learning Session: Carbon Sequestration by Forests and Trees**
- **Feb 8: Carbon Sequestration Subgroup Meeting**
- **Land Use and Clean Energy Subgroup Meetings to be scheduled**

## Full Panel Meetings:

- **Feb 22: LULG Advisory Panel Meeting #7**
- **March 8: LULG Panel Meeting #8**
- **Late March: LULG Advisory Panel Meeting #9**

# Wrap Up and Next Steps

## Continue to review and develop recommendations in working sessions and forums

- > All subgroups will meet prior to the Feb 22<sup>nd</sup> panel meeting
- > Staff will send out doodle polls to schedule

## Public Engagement

- > The public is encouraged to provide comments on the draft recommendations via email to [LULG@dos.ny.gov](mailto:LULG@dos.ny.gov)
- > Public engagement session will be scheduled

Thank You!