

Land Use and Local Government Advisory Panel Meeting

February 22, 2021 | 1:00-3:00pm

At a Glance

- Kara Allen and Yvonne Martinez provided an update on Just Transition Principles.
- Mark Lowery provided an update on the Adaptation and Resilience subgroup.
- Laura Heady provided an update on the Carbon Sequestration subgroup.
- Panel members provided feedback on proposed enabling initiatives 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
- Gita Nandan – Board Chair, RETI (Resilience, Education, Training, and Innovation) Center
- Jessica Bacher – Managing Director, Pace University School of Law, Land Use Law Center
- 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
- Priya Mulgaonkar – Project Manager, Hester Street Collaborative
- Jayme Breschard-Thomann – Senior Project Manager, Bergmann PC

Members Not in Attendance

- Kevin Law – President & CEO, Long Island Association
- Juan Camilo Osorio – Assistant Professor, Pratt Institute School of Architecture
- Eric Walker – Climate and Clean Energy Strategist

Staff Who Participated in the Call

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

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).

Public Comments

- Sarah Crowell reviewed how public comments can be made and encouraged continued input
- Josh Hunn provided an update on the distribution and breadth of comments that continue to come in (see slide for details).
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Just Transition Principles

- Kara Allen and Yvonne Martinez reviewed the background on the just transition principles, how they were developed and the ten principles for consideration as the Advisory Panel develops recommendations (see slides for details).
- Discussion:
 - Mark Lowery: These almost form a check list and the temptation will be to look at recommendations and see how many we hit. These should be a guidepost, rather than using what we're doing to help achieve some of these goals. We want to ensure that our recommendations don't infringe upon a just transition, but they enable them.
 - Kara Allen: Hope to have the panels think about these to put forward recommendations that advance aspirational tenants. APs can best answer how they are using them.
 - Sarah Crowell: Having these written out is helpful for evaluation. We've had a lot of these ideas in mind as recommendations were being developed.
 - Gita Nandan: These are a great collection, specifically for the scope of this group. One of the most critical is the one that addresses structural inequalities which is hardest for this AP. We should take that back and look at it closely. Is there a principle that lifted up environmental justice (EJ) communities specifically as those at the fore front so they are at the front of how you're distributing funding or efforts? These need to be clear that efforts are targeted to EJ.
 - Yvonne Martinez: In the way I look at these principles, the idea of bringing in these communities is woven into the principles here, such as with stakeholder engagement, equitable access to high quality jobs, looking specifically at disadvantaged communities. We tried to weave it into many, but good point that we don't know how the APs will effectuate these in particular.

Sarah Crowell: We can take this in concert with the recommendations from the Climate Justice Working Group on how to identify those communities – where they are and where we need to focus investment.

Panel Goals and Update on Recommendation Development

- Sarah Crowell reviewed the panel goals to keep in mind as we review recommendations and provided an update on progress made on recommendation development since the last meeting (see slides for details).

Adaptation and Resilience Subgroup Update – Mark Lowery

- Mark Lowery provided an update on the Adaptation and Resilience subgroup strategies and the schedule (see slides for details).
- Discussion:

- Gita Nandan: At the next meeting, we should do an internal review of JTWG principles and the proposed strategies.

Carbon Sequestration Subgroup Update – Laura Heady

- Laura Heady provided an update on the Carbon Sequestration Subgroup’s progress and strategies related to freshwater and “blue carbon” (see slides for details).

Land Use Subgroup Update – Paul Beyer

- Paul Beyer provided an overview of enabling initiatives from the Land Use subgroup (see slides for details).
- Enabling Initiative #4 – Discussion:
 - Mark Lowery: There is planning expertise at regional and local level, so it is almost presumptuous that DEC Climate Leadership Coordinators will provide technical assistance to experts at the local level. Should we explore a bit more what the Coordinators could do that would be helpful?
 - Katie Malinowski: We had talked about how Coordinators are the ones to deliver planning and zoning technical assistance and pushing the envelope to take these NYSERDA and DEC programs and combine them or streamline them.
 - Ed Marx: They might be able to play a navigation role, but for the function of planning, there are a lot of folks at the local level and consultants that do that work.
 - Paul Beyer: Agreed, they could help get folks through process. Some are regional planning commissions (RPCs).
 - Laura Heady: Rather than blanket statement on helping municipalities, can we specify that we can help willing communities? Some have planners on staff but some are very limited and can’t advise on these issues.
 - Mark Lowery: Is this something the state wants to provide going forward?
 - Sarah Crowell: This becomes a one stop shop that can direct to other resources in the state. We don’t want to duplicate, but do want to centralize.
 - Katie Malinowski: There are small planning boards with a lot of turnover. The Commission helps provide information, can be a conduit and provide continuity to keep them moving forward. We can offer that as we debate where planning function should be.
 - Sarah Crowell: Absolutely, it should be a partnership.

Clean Energy Subgroup Update

- Brad Tito provided an overview of enabling initiatives from the Clean Energy subgroup (see slides for details). Discussion followed presented strategies, which is represented below.
- Enabling Initiative #2 – Discussion:
 - Sarah Crowell: This is where we see overarching need for a point of coordination that directs and helps communities access programs across the state.
- Enabling Initiative #3 – Discussion:
 - Mark Lowrey: What factors are in the law to specify cost effectiveness?
 - Brad Tito: Understand it’s less than 10 years which limits what can be done under code. We can look at costs and energy saved. Energy law is a legal question.
 - Can we consider recommending incorporation of social cost of carbon?

- Brad Tito: We can look at this under secondary societal affects which is aligned with the Energy Efficiency working group and there is similar recommendation from them. They are staffed with experts in energy code and how it is assessed. We are coordinating to make sure this aligns.
- Enabling Initiative #4 – Discussion:
 - We should include modeling for solar access, as places urbanize and develop and we try to green communities with more tree planting. This could be a conflict point potentially, as it was in Ithaca. Guidance here would be helpful.
 - On code enforcement, there has been discussion of county wide code enforcement. This is a shared service option the state could facilitate.
 - This is directly included in Strategy #3 where we talk about county models. There are a handful of counties where local communities ceded their authority. We have a lot of people who are involved in code enforcement.
 - Laura Heady: Connecting dots between different recommendations – there is a centralized portal of data with the Hudson Solar mapping tool. It’s useful because of the considerations on soils, forests, etc. Getting to the topic of priority development areas, natural resource layers should be included in comprehensive plans. There is an opportunity for a one stop shop to make it easier for communities to access and a great opportunity for baseline data.
 - Brad Tito: The Hudson Valley tool is thoughtful and guides you through it. It is really well done.
 - Mark Lowery: By the time the state gets around to providing products, will there be regional products available? Is it more useful to be a facilitator or coordinator rather than the state providing products? Can we recognize that people are already doing this?
 - Laura Heady: We can do a gap analysis to identify where there are/are not tools, where the tools are/are not good.
 - Brad Tito: We recognize there are different needs in different regions.
 - Laura Heady: Hudson Valley takes state data sets which could be replicated with a little funding and technical assistance.
 - Sarah Crowell: There is a lot out there. A gap analysis is a good start. US GIS gateway pulls in data from variety of sources that can be viewed together. That could be a model platform that might work.

Meeting Close and Next Steps

Sarah Crowell discussed next steps, upcoming schedule, and closed the meeting (see slide for details). She noted there were comments in the chat which will be integration into discussion in the coming weeks. She thanked panel members for their time.