

Land Use and Local Government Advisory Panel Meeting

Teleconference - WebEx
Wednesday, October 7, 2020
11AM-12PM

At a Glance

- A brief presentation reviewed objectives of the Land Use and Local Government (LULG) panel and the elements of the draft work plan. The meeting focused on the most urgent elements of the work plan which include sectoral goals, scope of work, and timelines.
- Benchmarks and recommendations from the Pathways Report as they pertain to the LULGAP were briefly presented.
- The draft sectoral goals were presented, the advisory Panel reviewed and provided comments on these goals.
- The draft scope of work was categorized into three subgroups, each containing a goals description and list of topics to be addressed. The subgroups are as follows: Land Use Policies and Practices, Clean Energy Policies and Practices, and Adaptation and Resilience. The draft scope of work for each subgroup was presented to the Advisory Panel individually for review and comment.
- The proposed external engagement plan was presented for panel review and comment
- The upcoming meetings and next steps were presented to the panel
- The next meeting was scheduled for October 29, 2020, 1pm-4pm. Prior to the next full panel meeting, subgroup meetings will be scheduled and held. Panel member interest in serving on specific subgroups was solicited.
- An email was created for use by the panel in communicating with Agency Leads and external engagement: LULG@dos.ny.gov

Present

WebEx: 96 attendees including the panel, agency staff and WebEx guests

Advisory Panel: Sarah Crowell, LULGA Chair, Mark Lowery, Jessica Bacher, Jayme Breschard-Thomann, Juan Camilo Osorio, Kevin Law, Katie Malinowski, Kathy Moser, Priya Mulgaonkar, Gita Nandan, Ed Marx, Eric Walker, Karl Berger, Hillel Hammer, Ann Linton.

Agency Staff: Paul Beyer (Presenter)-DOS, Brad Tito (Presenter)-NYSERDA, Christopher Eastman-DOS, Ann Thane-DOS, Josh Hunn-DOS, Jaime Reppert-DOS, Paula Gilbert-DOS, Anurupa Roy-DOS, Lynn Weiskopf-DOT, Elisabeth Lennon-DOT, Colleen Smith-Lemmon-DOT; Alison Kabir-ESD, Dazzle Ekblad-DEC, Jesse Scott-NYPA, Riobart Breen-DEC, Maureen Leddy-DEC.

Welcome, Agenda Review, Introductions

Sarah Crowell, LULG AP Chair, welcomed the Advisory Panel members and asked Josh Hunn to do a roll call of panel members. Sarah reviewed the agenda and asked that members consider which topic areas align with their area of expertise throughout the discussion of scope.

Land Use and Local Government Advisory Panel (LULG AP) Objectives and Work Plan Review

Mark Lowery, Assistant Director, Office of Climate Change, NYS Department of Environmental Conservation

An update on the status of workplan development was given. The workplan is currently being prepared and the LULG panel members will be provided an opportunity to comment on the this today, further review and comment will be accepted from the CAC and panel members, and after subsequent input the workplan will be approved by the CAC.

The objectives for the LULG AP were reviewed. The primary objectives will be developing recommendations and supporting initiatives for GHG reductions with the LULG panel focusing on local government actions to reduce emissions, and reduction of transportation emissions achievable through land use decisions. Local governments also have the ability to take actions that are supportive of broader state initiatives, so this panel will collaborate with other advisory panels to identify local government actions that can compliment the mitigation recommendations of other panels. Finally, this panel will identify recommendations related to climate change adaptation and resilience related to each of the mitigation recommendations as well as for community and statewide adaptation planning.

Today's presentation will cover only the most urgent portions of the work plan, these include the sectoral goals, scope of work, and the schedule. The full workplan will include a description of the panel objectives, member and staff roles and responsibilities, sectoral goals, scope of topics to be covered, stakeholder participation, the approach for developing adaptation and resilience recommendations and a detailed schedule.

Sectoral Goals Discussion

Sarah Crowell, LULGA Chair and Director, Office of Planning, Development and Community Infrastructure, New York Department of State

The cross-cutting nature of the LULG AP will result in nearly all recommendations being cross-sectoral. Sectoral goals for the panel will be used to guide further deliberations. The LULG AP is somewhat distinct from other panels, as other panels have direct and measurable goals unique to their sector, while local government provides the scaffolding to facilitate reaching measurable goals that may be set by other panels. Recommendations coming out of the LULG AP may respond to a broad range of sectors

Pathways recommendations and benchmarks cover a number of different sectors, and, although not specific recommendations for our panel, these recommendations will inform our work as a panel. The role of local government is to provide a conducive environment for these recommendations and benchmarks to be reached. Predictability in local laws and appropriate policies will lead to the greater investment in these technologies that cover topics ranging from buildings and transportation to power generation. Pathways recommendations and benchmarks will provide a baseline and background information for the panel

The draft sectoral goals are based on broader pathways goals and some of previous work and discussion of the LULG panel. Sarah then opened the floor for discussion and feedback by the panel on the draft sectoral goals:

Priya Mulgaonkar: The panel must flesh out the meaning of ‘resilience’ and better define the term. There are complimentary ways that resilience can lead to reduced emissions. Measures such as land use policies that encourage community-scale microgrids, are an example of resilience, and if using clean energy this example could assist with achievement of our mitigation goals as well. Unpacking the term ‘resilience’ is important and identifying more specific ways that resilience can be achieved through land use and local government.

On Sarah’s question, synergies between mitigation and resilience, we should talk about community control over land use decisions, and resilience against the effects of displacement and gentrification. As we further explore policies like Transit Oriented Development we should be mindful of potential impacts on low income communities and communities of color across the state. Equitable resilience should be at the root of what we’re proposing. Certain resilience measures that we generally support, such as wetland restoration and reforestation may have inadvertent impact of effecting property values in certain areas and there’s a cascading set of effects. Would advise, that we keep sectoral goals broad, while keeping equity at the broad scope and specify a little more what we mean by resilience (economic, environmental, climate resilience, etc)

Gita Nandan: How is our government going to define ‘resilience’? This may not be the right word heading into the next 100 years, and we may want to be talking about climate adaptation, future proofing, regenerative design, etc. There are other ways that we as a group need to think about how we’re going to tie concepts to what we’re doing. Resilience may not be future minded, and focused on how we withstand pressures, we want to be action oriented. Let’s put this on our agenda of ‘to do’ items to define what this term means for us.

Second point: Red Hook and Newburgh are looking at harbor freight as a potential low carbon solution and low pollution solution with the potential of increased trucking coming into communities. Should there be a goal specific to maritime considerations and our waterways? There is a tendency to focus on land-based solutions and overlook the large footprint that comes from our shipping industry and trucking industries, a footprint that could be solved by having zero emission freight options available.

Kevin Law: Agrees with previous comments. Would like to see buy-in from a lot of different stakeholders and be sensitive to the concerns of private sector and real estate developers, so they are not displeased with our recommendations. Panel should focus on incentivizing the private sector to help us accelerate these goals. As an example, the Tom DiNapoli/Mike Balboni bill encouraged and increased the amount of affordable housing. When the developers were constructing subdivisions or multi-family housing projects they would receive density increases with a certain amount of set aside for affordable housing projects. Similarly here, we could offer incentives to developers if they accelerate and enhance the energy efficiency of buildings. We must incentivize the private sector to meet these goals and be explicit when we reference Transit Oriented Development (TOD), to ensure that we encourage TOD, and so that private developers can point to these goals as they go through the local land use process. Developers can then ask the State, within the framework of these goals, help us avoid environmental areas and develop downtowns where there’s the infrastructure of sewer and rail etc to support such development.

Kathy Mosher: Chat: The second paragraph has no mention of state government having funds for local communities to incentivize them to meet climate goals. Could we have funding in REDC competitions for local gov't to meet goals?

Eric Walker: Chat: It seems that to the points raised by all so far, it seems like a goal of increased collaboration across sectors through local gov't leadership would be helpful.

Scope Discussion

Land Use Policies and Practices:

Paul Beyer, Director of Smart Growth, New York Department of State

The first “bucket” of priorities for the panel includes:

- Encouraging land use planning that results in the reduction of vehicle miles traveled by applying smart growth principles, including transit-oriented development; form-based zoning; public education and engagement, technical assistance and capacity building for local governments, developers, and community organizations;
- Local land use policies to promote non-motorized transportation, including complete streets and trail connections;
- Increased carbon sequestration with increased street trees, open space, and coastal and wetland protection; and
- Zoning for renewable energy, particularly solar and wind.

Juan Camilo Osorio: expressed his opinion that among the roles of the panel should be to help stabilize vulnerable communities in health, safety, and environmental justice and that zoning could be used to incentivize the creation of green jobs. He added the existing regulatory framework of coastal zone management and SEQRA should be used to advance the goals of reducing carbon emissions.

Katie Malinowski: pointed out that the goal of open space and utility scale solar can conflict and that careful site selection should be made for utility scale solar. Brownfields should obviously be a priority for siting renewables and that the decision to site renewables on undisturbed land should only be made if the net gain in carbon reduction is demonstrable. Complete streets and trail access are an excellent response, even in rural areas.

Kevin Law: asked for a definition of sequestration. Paul responded that someone else might better explain the concept, which is basically preserving opportunities for carbon sequester, such as in forests and open space.

Mark Lowery (Agency Lead): added that the Ag and Forestry panel’s goal is to promote more effective management of carbon emissions in agriculture and forestry, and there’s blue carbon sequestering opportunity in freshwater and coastal wetlands.

Juan Camilo Osorio: Hearing a direct call for nature-based solutions and green infrastructure in waterfront development and comprehensive planning.

Jayme Breschard-Thomann: suggested intermunicipal agreements be encouraged to achieve the goals.

Eric Walker: expressed interest in the Department of State's Local Government Efficiency program should be rethought to embrace the goals of the CLCPA on the county level and to leverage economic development opportunities for disadvantaged communities.

Chat: To form based codes/zoning: is there any way to monitor variances issued by munis to developers that might hinder movement on CLCPA goals? In Buffalo, many projects receive allowances for projects that don't conform to parts of the city's so-called Green Code.

Response (Gita Nandan): @ericwalker, agree I am seeing variances be approved by zoning boards who are not educated along CLCPA goals and approving projects (drive in cash machines?!) that go against the goals

Juan Camilio Osorio: Is it within our scope to identify target communities for reinvestment, an essential part of the CLCPA?

Sarah Crowell (Chair): responded that the Land Use and Local Government panel can collaborate with the Climate Justice and Just Transition working groups and provide input into the process.

Eric Walker: Green infrastructure work may be a glaring gap in lists we're reviewing, many upstate cities have issues with potable water service lines.

Response (Leads): Need to get further into slides, later in presentation. Notes are that we need to get further into equity and the municipal structure to achieve recommendations, and we want to think about SEQRA.

Clean Energy Policies and Practices

Brad Tito, Program Manager, New York Energy Research and Development Authority

A summary of the goals and scope of this subgroup was presented, highlighting that local governments are positioned to adopt a suite of initiatives to reduce greenhouse gases and stimulate the economy, such as by choosing where their energy comes from by automatically enrolling their constituents into community solar.

Juan Camilo Osorio: Ensure that we're not simply considering local government leadership but also community leadership and community control infrastructure.

Climate Adaptation and Resilience

Mark Lowery, Assistant Director, Office of Climate Change, NYS Department of Environmental Conservation

The LULGAP is responsible for convening a cross-panel group that includes representatives from each of the CAC advisory panels who will work alongside the members of the LULGAP to develop a comprehensive set of adaptation and resilience recommendations.

Ed Marx: Chat: I would add recovery to adaptation and resilience. Disruptive weather events are already with us.

Jayne Breschard-Thomann: Chat: Perhaps an ecosystem-based approach?

External Engagement

Sarah Crowell, LULGA Chair and Director, Office of Planning, Development and Community Infrastructure, New York Department of State

Overview of the planned external engagement to date includes:

- Roundtable discussions with local officials representing a geographic and municipal diversity, likely in November and January.
- At least one public forum to solicit feedback on the recommendations and additional meetings with outside experts in the subjects that align with the goals of the panel.
- A dedicated email to receive comments from members of the public: LULG@dos.ny.gov

Gita Nandan: asked if there was guidance on what panel members could reveal about the work of the panel to local officials in terms of what they can do to prepare to work toward the recommendations of the panel, and suggested that a survey for local officials for feedback would be a productive activity. Juan added that the panel should seek plans from communities that are already thinking about the panel's goals.

Kevin Law: reminded other panel members to include members of Governor Cuomo's Regional Economic Development Council in these conversations.

Upcoming Meetings, Next Steps, and Homework

Sarah Crowell, LULGA Chair and Director, Office of Planning, Development and Community Infrastructure, New York Department of State

Future meetings of the Land Use and Local Government panel will be 2.5 hours: October 29; November 12; and December 3.

Sarah reminded panelists of the need to finalize sectoral goals, provide additional comments by Friday, and to communicate to staff by the end of the week of what subareas they would like to work in so members of the subgroups could be identified by the next meeting of the Land Use and Local Government panel on October 29.

Adjournment

Meeting adjourned at 12:03 PM.