

Training Packet for Comprehensive Planning



**NYS Tug Hill Commission
20 January 2016**



TUG HILL COMMISSION TECHNICAL PAPER SERIES

TUG HILL COMMISSION

Dulles State Office Building, 317 Washington Street, Watertown, New York 13601

315-785-2380/2570 or 1-888-785-2380

Fax: 315-785-2574

Email: tughill@tughill.org

Website: <http://www.tughill.org>

WHY PREPARE A COMPREHENSIVE PLAN?

The New York State zoning enabling legislation provides a definition of a comprehensive plan and a process for adopting one (Town Law Section 272-a and Village Law Section 7-722). Towns and villages would benefit from taking advantage of these statutes by preparing a formal comprehensive plan. Several reasons are outlined below.

The plan provides a process for citizen involvement in a shared vision for the future of the community.

The planning process provides an opportunity for a wide spectrum of the community to be involved with shaping the community's physical and economic future. Opportunities for involvement often come through public opinion surveys, public information meetings and hearings, and attendance at committee meetings. A planning process may also involve activities such as design charettes, which provide opportunities for more interactive involvement of key citizens with special expertise.

The plan provides a legal foundation for, and coordinates land use regulatory activities.

There are numerous discretionary decisions made by the local boards and officials during the zoning implementation and administration process. For example, the town or village board is responsible for rezonings and text amendments consistent with the overall vision which the law is carrying out; the planning board may be responsible for the administration of site plan reviews, special permits and subdivision reviews; the zoning board of appeals is responsible for variances and interpretations of the law. These discretionary decisions all require some knowledge of a greater vision of the community. A written comprehensive plan offers a way to coordinate these decisions amongst local boards and officials and ensure that they are in concert with a common vision for the community.

The plan coordinates capital projects carried out by the community.

The community owns and controls various physical infrastructure improvements. These may include roads; streets; sidewalks; street trees; utilities such as water, sewer and lighting; community buildings, parks, and other meeting places; and police, fire and other public safety facilities. A written plan provides a means of coordinating the construction, expansion, contraction, or decommissioning of these facilities in a coordinated fashion, taking into account the overall goals and vision of the community. A plan also aids a community in assessing the impacts of potential community facilities on development patterns and the local economy.

The plan positions the community advantageously for loans/grants.

There are many organizations that can provide loans and grants to communities for specific projects. The availability of these funds often depends on there being a larger scheme or vision into which the intended project is a part. A written comprehensive plan can often provide evidence that a particular project is part of a larger overall scheme, which is well thought out, in keeping with the overall vision of the community, and may involve other funding stages in the future.

The plan informs other agencies and levels of government of community desires.

The NY statutes require that all plans for capital projects of other governmental agencies take a local comprehensive plan into consideration. A written plan serves as notice to other levels of government and other governmental agencies what the community wants, needs, and expects of them.

The plan streamlines State Environmental Quality Review (SEQR).

A comprehensive plan may be designed to serve as a generic environmental impact statement. If done so, development projects which are in conformance with the comprehensive plan have no further need to comply with the SEQR process, speeding up development approvals.

The plan acts as tool for promoting an appropriate image of the community.

A well-prepared plan can act as a community marketing tool, encouraging appropriate private and public investment. By providing a positive current image and an optimistic vision, the plan can act as a catalyst for both local and outside resources to be marshaled to best benefit the future considered most desirable to the residents.

The plan can provide concrete strategies for implementation.

While a comprehensive plan provides an excellent vehicle to articulate a long-range vision of the future, there are numerous steps to be taken to get there. A plan can include strategies and programs to help achieve it. Such an element can set forth specific action items or tasks, their relative priority, the schedule for carrying them out, and the persons or organizations responsible for either carrying them out or tracking their progress.

The Tug Hill Commission *Technical and Issue Paper Series* are designed to help local officials and citizens in the Tug Hill region and other rural parts of New York State. The *Technical Paper Series* provides guidance on procedures based on questions frequently received by the Commission. The *Issue Paper Series* provides background on key issues facing the region without taking advocacy positions. Other papers in each series are available from the Tug Hill Commission at the address and phone number on the cover.

New York State Department of State Legal Memorandum LU09

DEFINING A COMMUNITY THROUGH THE PLAN

Zoning in towns, villages and cities in New York must be enacted in accordance with a “comprehensive plan”¹ or “well-considered plan”². New York municipalities have used the traditional comprehensive planning process and zoning regulations as their primary vehicles for protecting the public interest and attaining local development objectives, as well as a unique description of present and future goals for growth. Often in a community, however, local capital construction and infrastructure spending needs dictate the public interest. By adopting a written comprehensive plan document, localities can coordinate planning, zoning and spending for capital needs and infrastructure in a dynamic framework that directs and controls growth.

Beginning in 1993, the State Legislature enacted statutes which, for the first time, defined the “comprehensive plan”, described the items for inclusion and outlined the procedures for local adoption.³ The local legislative body has the authority to adopt the comprehensive plan and use it as a guide in developing zoning and other land use regulations. The comprehensive plan would also serve as a guide for local and state agency decision-making.⁴ Indeed, in conducting environmental reviews, state and local agencies must determine whether their actions or approvals conflict with the community’s plan.⁵

In the absence of a written comprehensive plan document, the traditional rule is that zoning must be “consonant with a total planning strategy, reflecting consideration of the needs of the community. . . .”⁶ The court will review any planning documents, minutes of legislative meetings and the text or findings section of the local zoning law to determine whether a community has zoned in the public interest or, conversely, in favor of special interests.⁷ The written plan document, however, does much more than ensure the locality has considered the public interest. The comprehensive plan allows a locality to define its community and establish binding long-term goals for development.

The definition of “comprehensive plan,” encompasses the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the *immediate and long-range protection, enhancement, growth and development*” of the municipality.⁸

The comprehensive plan identifies *what* the community looks like now, what it should look like in the future (goals, objectives, principles), *how* the community intends to get there (regulatory standards, devices and legal instruments) and *why* it should be done (protection, preservation, conservation, enhancement, growth and development). The comprehensive plan may include a range of topics at the level of detail adapted to the special requirements of the municipality. It may include a set of vision statements or combine policy goals with extensive environmental and fiscal data (e.g, environmental inventories, demographic trends, housing resources, transportation facilities).⁹ Also, the plan should include provisions for inter-municipal projects, regional compacts and shared municipal services.

Defining a town, village or city’s sense of place and its vision through a plan requires extensive community input. If the comprehensive plan is adopted pursuant to the above mentioned statutes, at least one public hearing is required during preparation and another one prior to adoption. Additional hearings or meetings ensure that all interested citizens have the opportunity to participate. Although

the town, village or city legislative body may prepare the plan or delegate authority to prepare it to the planning board or another specially-created board, final approval rests with the local legislative board or body.

Different methods for collecting information about a municipality (e.g., existing land uses, environmental features and resources, historical resources and other similar data) may be used to develop the comprehensive plan.¹⁰ A Generic Environmental Impact Statement (GEIS) could assess the environmental impacts of plan adoption and any related zoning amendments.¹¹ One incentive for using the GEIS is that the municipality may recover a portion of the actual costs of its preparation from subsequent proponents of developments within the geographic area covered by the GEIS.¹² Another incentive is that in the GEIS a municipality could establish thresholds for the level of environmental review and scrutiny required for subsequent projects.

Another important but very different tool for developing the plan is a well-designed Geographic Information System (GIS),¹³ often confused with the GEIS discussed above. The Geographic Information System is a data base map which displays information visually. A locality could show plan elements to make their interrelationships more understandable to the general public. The GIS helps localities answer complex questions like:

- Where are the most desirable locations in our community to locate a new business or recreational facility?
- What is the most efficient route from the fire house to a fire at the Industrial Park at various times of day?
- Is there a relationship between the location of an old dump site and the incidence of childhood cancer nearby?
- How has the habitat of the white tail deer changed over the last five years and what is causing the change?
- What intersections have been the sites of personal injury accidents in the past three years?
- How will a proposed manufacturing plant affect our community's water supply?

The written comprehensive plan described in the State's zoning enabling statutes is really a blueprint for integrating many sectors of the local scene – e.g., transportation, human services, recreation, environment, and fiscal and economic development - into a single, cohesive document. It requires continual updating. Changing outdated planning and zoning practices requires residents to paint a picture of what their community looks like today, what it should look like tomorrow and fifty years from now, and frame that picture in a written comprehensive plan document.

¹ Town Law § 263; Village Law § 7-704.

² General City Law §20 (25)(well-considered plan).

³ Town Law § 272-a; Village Law § 7-722; General City Law § 28-a.

⁴ Town Law § 272-a(11), Village Law § 7-722(11), General City Law § 28-a(12).

⁵ See, for example, the State Environmental Quality Review Act (SEQRA) regulations at 6 NYCRR § 617.7(c)(1)(iv).

⁶ *Town of Bedford v. Village of Mount Kisco*, 33 NY2d 178, 188 (1973); *Udell v. Haas*, 21 NY2d 463 (1968).

⁷ *Asian Americans for Equality v. Koch*, 72 NY2d 121, 131 (1988).

⁸ Village Law, §7-722(2)(a); Town Law § 272-a(2)(a); General City Law § 28-a (3)(a).

⁹ See Village Law § 7-722(3), Town Law §272-a(3), General City Law § 28-a(4) for the list of elements.

¹⁰ See Village Law, §7-722(4); Town Law, §272-a(4); General City Law, §28-a(5).

¹¹ 6 NYCRR § 617.10(b).

¹² 6 NYCRR § 617.13.

¹³ <http://www.nysgis.state.ny.us>

Town Law Article 16, Section 272-a, Town Comprehensive Plan

§ 272-a. Town comprehensive plan. 1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by local governments.

(b) Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.

(c) The development and enactment by the town government of a town comprehensive plan which can be readily identified, and is available for use by the public, is in the best interest of the people of each town.

(d) The great diversity of resources and conditions that exist within and among the towns of the state compels the consideration of such diversity in the development of each town comprehensive plan.

(e) The participation of citizens in an open, responsible and flexible planning process is essential to the designing of the optimum town comprehensive plan.

(f) The town comprehensive plan is a means to promote the health, safety and general welfare of the people of the town and to give due consideration to the needs of the people of the region of which the town is a part.

(g) The comprehensive plan fosters cooperation among governmental agencies planning and implementing capital projects and municipalities that may be directly affected thereby.

(h) It is the intent of the legislature to encourage, but not to require, the preparation and adoption of a comprehensive plan pursuant to this section. Nothing herein shall be deemed to affect the status or validity of existing master plans, comprehensive plans, or land use plans.

2. Definitions. As used in this section, the term:

(a) "town comprehensive plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town located outside the limits of any incorporated village or city.

(b) "land use regulation" means an ordinance or local law enacted by the town for the regulation of any aspect of land use and community resource protection and includes any zoning, subdivision, special use permit or site plan regulation or any other regulation which prescribes the appropriate use of property or the scale, location and intensity of development.

(c) "special board" means a board consisting of one or more members of the planning board and such other members as are appointed by the town board to prepare a proposed comprehensive plan and/or an amendment thereto.

3. Content of a town comprehensive plan. The town comprehensive plan may include the following topics at the level of detail adapted to the special requirements of the town:

(a) General statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range enhancement, growth and development of the town are based.

(b) Consideration of regional needs and the official plans of other government units and agencies within the region.

(c) The existing and proposed location and intensity of land uses.

(d) Consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas.

(e) Consideration of population, demographic and socio-economic trends and future projections.

(f) The location and types of transportation facilities.

(g) Existing and proposed general location of public and private utilities and infrastructure.

(h) Existing housing resources and future housing needs, including affordable housing.

(i) The present and future general location of educational and cultural facilities, historic sites, health facilities and facilities for emergency services.

(j) Existing and proposed recreation facilities and parkland.

(k) The present and potential future general location of commercial and industrial facilities.

(l) Specific policies and strategies for improving the local economy in coordination with other plan topics.

(m) Proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the comprehensive plan.

(n) All or part of the plan of another public agency.

(o) Any and all other items which are consistent with the orderly growth and development of the town.

4. Preparation. The town board, or by resolution of such town board, the planning board or a special board, may prepare a proposed town comprehensive plan and amendments thereto. In the event the planning board or special board is directed to prepare a proposed comprehensive plan or amendment thereto, such board shall, by resolution, recommend such proposed plan or amendment to the town board.

5. Referrals. (a) Any proposed comprehensive plan or amendment thereto that is prepared by the town board or a special board may be referred to the town planning board for review and recommendation before action by the town board.

(b) The town board shall, prior to adoption, refer the proposed comprehensive plan or any amendment thereto to the county planning board or agency or regional planning council for review and recommendation as required by section two hundred thirty-nine-m of the general municipal law. In the event the proposed plan or amendment thereto is prepared by the town planning board or a special board, such board may request comment on such proposed plan or amendment from the county planning board or agency or regional planning council.

6. Public hearings; notice. (a) In the event the town board prepares a proposed town comprehensive plan or amendment thereto, the town board shall hold one or more public hearings and such other meetings as it deems necessary to assure full opportunity for citizen participation in the preparation of such proposed plan or amendment, and in addition, the town board shall hold one or more public hearings prior to adoption of

such proposed plan or amendment.

(b) In the event the town board has directed the planning board or a special board to prepare a proposed comprehensive plan or amendment thereto, the board preparing the plan shall hold one or more public hearings and such other meetings as it deems necessary to assure full opportunity for citizen participation in the preparation of such proposed plan or amendment. The town board shall, within ninety days of receiving the planning board or special board's recommendations on such proposed plan or amendment, and prior to adoption of such proposed plan or amendment, hold a public hearing on such proposed plan or amendment.

(c) Notice of a public hearing shall be published in a newspaper of general circulation in the town at least ten calendar days in advance of the hearing. The proposed comprehensive plan or amendment thereto shall be made available for public review during said period at the office of the town clerk and may be made available at any other place, including a public library.

7. Adoption. The town board may adopt by resolution a town comprehensive plan or any amendment thereto.

8. Environmental review. A town comprehensive plan, and any amendment thereto, is subject to the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. A town comprehensive plan may be designed to also serve as, or be accompanied by, a generic environmental impact statement pursuant to the state environmental quality review act statute and regulations. No further compliance with such law is required for subsequent site specific actions that are in conformance with the conditions and thresholds established for such actions in the generic environmental impact statement and its findings.

9. Agricultural review and coordination. A town comprehensive plan and any amendments thereto, for a town containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of article twenty-five-AA of the agriculture and markets law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended town comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law.

10. Periodic review. The town board shall provide, as a component of such proposed comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed.

11. Effect of adoption of the town comprehensive plan. (a) All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.

(b) All plans for capital projects of another governmental agency on land included in the town comprehensive plan adopted pursuant to this section shall take such plan into consideration.

12. Filing of town comprehensive plan. The adopted town comprehensive plan and any amendments thereto shall be filed in the office of the town clerk and a copy thereof shall be filed in the office of the county planning agency.

**COMPREHENSIVE PLAN ADOPTION PROCEDURE
UNDER NEW YORK STATE STATUTE**

1. Town/village board, by resolution, charges the planning board or special board with preparation of plan.
2. Plan prepared by a special board may be referred to planning board for comment prior to adoption.
3. Planning board or special board holds public hearings on plan (newspaper notice a least ten calendar days in advance – plan available in town/village clerk office).
4. Planning board or special board transmits plan, by resolution, to town/village board.
5. Town/village board refers plan to county planning agency (thirty day review).
6. Town/village board holds public hearings within ninety days of planning board or special board transmittal (newspaper notice a least ten calendar days in advance – plan available in town/village clerk office).
7. Town/village board approves environmental assessment form and SEQR declaration.
8. Town/village board adopts plan by resolution.
9. Final plan filed in town/village clerk office, copy sent to county planning agency within 30 days of adoption.

TYPICAL PLAN OUTLINE

INTRODUCTION

HISTORY

DEMOGRAPHICS

POPULATION
INCOME

TOWN FINANCE

ISSUES

NATURAL RESOURCES & ENVIRONMENT

HISTORIC RESOURCES

TRANSPORTATION

INFRASTRUCTURE & UTILITIES

HOUSING

COMMUNITY FACILITIES

PARKS, RECREATION & OPEN SPACE

ECONOMIC DEVELOPMENT

GOALS, OBJECTIVES, STRATEGIES

LAND USE PLAN & POLICIES

APPENDICES

OTHER STUDIES

MAPS

SURVEYS

TYPICAL PLAN TOPICS AND MEETING SCHEDULE

Month 1 – Kickoff - Identify Issues

Month 2 – Community Profile and Maps

Month 3 – Issue Discussion - Housing and Historic Preservation

Month 4 – Issue Discussion - Transportation and Parks, Recreation, Open Space

Month 5 – Issue Discussion - Economic Development / Retail / Downtown

Month 6 – Issue Discussion - Infrastructure and Community Facilities

Month 7 – Goals & Strategies Review

Month 8 – Land Use/Development Policies

Month 9 – Land Use/Development Policies

Month 10 – Wrap up – adoption process begins...

Coordination with zoning amendments?

Survey?

Recommendations

Keep other boards involved throughout the process

Try to pick a consistent meeting day and time

Try to stick to schedule – keep momentum

Involve local media / website



315-785-2380 / 2570

315-785-2574 (fax)

Dulles State Office Building
317 Washington Street
Watertown, New York 13601-3782

e-mail: tughill@tughill.org

website: www.tughill.org

Chairman

Jan J. Bogdanowicz

Vice Chairman

Michael G. Yerdon, Sr.

Secretary

Thomas E. Boxberger

Members

Leona M. Chereshnoski

Roger W. Maciejko

Arnold E. Talgo

Kenneth W. Vigus

Executive Director

John K. Bartow, Jr.

Community Surveys Assisted by the Tug Hill Commission

Revised 2014

Community leaders often wish to conduct opinion surveys of residents. The Commission has assisted Tug Hill communities with conducting these surveys, particularly in conjunction with other-projects Commission staff is assisting, such as comprehensive planning programs or grant applications.

Because of the high numbers of requests for assistance and the labor intensive nature of survey tabulation, the Commission tabulates surveys with a machine reader, and analyzes survey results with computer software. This requires a high degree of control over the layout and printing of the survey instrument. For this reason, if the community wishes the Commission to tabulate survey results, the Commission must print surveys in-house and supply requested number of surveys to the community. **Should the community wish to make its own arrangements for survey printing, the community must also assume responsibility for survey results tabulation.**

The following are the respective responsibilities of the community and the Tug Hill Commission with regards to Commission-assisted surveys:

Community Responsibilities

- The community will work with the Commission to design a survey instrument. The Commission must have responsibility for printing the survey to ensure calibration of the survey instrument.
- The community will obtain mailing addresses and cover the costs of mailing out surveys and providing for return mail, if necessary.
- The community will deliver the completed surveys to the Commission for scanning and tabulation of closed-ended questions.
- The community will be responsible for tabulation and typing of open ended questions and comments on returned surveys. Therefore, care should be used in designing the survey instrument to ensure that there is local capacity to handle the number of open ended questions being asked.
- The community will provide the Commission with all final survey results.

Tug Hill Commission Responsibilities

- The Commission will provide examples of survey instruments of other communities, as requested.
- The Commission will assist in drafting the survey instrument, or will provide comments on the drafts as requested.
- The Commission will prepare survey for computer scanning, print appropriate number of survey copies and deliver to the community.
- The Commission will tabulate survey results for closed-ended questions and prepare executive summary for the community.

Web Sites Useful to Planning and Zoning Officials in the Tug Hill Region

New York State Statutes

<http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>

Department of State Publications

<http://www.dos.ny.gov/lg/publications.html>

Committee on Open Government – Open Meetings Law

<http://www.dos.ny.gov/coog/#>

State Environmental Quality Review Act (SEQR)

6 NYCRR Part 617:

<http://www.dec.ny.gov/regs/4490.html>

SEQR Handbook:

<http://www.dec.ny.gov/permits/6188.html>

SEQR Publications:

<http://www.dec.ny.gov/permits/36860.html>

Downloadable SEQR forms and EAF Mapper Application:

<http://www.dec.ny.gov/permits/6191.html>

Environmental Notice Bulletin (ENB):

<http://www.dec.ny.gov/enb/enb.html>

Tug Hill Commission – Planning

<http://www.tughill.org/services/planning/>

Jefferson County

Agricultural district map (county wide):

<http://www.co.jefferson.ny.us/Modules/ShowDocument.aspx?documentid=5321>

Referral form:

<http://www.co.jefferson.ny.us/Modules/ShowDocument.aspx?documentid=5639>

Lewis County

Referral manual, referral form and agricultural data statement (links at bottom of page):

<http://lewiscountyny.org/content/Generic/View/115>

Agricultural districts map (by town):

<http://lewiscountyny.org/content/Generic/View/90>

Oneida County

Referral forms and agricultural data statement:

<http://www.ocgov.net/planning/forms>

Agricultural district maps (by town):

<http://www.ocgov.net/planning/AgDistrictMaps>

Oswego County

Referral form:

<http://co.oswego.ny.us/planning/239%20Im%20review%20form.pdf>

Agricultural Data Statement:

<http://co.oswego.ny.us/planning/agricultural%20data%20statement.pdf>

Policies and Standards for the Design of Entrances to State Highways

<https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/Policy%20and%20Standards%20for%20the%20Design%20of%20Entrances%20to%20Stat.pdf>

Stormwater Management Guidance Manual for Local Officials

<http://www.dec.ny.gov/chemical/9007.html>

NYS Stormwater Management Design Manual

<http://www.dec.ny.gov/chemical/29072.html>

NY Standards and Specifications for Erosion and Sediment Control

<http://www.dec.ny.gov/chemical/29066.html>

Residential Onsite Wastewater Treatment Systems Design Handbook - NYSDOH

http://www.health.ny.gov/environmental/water/drinking/wastewater_treatment_systems/docs/design_handbook.pdf

Agricultural District Guidance Documents

<http://www.agriculture.ny.gov/ap/agservices/agdistricts.html>