



# NEW YORK STATE COMPREHENSIVE PLAN DEVELOPMENT

## A Guidebook for Local Officials







## PREFACE

This guidebook is intended to aid local officials in understanding the development and implementation process of a comprehensive plan for their municipality. This tool was created by the Syracuse University Environmental Finance Center (Syracuse EFC), with support from the USDA Rural Development. This guidebook provides information on what a comprehensive plan is, the purpose of developing a plan, how to develop and implement a plan, and funding opportunities for plan creation and implementation. Further resources for plan development and implementation are provided at the conclusion.

Information for this guide was primarily derived from a New York Department of State Office of Coastal, Local Government & Community Sustainability PowerPoint Presentation named "Developing a Comprehensive Plan" which was developed on 3/8/2012. Supplemental information was provided by the "Livable New York: Sustainable communities for all ages" edited by Vera Prosper of the New York Office for the Aging, updated in 2012, and from the James A. Coon Technical Series "Zoning and the Comprehensive Plan" of the New York Department of State which was revised in 2009.

Located at the Syracuse University Center for Sustainable Community Solutions (CSCS), Syracuse EFC enhances the administrative and financial capacities of state and local government officials, nonprofit organizations, and private sectors to make change toward improved environmental infrastructure and quality of life. Syracuse EFC facilitates the development of sustainable and resilient communities across US EPA Region 2 (New Jersey, New York, Puerto Rico, the US Virgin Islands, and eight tribal nations), across the US, and internationally.

More information can be found at [efc.syracusecoe.org/efc](http://efc.syracusecoe.org/efc)



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## WHAT IS A COMPREHENSIVE PLAN?

A comprehensive plan is an expression of goals and recommended actions to achieve those goals. The plan will guide the development of government structure as well as natural and built environment. Significant features of comprehensive planning in most communities include its foundations for land use controls for the purpose of protecting the health, safety, and general welfare of the community's citizens. The plan will focus on immediate and long-range protection, enhancement, growth and development of a community's assets. Materials included in the comprehensive plan will include text and graphics, including but not limited to maps, charts, studies, resolutions, reports, and other descriptive materials.<sup>1</sup> Once the comprehensive plan is completed, the governing board motions to adopt it, i.e. town or village board.

Development of a comprehensive plan in general is optional, as is the development of a plan in accordance with state comprehensive plan statutes. However, statutes can guide plan developers through the process.

### **Statutes: General City Law section §28-a; Town Law section §272-a; and Village Law section §7-722**

Impediments or barriers to development or implementation<sup>1</sup>:

- Small or rural communities may feel that they are too small to need a comprehensive plan. Some feel that nothing will change in the community and only discover the benefit of having a plan when it is too late or when new development threatens to destroy some aspect of the community.
- "Failing to plan is planning to fail." Waiting until a controversial land use issue is at the door before deciding a comprehensive plan is necessary or needs updating is not a recommended approach. Many controversial decisions and issues are best handled through the development and maintenance of a comprehensive plan.



## WHAT DOES THE COMPREHENSIVE PLAN DO?

- 1 Provides a legal defense for regulations.** For example, "Zoning enabling acts continue to require that zoning be undertaken in accordance with a well considered plan or in accordance with a comprehensive plan. Unless the town, city, or village has adopted a comprehensive plan document using the more recently-enacted statutes, local officials must refer to the extensive body of case law to determine how zoning can meet the more general comprehensive plan requirement."<sup>2</sup>
- 2 Provides a basis for other actions affecting the development of the community.** For example, if a housing developer inquires about open space within a town, the town may refer to the comprehensive plan to guide their decision on allowing or inhibiting development of a certain area.
- 3 Helps establish policies relating to the creation and enhancement of community assets;** such as a walkable business district, façade improvement program, beautification or street tree program, enhancement of positive community character, preservation of farming and farmland, manufactured housing, regulation of waterfront uses, and site plan review standards. The plan will maintain community character by ensuring an appropriate variety of good-quality housing stock for residents of all ages, physical abilities, and incomes. It also encourages increased availability to public transportation options, including innovative alternatives such as the Independent Transportation Network, e-bikes, and volunteer-driver programs.<sup>1</sup>



## GETTING STARTED

### **1 Affording the development of a comprehensive plan:**

Development of a plan improves chances for grants and loans and provides a welcoming environment for economic growth. Sources for plan development funds can come from grant programs, gifts, corporations, not-for-profits, other benefactors, tax revenues, general fund, bonding, county or regional planning agency.

### FUNDING AND ASSISTANCE RESOURCES:

**NYS Department of Agriculture and Markets:** Funding is provided up to \$25,000 for developing the agriculture and farmland protection portion of the Comprehensive Plan. Visit [www.agriculture.ny.gov/RFPS.html](http://www.agriculture.ny.gov/RFPS.html) under "Funding Opportunities" for "Municipal agriculture and Farmland protection plan development."

**NYS Department of State:** Assistance through the Department of State comes two offices; The Office of Planning and Development, which aims to provide training to local officials, expert guidance and financial assistance to revitalize communities, protect and improve the environment, strengthen local economies and improve the efficiency and effectiveness of municipal service delivery, or the Watershed Protection and Partnership Council, which assists watershed communities in preparation or updating the comprehensive plans. The program is open to East- and West-of Hudson Watershed municipalities. Visit <http://www.dos.ny.gov/opd/>

### **New York State Consolidated Funding Application (CFA):**

The CFA offers a streamlined process for grant application to various New York State funding agencies. Resources are available on topics such as community development, waterfront revitalization, environmental improvements, and sustainability planning and implementation. Visit <https://apps.cio.ny.gov/apps/cfa/> or visit the EFC website for a quick guide to the CFA process.



**2 Assigning responsibilities on who makes the plan:** The Governing Board, i.e. planning board or special board, will decide who takes the lead on the preparation of the plan. Assistance for writing the plan can be provided from the planning department as well many other citizens within the municipality. Examples of who could assist with the development of the plan include college students, retired workers, municipal employees, residents with areas of expertise, county planning staff, business leaders, civic leaders, elected officials, environmental activists, planning board and zoning board of appeals.

The municipality may also hire a consultant. Consultants provide an unbiased view of the community and their role can vary in plan preparation. Hiring a consultant should involve interviews and reference checking, consideration of the consultants experience, and identifying any subcontractors.

**3 Checking to see if a plan exists:** Portions of the comprehensive plan may already exist in other municipal documents, such as zoning laws, environmental reviews and findings, legislative findings relating to adoption of a law or ordinance, minutes of the legislative body, studies and previously adopted plan.<sup>2</sup> All current and past municipal documents and efforts should be examined for inclusion and cohesion with the pending comprehensive plan.

**4 Following open meeting law requirements:** If a board is formally charged with preparing the comprehensive plan, i.e. special board, it must comply with the Open Meetings Law (OML). If the board is advisory, the governing board can take action with or without their input, and therefore need not comply with the OML.

To comply, the board must provide notice to the media in advance, post notice in a public location, and provide meeting access to the public. Ways to inform the public include the local news, making materials available at convenient places, being available to the public, holding open meetings, and making information available on the municipal website.



Ways to involve the public include seeking out opinions by surveys or questionnaires, informational sessions, ongoing outreach, and a design charette (collaborative session seeking solutions to a design problem).

## PREPARING THE PLAN

*Steps in the development of a comprehensive plan:*

- 1. Focusing: Identify major issues**
- 2. Inventory: Survey and Analysis**
- 3. Identifying goals and objectives**
- 4. Development of plan**
- 5. Reviewing the plan**
- 6. Implementation and evaluation**

### **Step 1: Focusing: Identify major issues**

Develop preliminary goals that may lead to a set of goals and objectives, or identify needed research that will inform the plan. A useful exercise is to imagine the best case scenario for the community, then shape the goals around this vision.

Questions to address when determining the scope of the plan: Is the focus on a particular type of development or a particular area of the municipality? Will the plan cover a single community or will it be an intermunicipal effort?

### **Step 2: Inventory: Survey and Analysis**

Conduct basic research, mapping, and analysis of the information to evaluate the community's present circumstances and its future potential. This includes inventorying assets and identifying liabilities.

#### **Example**

**Issue: Overburdened roads.**

**Goal: Reduce the number of accidents at traffic intersections.**

Survey and Analysis would include determination and measurement of traffic impacts of particular development.

*\*Remember, the municipality may just need to update existing information.*



## TOPICS ON WHICH TO OBTAIN INFORMATION:

### Physical Characteristics

**Information to obtain:** Base map, natural features (water resources, scenic vistas and open space, natural resources, parks, sensitive environmental areas), transportation system, existing land uses, suitability of development.

**Sources to obtain information include:** NYS Office of Real Property Services, NYS DOT and DEC, Regional Planning Board, Metropolitan Planning Board (MPO), Utility Company, E-911 System, Soil & Water Conservation Service.

- “A comprehensive plan can facilitate techniques that enhance the sense of place and protect and preserve natural resources. The plan can create policies to discourage sprawl—such as providing clean, potable water and storm water mitigation measures only in ways that are effective and economical.”<sup>1</sup>

### Housing Characteristics

**Information to obtain:** Number and type of units, age of housing, substandard, vacancy rates.

**Sources of information include:** U.S. Census, Regional Planning Agency, State Division of Housing and Community Renewal, Local non-profit housing organizations, U.S. HUD.

### Demographic Information

**Information to obtain:** Present and future population, declining or increasing population, change in school-age population, change in senior citizen population.

**Sources of information include:** State Data Center, Regional Data Center, School District, Regional Planning Agencies.

- “A comprehensive plan can voice community support for goals that support the needs and preference of all residents, including older adults and people with disabilities. For example,



addressing the basic needs of older adults and younger people with disabilities for housing and transportation options will benefit all sectors of society, regardless of age or ability. A plan can promote active, fit populations, including children, older adults, and people with disabilities, by providing and improving recreational opportunities and parks.”<sup>1</sup>

## Transportation Issues

**Information to obtain:** Amount and condition of roads, railroad, airport, bikeways, parking; demand for public transit, accident rates/dangerous road segments, proposed development, regional transportation plans, infrastructure condition.

**Source of information include:** Local and County Highway Departments, Regional Transportation Plans, Metropolitan Planning Organizations, NYS DOT, State Police statistics, Public Transit agencies.

## Economic trends

**Information to obtain:** Project the effects of economic trends on the community’s future, Regional employment, changes occurring in local business industry.

**Sources of information include:** Regional planning agencies, statistical digest, Local industrial development agencies, NYS DOL, Temporary Employment Services, NYS Statistical yearbook.

## Historic Preservation

**Information to obtain:** Historic areas and structures, cultural resources.

**Sources of information include:** NYS office of parks, recreation and historic preservation, Local or county historical society, State or regional preservation groups, NYS library.



Other topics may include health and emergency facilities, hamlets, municipal government center, waterfront, airport, critical environmental areas, and wind energy-green energy initiatives. NYSERDA's sustainability plan for Cleaner Greener Communities include additional topics of climate adaptation, energy, food systems, land use and livable communities, solid waste, and water.

**Other sources of information include:** Town of Village Hall, County Planning Department, The Tug Hill commission, Regional organizations, County Tax Department, Cooperative Extension, Department of Transportation, Department of Agriculture and Markets.

### **Step 3: Establish goals and policies**

Analyze information, discover trends, examine existing regulations and review preliminary goals; adjusting goals based on new information.

*Examples of goals: expand the village core, increase business diversity, increase parking spaces, improve entrance to hamlet.*

### **Develop policy recommendations which will guide future development.**

#### **Example 1**

**Goal:** Develop existing municipal parkland.

**Policy:** Accept money in lieu of parkland when permissible.

#### **Example 2**

**Goal:** Improve traffic safety in commercial areas.

**Policy:** Work with NYSDOT on access management strategies.

#### **Example 3**

**Goal:** Land use policies that encourage agriculture.



**Policy:** For farm structures, allow flexible placement of accessory buildings, relaxed or flexible application of architectural review or scenic corridor zoning, relaxed screening requirement.

**Policy:** For land use laws, when farming is a permitted use, not a special use, caution on use of minimum number of acres of land needed to be a farm operation, allow farms to construct fences close to or at property line, allow land to be cleared for agricultural use conversion.

**Policy:** For animal agriculture, caution on restricting the number of certain animals on farm or number of animals per acre, caution on restricting odors from leaving property.

#### **Consider other plans:**

- County farmland protection plans
- Regional office of DOT
- School district
- Canal recreationway plan
- Coastal resource plan
- State open space plan
- County plan
- Plans of neighboring municipalities

#### **Step 4: Develop a plan**

Plans can take many forms such as a short strategic document, a comprehensive document with background information, a brochure or newspaper insert, a book, and/or web documents.

#### **The following are examples of plan layout:**

*Example 1: Town of Gardiner, NY Comprehensive Plan Updates, 2004.*

#### **Table of Contents:**

1. Executive Summary
2. Preface: The purpose and process of updating the comprehensive plan
3. Findings



4. Plan Vision
5. Land Use Patterns to be Achieved by Plan Implementation
6. Goals and Recommendations
  - A. Land Use
  - B. Resource Protection/Open Space
  - C. Economic Development/Community Development
  - D. Community Infrastructure and Services
  - E. Issues of Regional Concern
7. Implementation Program
8. Plan Appendices

*Example 2: Town of Hounsfield, NY Comprehensive Plan, 2014.*

### **Table of Contents:**

1. Introduction
2. North Country: Unique Natural Features, Economic Profile, Existing Infrastructure.
3. History
4. Hounsfield Demographics
5. Hounsfield Public Survey Results Overview
6. 2008 Recreation Survey Overview
7. Hounsfield Community Forum Results Overview
8. Recommended Actions
9. Appendices: Zoning Reference Map, Comprehensive Planning Process Time-line, Smart Growth Principles, North Country Regional Economic Development Council Progress Report 2012, Demographic Data, Projections and Graphs, Complete Survey Results.

### **Step 5: Reviewing the plan**

Once the Governing Board receives a proposed plan, the review process can be continued. If the plan is prepared by another board, it is referred to the Governing Board by resolution.

### **Environmental Review:**

- **State Environmental Quality Review Act (SEQRA):** The NYSDEC provides guidance through the SEQR process, initially by determining if actions are subject to SEQR.



- If adoption of a comprehensive plan is a Type I action (presumed to have potential significant adverse environmental impact):
  - Environmental Assessment Form (EAF) is required
  - Environmental Impact Statement (EIS) may be required
- The Plan may be designed to serve as a Generic Environmental Impact Statement, and/or include thresholds and conditions that would trigger site specific EISs.
- Type II actions are presumed as having no adverse environmental impact and are therefore not subject to review.
  - Example Type II actions: Construction or expansion of garages, fences, swimming pools.

#### **Agriculture Review:**

- If there are State Agriculture districts created pursuant to Agriculture Markets Law 25-AA, the municipality must consider the effect of adopting the plan on farming.
- Municipalities should also consider county agriculture and farmland protection plans.
- The DOS publication “Local Laws and Agriculture districts: How do they relate?” may be helpful.

#### **County Planning Agency Review:**

- The Governing Board must refer the adoption or amendment of a proposed comprehensive plan to the county Planning Board.
- See General Municipal Law 239-m
- Public review: there should be an effort made to reach a community consensus as to what direction the community will take. Consensus is reached when few individuals feel so strongly opposed to the plan that they will actively oppose it.
- According to the Statutes:
  - Public hearing during preparation
  - Public hearing again by Governing Board



## **Plan adoption:**

The Governing Board may adopt a comprehensive plan (or an amendment) by resolution.

*Effect of adopting a plan pursuant to the Statutes:*

- All municipal land use regulations must be in accordance with the plan (not simultaneously, but as time passes and they are amended by the governing board).
- All plans for capital projects of other governmental agencies on land included in the municipal comprehensive plan shall consider that municipality's comprehensive plan.

## **Step 6: Implementation**

Develop a specific course of action which promotes the concepts outlined in the comprehensive plan.

### **Evaluation of alternatives**

- Alternatives are weighed based on positive and negative effects, impact on the community and city government<sup>3</sup>.

### **Creating the implementation plans**

- Create programs which will implement goals of the plan. Weigh cost and effectiveness, e.g. many plans to realize one goal are equal to the alternatives<sup>3</sup>.

*The value of planning comes from the municipality's willingness to implement the plan by:*

- Amending land use regulations
- Developing design guidelines
- Budgeting for capital improvements
- Applying for appropriate state, federal and privately funded programs.



## FUNDING RESOURCE FOR PLAN IMPLEMENTATION

### **NYSERDA Cleaner Greener Communities Phase II Implementation**

**Grants:** NYSERDA will provide funding on a competitive basis for the implementation of innovative, community-based projects that reduce current greenhouse-gas emissions, create more resilient, sustainable communities, and position New York State to prepare for a cleaner future. Projects will stimulate environmentally sustainable economic growth consistent with the Phase I Regional Sustainability Plans and the Regional Economic Development Council (REDC) Strategic Plans. By integrating smart growth principles into these projects, it will provide positive large-scale impacts and contribute to an improved quality of life in New York. Funding is provided through the CFA process.

#### **Review the plan periodically**

State Statutes require that comprehensive plans include a provision setting maximum intervals for periodic review.

- As policy-making changes and the physical characteristics of the community change, the comprehensive plan should also change.
- “The plan should reflect new priorities and opportunities. Unless a periodic review is automatically built into the plan, it is unlikely to be done because reviews take time, money, and resources to address.”<sup>1</sup>
- “A review every five years is a good rule of thumb for comprehensive plan updates.”<sup>1</sup>



## RESOURCES FOR PLAN CREATION AND IMPLEMENTATION

- “A practical guide to comprehensive planning,” NY Planning Federation (2000), (518) 432-4094.
- Pace Law School Land Use Law Center.
- State of New York, Department of State:  
[www.dos.state.ny.us/lgss/pdfs/zncompplan.pdf](http://www.dos.state.ny.us/lgss/pdfs/zncompplan.pdf)
- The community planning website:  
[www.communityplanning.net/index.html](http://www.communityplanning.net/index.html)
- Division of Local Government Services (2009), Local Government Handbook, 6th Edition. Albany, NY: New York State Department of State.
- The local legislative bodies of cities, towns and villages may create planning boards in a manner provided for by state statute or municipal charter, and may grant various powers to the planning board:
  - General City Law, § 27;
  - Town Law, § 271;
  - Village Law, § 7-718.
- The use of the state comprehensive plan statutes is optional, these statutes can guide boards through the comprehensive plan process:
  - General City Law, § 28-a;
  - Town Law, § 272-a;
  - Village Law, § 7-722.
- A municipality’s governing board must refer the adoption or amendment of a proposed plan to the county planning board:
  - General Municipal Law, § 239-m.
- Comprehensive plans must include a provision setting maximum intervals for periodic review:
  - General City Law, § 28-a.



## CONTACTING THE DEPARTMENT OF STATE

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## LITERATURE CITED

- 1 Prosper, Vera (ed.). "Livable New York: Sustainable Communities for All Ages." Division of Policy, Research, and Legislative Affairs; New York State Office for the Aging. Published in 2010, updated 8/1/2012.
- 2 New York State Department of State. James A. Coon Technical Series; "Zoning and the Comprehensive Plan." Revised 2009.
- 3 New York State Department of State. Office of Coastal, Local Government & Community Sustainability. "Developing a Comprehensive Plan." PowerPoint Presentation.
- 4 New York State Department of State. James A. Coon Technical Series; "Local Laws and Agricultural Districts: How Do They Relate?" Reprinted in 2013.



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