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The Consulting Team is made up of seven Master of Public Administration students from the Maxwell School of Citizenship and Public Affairs. The Team includes: Laura Buffo, Kevin Farrell, Kyle Kotary, Brad Meurrens, Donia Schanthal, Anthony Stacy, and Susan Weber.

Executive Summary

Smart Growth is a fashionable buzzword in much of the current land use and development literature, and is gaining widespread political and legislative attention at the federal, state, and local levels of government. As Phyllis Myers notes, in 1998 Smart Growth-type legislation was present on 240 state and local ballot initiatives nationwide, with an impressive 72 percent approval rate.[1]

Smart Growth proponents are concerned about the impact of low-density development, stating that the attendant "sprawl" threatens the environmental and quality-of-life conditions in both urban and rural areas. Instead proponents contend that high-density development, i.e. Smart Growth, is a superior method of land use planning because it avoids the implicit risks of rapid suburban growth. Opponents claim that the statistical bases of the Smart Growth argument are inflated, that Smart Growth is an infringement on private property rights and an unnecessary intrusion in the free market system. Others contend that Smart Growth's emphasis on dense development would worsen the congestion and pollution problems proponents seek to solve; while others claim that Smart Growth policy is a thinly veiled and unrealistic attack on automobile use.

While the issue of Smart Growth is contentious, it is beyond the scope of our report to settle this academic argument. Rather, our purpose is to: 1) examine the various factors which play roles in any attempt to fashion Smart Growth development policy for New York State through political, legal, environmental, and social lenses, and 2) answer the question "What role should the state play in implementing Smart Growth for New York?"

This report is an outgrowth of over one hundred personal interviews with relevant policy experts and government officials in land use, development, transportation, environmental, and legal arenas, as well as an extensive literature review. In order to understand how Smart Growth has developed in New York, the Team analyzed environmental, demographic, and economic performance trends for New York. This analysis assisted the Team in drawing conclusions regarding the need for Smart Growth policies and the appropriate role of the state in implementing Smart Growth.

Cognizant of New York's geographic, economic, social, and political diversity, the Team believes that the state should play a larger role in the development and implementation of Smart Growth policy in New York. Consistent with Home Rule, the Team recommends that the state act as a facilitator and information center. Many of the problems that led other states to adopt a statewide approach to Smart Growth are not present across New York. Some areas face sprawl issues, others are experiencing farmland loss, and some both. There is little evidence of explosive population growth, congestion is a factor only in some urban areas, and forest coverage has actually increased. Thus, we conclude that a top-down approach, including mandates, is not appropriate. The state should *assist* localities with implementation of land use management and planning techniques, as often small communities lack the financial, personnel, and information resources necessary to implement changes in development planning.

[1] Myers, P. (1999). *Livability at the Ballot Box: State and Local Referenda on Parks, Conservation, and Smarter Growth, Election Day 1998.* Brookings Discussion Paper: Brookings Institute, Washington, D.C.

Introduction

Our Purpose

The purpose of our study is to critically examine the relevant factors relating to Smart Growth policies in New York State. This examination will not unequivocally state whether Smart Growth policies are good or bad. We hope to enlighten discussion regarding Smart Growth by describing the various Smart Growth policy approaches that other states around the United States have taken, as well as the steps currently being taken by communities in New York State. We believe, given the fluid and amorphous nature of the Smart Growth concept (due to its dependence on situational circumstances), that examining policies of other states can be beneficial in discerning what may or may not succeed in New York State. This study will also highlight current policies in New York that could be characterized as Smart Growth. Due to time constraints, the project concentrated on exploring current Smart Growth initiatives in New York and determining what action(s) the state should take in assisting regions and localities in fashioning and implementing Smart Growth.

Methodology

We recognize that there are many facets of this issue that could be examined, including the role of federal programs and policies. Unfortunately, time constraints necessitated limiting the focus of the report to the role of the New York State government. The findings compiled in this report are a result of over 100 phone and personal interviews the Maxwell Consulting Team conducted with representatives from state agencies, professional societies, municipal planning agencies and community organizations throughout New York. Additional research was obtained through websites and documents listed in the appendix and footnotes. The purpose of the interviews and research was to gain an understanding of the varying viewpoints regarding Smart Growth and to learn about local Smart Growth initiatives. Highlighted in this document are cases from communities, counties, and states that are taking steps towards implementing development policies and tools to effectively manage growth. These examples are by no means meant to be inclusive of all the efforts occurring throughout New York State or across the country.

Smart Growth: A Framework

Smart Growth lacks a prescriptive or concrete definition. While many find this troublesome in terms of policy, the definitional void may be appropriate in the Smart Growth context. The term Smart Growth is a development *framework* -- a conceptualization of development policy tools -- and has been alternatively referred to as "growth management," "high density development," or "intelligent planning." Many Smart Growth policies attempt to address issues relating to transportation, land use, and planning matters.

Development needs, desires, and political acceptability vary across state and local boundaries, and there are a variety of means to tackling the specific problems a locality may be encountering, further precluding a steadfast, concise definition of Smart Growth. The lack of a prescriptive definition reflects the wide variety of local and state needs and desires for development. Smart Growth must be seen as it is intended: a contextually sensitive rubric under which many development policies and tools can be bundled.

In recent years there has been a growing sentiment that "urban sprawl" or "low density development," and its attendant emphasis on developing larger homes and commercial land plots further from the densely developed areas of inner cities or towns, is an unattractive and costly development philosophy. Much of the Smart Growth literature examines how low-density development leads to increased dependence on individual automobile travel as residents of new suburban areas are required to travel longer distances in their work commutes, resulting in increased air pollution, traffic congestion, economic harm to established urban centers, and community isolation. Smart Growth proponents advocate an approach centered on more concentrated development patterns, revitalization of the urban areas, and increased governmental assistance to encourage use of public mass transit.

Smart Growth is also championed as a means to balance agriculture and open space with economic development. Proponents argue that current low-density development encroaches upon farmland, open land, and sensitive natural resource areas. They state that due to increasing individual/family affluence, developers are in a continual need to acquire land further and further from already developed areas to accommodate the growing demand for larger home tracts, and subsequent commercial plots that follow residential development. The commercial activity that follows low-density development is often characterized by strip malls, box-type stores, and land-intensive shopping malls. This method of development trades off with viable farmland and green space. Proponents say these factors have led to a loss of a "sense of community" and a "sense of place."

Smart Growth policies have also been proposed as a means to increase reinvestment in urban areas and inner cities. Many urban centers -- the historic hubs of industry -- have witnessed the cyclical nature of industrial disinvestment and downsizing. While industries leave, the infrastructure (e.g. gas/water lines, sewer mains, electrical wiring, and road accessibility) remains and is underutilized. Rather than building new developments, which require the procurement and expense of installing new infrastructure, revitalization proponents argue that existing infrastructure should be recycled to use public funds more efficiently.

Smart Growth is a contentious issue, and it has detractors. Opponents claim that rising affluence and the concomitant increased activity in the housing, land, and development markets is a driving force behind suburban expansion. The demand for suburban housing is a strong barrier to redirecting development toward inner cities. While suburban expansion places added importance on automobile travel and increases traffic congestion, opponents say the amount of time spent by commuters is not much more now than under "dense development" plans. Furthermore, opponents argue that individuals will be highly reluctant to give up auto travel because people like their cars too much. To bolster this argument, opponents point out that rates of participation in mass transit programs are very low. Thus, under a "dense development" program, the amounts of congestion and subsequent air pollution will actually increase, according to some.

While supporters of Smart Growth policies claim suburban expansion is a contributing factor in the loss of farmland, opponents argue that the amount of productive farmland lost due to urban sprawl is negligible. That is, because of increased productivity through technology gains, more can be produced on less land.

New York is very diverse with distinct regions, each with a mix of urban, suburban, and rural regions. The diversity of land use presents unique situations for every community in New

York, which is primarily a reflection of the economic environment surrounding each community. To this extent, there are some localities that are thirsty for growth and development, while others are experiencing too much too fast. This development dichotomy presents a challenging issue for policymakers when confronted with the need or desire to implement future development or land use policies and/or guidelines. In addition, there is a large variation in the capacity of municipal planning staff. New York City for example has a Department of City Planning and many rural communities have planning boards comprised of volunteers.

The tools by which Smart Growth policies can be implemented vary as widely as the needs of local and state communities. New York's diversity, in all forms, is a key to any conclusion on this issue.

Empirical Evidence

Struggling New York towns, villages, and cities more often than not care about growth and development of any kind, with the assumption that growth and development generates economic gains and increases public revenues for a community. The imperative to grow can be a stronger force than the concern about *how* to grow.

Questions go unanswered regarding whether growth/dispersed development pays for itself or is subsidized by government, the economic value of open space and natural resource preservation, and whether compact or dispersed development causes more pollution and traffic congestion. There is little doubt that there are both costs and benefits associated with sprawl, but efforts to find reliable empirical studies applicable to New York that quantify this information has been challenging.

Measuring the magnitude of all of the positive and negative impacts of sprawl or smart growth policies is extremely difficult. The benefits and costs are economic, social, and environmental. Capturing the full effects on a locality or region will be imprecise due to the subjectivity and immeasurability of the impacts. Nonetheless, there are a number of well-regarded studies that have estimated the impact of metropolitan expansion on areas outside the State of New York. These studies, although not specific to New York, can give an indication of the implications of development patterns in other communities.

The most famous study conducted to measure the costs of unplanned development, "The Cost of Sprawl,"[2] dates back to 1974. The research offers a detailed cost analysis for a number of different development types, and concludes that public costs could be reduced up to 40 percent by planning higher density communities. This outdated report is still utilized by some researchers and analysts as a basis for their support of Smart Growth-type policies.

In a recent report for the Farm Foundation, Robert Burchell and Naveed Shad of the Rutgers University Center for Urban Policy Research provide a more contemporary review of studies on the issue of sprawl.[3] Their paper reviews studies looking at the relative impacts of compact

[2] *The Costs of Sprawl: Environmental and Economic Costs of Alternative Residential Development Patterns at the Urban Fringe: Detailed Cost Analysis*, Washington, DC: Real Estate Research Corporation, for the Council on Environmental Quality; Department of Housing and Urban Development; Environmental Protection Agency, April 1974.

[3] Burchell, Robert W. and Naveed A. Shad. "A National Perspective on Land Use Policy Alternatives and Consequences," Prepared for the Farm Foundation, September 22, 1998, URL: http://www.farmfoundation.org.

growth versus sprawl in terms of land consumption, public capital infrastructure construction costs, private development, and fiscal impacts.

Burchell and Shad report, based on a 1992 Rutgers University impact assessment[4] of land consumption in New Jersey, that a compact growth scenario would consume 60 percent less land than under a sprawl development pattern with an 80 percent decrease in consumption of fragile environmental lands and 39 percent consumption decrease in agricultural property. A 1989 Florida study based on detailed examples of the actual costs and revenues of residential and nonresidential projects, reviews public capital costs.[5] The Florida study found that compact growth capital costs would be roughly 35 percent less than under current development patterns with infrastructure costs for roads reduced by 60 percent and school capital costs decreased by 7.4 percent. The 1992 New Jersey study, referenced previously, also found a 24 percent savings in road costs, a 7.6 percent savings for water and sewer costs, and a 3.3 percent reduction in school capital costs under compact growth patterns compared to current development. Combined savings on all public infrastructure costs from compact development over current development would be 9.2 percent, according to the New Jersey study.

Another issue is fiscal impact or the public costs versus revenues associated with land development. In other words, do property taxes and other revenue sources cover the cost of new development and new demand for government services? In reviewing the literature on this topic, Burchell and Shad first refer to the 1992 New Jersey study for reference and conclude that restricting growth to already developed areas and/or drawing on "usable excess operating capacity" in already developed areas offers significant savings to local governments. For example, the New Jersey study found that compact growth would save municipalities $112 million annually – two percent of total expenditures. The study calculates that New Jersey public school districts would realize a $286 million savings over current development under the State Plan.[6]

A 1996 Michigan study showed that annual municipal costs could be seven percent less by 2020 under compact development as opposed to current development patterns. However, revenue would be about four percent less, resulting in net annual municipal savings of 3.2 percent.

Burchell and Shad conclude that compact development can provide significant societal accomplishments over current development patterns in terms of reduced land consumption and

[4] Burchell, Robert W. and Naveed A. Shad. "A National Perspective on Land Use Policy Alternatives and Consequences," Prepared for the Farm Foundation, September 22, 1998, URL: http://www.farmfoundation.org, (summarizing Burchell, Robert W, 1992. *Impact Assessment of the New Jersey Interim State Development and Redevelopment Plan, Report II: Research Findings*. Report prepared for the New Jersey Office of State Planning, February 20, Trenton, New Jersey).

[5] Burchell, Robert W. and Naveed A. Shad. "A National Perspective on Land Use Policy Alternatives and Consequences," Prepared for the Farm Foundation, September 22, 1998, URL: http://www.farmfoundation.org, (summarizing Duncan, James E., et al. 1989. *The Search for Efficient Urban Growth Patterns*. Prepared for the Governor's Task Force on Urban Growth Patterns, June 30, 1989. Tallahassee, FL: Department of Community Affairs.

[6] Burchell, Robert W. and Naveed A. Shad. "A National Perspective on Land Use Policy Alternatives and Consequences," Prepared for the Farm Foundation, September 22, 1998, URL: http://www.farmfoundation.org, (summarizing Burchell, Robert W. 1992. *Impact Assessment of the New Jersey Interim State Development and Redevelopment Plan: Report III: Supplemental AIPLAN Assessment*. Report prepared for New Jersey Office of State Planning, April 30, Trenton, New Jersey).

road building, and possibly reduced operating costs for roads and infrastructure. The authors further state that compact growth can also reduce the need to buy land for parks and recreation and contain development to existing infrastructure thereby making urban and town centers fiscally healthy. The Burchell and Shad report argues that compact development - Smart Growth - can contribute to decreased government expenditures, open space preservation, and other benefits.

It is important to note that these examples may or may not be applicable to New York. A more in depth and rigorous analysis is necessary to assess the full impact of compact growth versus current development in New York. Nonetheless, these findings can serve as evidence for policymakers, public officials, and others that Smart Growth policies and practices could be beneficial to many communities.

Nationwide Smart Growth Examples

A number of states have enacted comprehensive statewide planning and other so-called Smart Growth policies. These policies have most often been enacted in states experiencing the spillover impacts of rapid growth, including the loss of open space and farmland, traffic congestion, pressures on the environment and natural resources, the cost of new infrastructure and government services, and quality of life issues.

Oregon (1973), Washington (1990), New Jersey (1992), and Maryland (1997) are some of the most prominent examples of states that have initiated comprehensive statewide planning programs. Although some of these plans have been adopted before the recent Smart Growth wave, they serve as potential models for other states. The statewide plans generally emphasize planned growth, natural resource and farmland preservation, and reduced public infrastructure costs. These programs generally have been enacted in response to a real or perceived crisis situation, and have involved state intervention to manage changes in land use trends.

The following provides a short summary of several statewide programs:[7]

Oregon[8]

Oregon is the prototype for those who favor a top-down approach to growth management. In 1973, Oregon passed a strong statewide law that required each locality to evaluate population growth, community needs, and economic development for the next twenty years and, guided by 19 state planning goals, draw an urban growth boundary (UGB) around each city to separate urban areas from rural land. The state planning goals have the force of law. The state directs funding only to areas inside the UGB, and virtually no development may occur outside the boundary. Localities were required to have plans in place by 1979.

The law requires each city, county, and special district to have a comprehensive plan and to base zoning and other land use regulations based on this comprehensive plan. These provisions are required to be consistent with the state's planning goals, and all plans are reviewed by a state

[7] For an excellent review of recent activity in the states, see Salkin, Patricia E. "Smart Growth At Century's End: The State of the States," *Government Law Center at Albany Law School*, March 1999.
[8] *Oregon's Statewide Planning Goals & Guidelines, 1996 Edition;* Oregon Department of Land Conservation and Development, URL: http://utopia.uoregon.edu/projects/landuse.intro.html.

agency. Local plans may be changed through plan amendments or periodic review. Local governments receive some state assistance to develop the plans and implement regulations.

As a concession to builders and developers, the state significantly accelerated permit approval times and created a state-administered Land Use Board of Appeals to quickly resolve disputes with localities. In addition, builders and developers no longer have to comply with a patchwork of local zoning statutes.

Washington[9]

Washington's Growth Management Act requires local comprehensive planning based on 13 planning goals, and mandates "urban growth areas" (UGAs). These are similar to UGB's except that Washington mandates only fast-growing counties to comply with UGA outlines. The state set up three Growth Management Hearing Boards where citizens and the state can bring appeals if comprehensive plans are inconsistent with statewide planning goals. Under the planning law, counties must ensure that local plans are congruent with state goals, and that county plans are allied with neighboring jurisdiction plans.

The Washington approach further differs from Oregon in that state approval of local comprehensive plans is not mandated. Jurisdictions that do not develop plans, however, become ineligible for state infrastructure grants and loans, and the governor has authority to withhold sales, liquor, and gas tax revenue. Localities are authorized to raise local real estate taxes for financial assistance in implementing comprehensive plans.

New Jersey[10]

In 1985, New Jersey passed its first statewide planning law, the State Planning Act, creating a State Planning Commission and an Office of State Planning. The Commission was assigned to draft a statewide comprehensive plan, conduct a long-term infrastructure needs assessment, and develop procedures to promote coordination among state agencies and local government. The State Planning Commission provides technical assistance to local governments to prepare development plans for their area of jurisdiction.

The law created a process, "cross-acceptance," whereby counties, municipalities, citizens, and other interested parties review and comment on the statewide plan and coordinate regional, county, and local plans with the state plan. The state plan is a policy guide, not a regulation or mandate. The state plan is required to be reviewed periodically by the State Planning Commission to determine the need for revisions to reflect changes in the conditions of the state.

In the 1998 election cycle, New Jersey voters approved a referendum proposed by the governor to preserve one million acres of open space over the next decade. The program will set aside existing sales tax revenues to pay for state purchases of open space, farmland, and historic preservation sites.[11]

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[9] Growth Management Program, State of Washington's Growth Management Act and Related Laws - 1998 Update, Revised Code of Washington, URL: http://www.cted.wa.gov/lgd/growth/law/index.html.

[10] The State Planning Act of 1985 (N.J.S.A. 52:18A-196 et seq.), see State Planning Act: Summary, URL: http://www.state.nj.us/osp/doc/law/osplaws.htm

[11] Wells, Barbara. "State Investment Strategies to Save Open Space and Steer Development," *National Governors Association*, February 21, 1999, URL: www.nga.org/Pubs/IssueBriefs/1999/990221SmartGrowth.asp.

Maryland[12]

In 1997, the Maryland General Assembly passed the "Smart Growth and Neighborhood Conservation Initiative," a package of bills aimed at directing state-funded projects toward established areas, conserving open space, and revitalizing inner cities. The main component of the initiative is the designation of "priority funding areas." Through a process of local and regional planning, counties identify specific areas where state development funding is to be directed. These areas must meet certain guidelines regarding intended use, availability of sewer and water systems, and population density. While development can still occur outside of priority funding areas, no state funding will be directed to those locations for growth-related infrastructure projects.

In addition, a "Rural Legacy Program" was established which will redirect existing state funds toward the purchase of conservation easements in rural areas. This new program compliments long established state programs relating to farm preservation and open space acquisition. Inner cities and other areas will benefit from a new "Brownfields Revitalization Incentive Program" which provides grants and loans to fund the cleanup of certain contaminated property, as well as liability limitations. Other components of the initiative include a job creation tax credit targeted to smaller businesses that create at least 25 new jobs in priority funding areas and a pilot program to provide assistance to homebuyers who purchase residences within close proximity to their place of work.

Additional State Initiatives

Other states, including Arizona, Iowa, Utah, and Virginia have created commissions, taskforces, and joint legislative committees to examine growth and land management issues. The governor of Arizona appointed a taskforce in 1998 to assess the state's long-term transportation needs, agency roles and funding sources and disbursements among urban and rural areas.[13] In 1997, the Iowa legislature set up a "Commission on Urban Planning, Growth Management of Cities, and Protection of Farmland" to provide research and an historical analysis of trends relating to land use, particularly relating to farmland and natural resources.[14] The Utah legislature passed a bill supported by the government in 1999 creating a "Quality Growth Commission" to help lawmakers and localities with growth planning and management.[15] In 1999, the Virginia legislature appointed a joint committee to investigate development patterns and residential growth.[16]

Comments

As illustrated through the sampling of nationwide initiatives, some states have implemented policies such as urban growth boundaries, priority-funding areas, and mandated comprehensive

[12] Smart Growth and Neighborhood Planning, Smart Growth in Maryland; Maryland Office of Planning, URL: http://www.op.state.md.us/smartgrowth/index.html.
[13] "Governors for Smart Growth – 1999," Smart Growth Network, URL: http://www.smartgrowth.org/library/17governors.html.
[14] The Commission on Urban Planning, Growth Management of Cities, and Protection of Farmland, URL: http://www.legis.state.ia.us/GA/77GA/Interim/1998/comminfo/urbplan.htm.
[15] Ibid.
[16] Merkel, Patrick W. "Most 'Smart Growth' Activity is Taking Place in the States," *The Metropolitan Corporate Counsel*, May 1999, p. 26.

local planning. Others have appointed statewide taskforces, performed studies, and pursued *de facto* land management through open space preservation programs. The states enacting planning initiatives generally share a local governmental structure based on land use control at the municipal and county levels; whereas, those few states with intricate and interwoven local governmental structures tend not to have pursued such comprehensive measures.

In examining whether and how New York should approach Smart Growth issues, these approaches may serve as a model. The most significant issue is whether or not events are occurring (and to what degree) that might necessitate statewide action. The next section reviews current relevant trends in New York.

New York State General

New York State is diverse, with many competing factors in terms of land use, geographic structure, and development policies that will influence the form of Smart Growth policies the state can initiate. States implementing strong comprehensive planning and development mandates have some combination of events occurring that justifies the enactment of Smart Growth policies.

The primary reasons that led to other states implementing mandated comprehensive statewide planning initiates for UGB and priority funding areas relate to, or are a reaction to, several indicators. These indicators include explosive population growth, increasing population density in suburban and rural areas, loss of farm and forestry acreage, and a local government structure conducive to easy implementation of statewide initiatives. Using these factors as a starting point or benchmark, this study seeks to determine how New York State compares. This trend analysis builds the foundation on which we draw our conclusions.

Population Density Trends

Population trends, especially population density increases in areas further and further from traditional urban centers, are one possible indication of sprawl-type growth. As noted, many of the other states implementing statewide mandates and other top-down Smart Growth approaches were faced with significant pollution increases and high-density development trends in once less-dense counties.

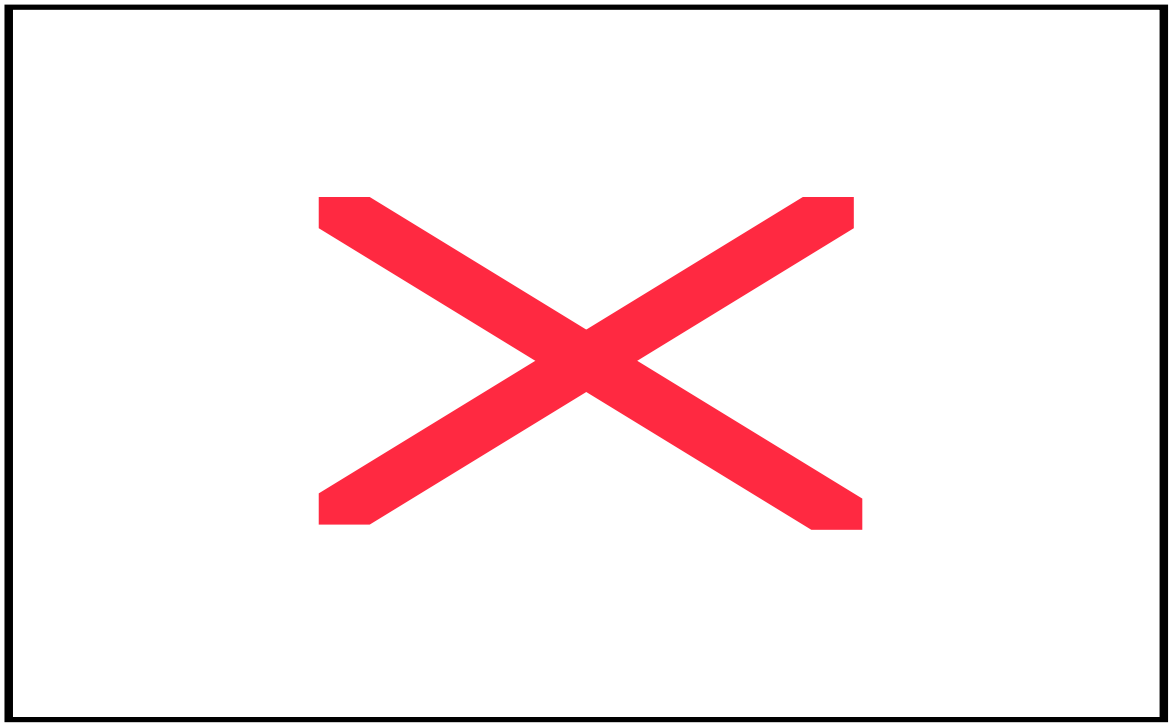
New York has seen a one-percent increase in population from 1990 to 1998. The national average over the same period was 8.7 percent. In reviewing county population density changes for the period 1990 to 1996 (see table in Appendix 1), several general observations can be made. First, outside of New York City, most counties hosting New York's other largest cities experienced population density decreases. Second, several counties immediately outside of the New York City saw relatively large density increases, including Westchester, Suffolk, Rockland, Putnam, and Orange. Third, counties hosting Buffalo, Syracuse, Binghamton, Utica, Albany, Schenectady, and Troy all saw population density decreases. Otherwise, population density in other areas of New York remained relatively stable.

These trends provide statistical evidence that growth pressures are occurring in several areas of New York State, including the suburban counties just outside New York City and possibly in Rochester/Monroe County, and Saratoga County, outside of Albany. A more detailed breakdown of this data (by town/city/village, for example) would provide a more complete

picture. Unfortunately, such a breakdown could not be located. Nonetheless, this information confirms that, in fact, some areas of the state are experiencing growth in suburban areas. It also provides evidence that many areas of the state have seen a significant out-migration of people, especially in the counties that include some major cities of the state.

Economy

The strength and duration of the national economic expansion is having a positive impact on New York's economy. The state gained 96,000 jobs in 1997, an increase of 1.2 percent over 1996. Although the job gains are generally visible across of the state's diverse regional economies, the upstate economy has significantly lagged behind the economy of the more vibrant downstate regions. Even though it is positive overall, New York's rate of job creation is slower than the nation's average. The state's average annual rate of employment growth was 2.0 percent during the 1980s expansion, compared to 0.5 percent for the current expansion.[17]



Source: New York State Economic Report 1997 & 1998; New York State Assembly Ways and Means Committee Staff, March 1998.

Farmland

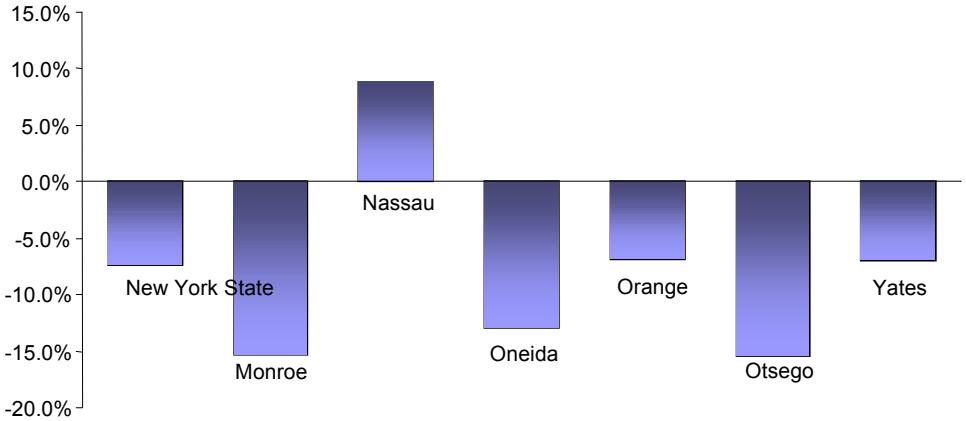
New York has over 35,000 farms covering more than 7.4 million acres and consuming 24 percent of the total land area. Farm acreage has decreased 7.4 percent from 1987 to 1997.[18] Although New York has seen a decline in agricultural production, it continues to have a significant impact on the state's economy.

[17] New York State Economic Report 1997 & 1998; New York State Assembly Ways and Means Committee Staff, March 1998.

[18] Economic Research Service, United States Department of Agriculture website: www.econ.ag.gov/epubs/other/usfact/ny.htm. Also see appendix.

New York State lost nearly 700,000 acres of farmland in the 1987-1997 period. Only one of the state's 62 counties increased in farmland acreage. The following graph illustrates the counties with the most dramatic change in farmland percentage compared to the New York total. Nassau County was the only county to gain farmland, with a 9 percent increase equaling 129 acres. It is interesting to note that Nassau County is in the New York City Metropolitan area. The remaining New York counties saw a decline in farmland acreage with the three largest absolute number declines occurring in St. Lawrence, Otsego and Oneida Counties. These trends in some instances could be associated with sprawl. For example, Monroe County, which encompasses Rochester and some of its suburbs, saw a significant loss in farmlands from 1987-1997.

Farmland Changes from 1987-1997



Source: Economic Research Service, United States Department of Agriculture website: www.econ.ag.gov/epubs/other/usfact/ny.htm

More information regarding percent change in number of farms and acreage for all the counties in New York is provided in Appendix 2. Although the information allegorizes a trend in farmland loss, it is debatable as to whether this alone is indicative of sprawl and the need for Smart Growth policies.

Forest Cover

According to the 1993 Forest Inventory[19] there are 18.5 million acres of forest in New York, covering 62 percent of the total land area in the state. Of this acreage, 3.2 million of the forests are in reserve. This abundance of forest resources provides the potential for expanding the economic activity within these rural areas.[20]

Since 1980, the state has seen a negligible *increase* in forest acreage. While county-level statistics on forest coverage tends could not be located, the 1993 Forest Inventory provided a regional breakdown for New York State. The regional breakdown consists of eight distinct regions – Lake Plain, Southwest Highlands, South-central Highlands, St. Lawrence/No. Adirondack, W. Adirondack, E. Adirondack, Capitol District, and Catskill/Lower Hudson. As

[19] USDA Forest Service website: http://www.fs.fed.us/ne/fia/states/ny/nyhilite.html.
[20] USDA Rural Development Strategic Plan for New York State and Native American Tribes, February 1997.

the chart below shows, four regions gained forest acreage and four showed no change or decreases in forest coverage.

Forestland Changes from 1980 and 1993[21]			
Region	**1980**	**1993**	**Percent Change**
Lake Plain	2,361,600	2,505,100	+ 6.1%
Southwest Highlands	1,798,300	1,816,200	+ 1.0%
South-Central Highlands	2,484,900	2,466,700	- 0.7%
St. Lawrence/No. Adirondack	3,017,400	3,018,700	None
W. Adirondack	2,012,800	2,002,700	- 0.5%
E. Adirondack	2,696,100	2,646,400	- 1.8%
Capital District	1,487,100	1,500,500	+ 0.9%
Catskill/Lower Hudson	2,647,500	2,685,100	+ 1.4%
State Total	**18,505,900**	**18,641,400**	**+ 0.7%**

This data indicates that while some areas may be experiencing growth pressures on forests, overall it does not appear to be a problem statewide. Although many proponents of Smart Growth point to loss of prime forestland as one reason for growth controls to manage development, a cursory examination of New York trends in forest coverage does not appear to indicate that growth pressures are causing a significant loss in forests.

Home Rule

In most states, Home Rule power is granted to the two main local government entities – cities and counties. New York's local government structure is more fractured than most other states. In New York, Home Rule power is vested in cities, towns, and villages. One part of Home Rule is the authority to control development patterns through planning, zoning, and other regulations. This allows each individual local government to institute laws that affect activity within their own boundaries.

The mosaic-like nature of the local government structure, when coupled with the strong inclination of localities and citizens to keep most governmental decisions at the local levels, can be a significant impediment to regional or statewide initiatives. Due to the unique nature of the local government structure in New York, regional or statewide mandated programs relating to traditional local government function will be extremely difficult to enact.

Current New York State Policies

As part of any analysis regarding what New York should do in terms of Smart Growth, a key consideration involves researching what the state is currently doing in this area. Through interviews and research, we learned that the state has already instituted a number of policies to accommodate economic development and growth that other states are just now implementing

[21] USDA Forest Service website: http://www.fs.fed.us/ne/fia/states/ny/nyhilite.html.

under the monitor of "Smart Growth." This section examines current policies in New York that incorporate Smart Growth principles.

Clean Water/Clean Air Bond Act[22]

The 1996 Clean Water/Clean Air Bond Act provides money for local environmental projects to ensure the protection of natural resources. The funds provided by the Bond Act are intended to be used to: improve and restore water and air quality, acquire open space for recreation and resource protection, investigate and rehabilitate brownfields for commercial, industrial, residential or recreational use, and finance solid waste projects. The Bond Act funds various environmental policies and programs including, but not limited to: the State Open Space Conservation Plan and Brownfields restorations. Examples of these are discussed further in the sections that follow.

Environmental Restoration Project

City of Syracuse: Brownfield Restoration

Bond act grants have been distributed to seventy-nine sites across the state for investigation and remediation of hazardous waste. The City of Syracuse received funds to demolish Midtown Plaza, a former industrial site for Smith Corona. The area is set to be revitalized for new commercial development.

The Clean Water/Clean Air Bond Act of 1996 established a $200 million Environmental Restoration Project, also known as the Brownfields Program.[23] The funds provide financial assistance to municipalities to investigate and/or remediate brownfields areas. The state's use of high clean up standards and strict liability provisions has dissuaded the redevelopment of abandoned, idle or underused properties. Many feel these factors have lead companies to develop pristine areas or greenfields instead of inner city properties. The Brownfields Program provides funds to municipalities to investigate the type and extent of contamination of the site and to remediate the property. Municipalities must own the property in question but cannot have caused the contamination on the site.

Both investigation and remediation grants are available and reimbursement of the funds to the state is required after the sale or lease of the site. Grant conditions require that a public participation plan be implemented before initial site investigation or clean-up activities.24

[22] Clean Water/Clean Air Bond Act. Annual Report. New York State Department of Environmental Conservation. 1998

[23] 6 NYCRR Subpart 375-4-Environmental Restoration Projects. Department of Environmental Conservation. 1998.

[24] Citizens' Guide to the Bond Act: Environmental Restoration Program (Brownfields). NYLCV website: www.nylcv.org/cgba9899_brownfields.html

State Open Space Conservation Plan[25]

The New York State plan for open space proposes methods and means to conserve and manage open space and historic sites in a reasonable and affordable manner. The plan is a joint effort between the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation. These agencies also worked with nine Regional Advisory Committees to develop the plan. The plan contains a thorough description of programs and policies that affect the conservation of the state's open space resources, a list of priority projects across New York, conservation approaches for major areas, and recommendations to improve the state's conservation program.

Municipal Parks and Historic Preservation Projects

In accordance with the Clean Water/Clean Air Bond Act, as directed by the New York State Open Space Conservation Plan, over twenty-seven projects have been allocated grants to construct new waterfront parks facilities, develop waterfront trails, restore aquatic habitats, stabilize historic landmarks, and enhance recreational opportunities. Recent examples include: construction of new waterfront park in the Village of Irvington, Westchester County, and the acquisition of a gas station in the Village of Port Jefferson, Suffolk County for development as a maritime park.

The Open Space Conservation Plan's goals are:[26]

- To protect water quality in New York;
- To provide high quality outdoor recreation accessible to all New Yorkers;
- To protect and enhance scenic, historic, and cultural resources of New York;
- To protect plant and animal diversity, preserve irreplaceable ecosystems, and sustain recreation activities;
- To maintain the critical natural resource-based industries: farming, timber, fishing, and tourism;
- To provide sites for education and research on ecological, environmental, and cultural resources; and
- To preserve open space for the protection and enhancement of air quality.

The plan recommends accomplishing these goals by improving the stewardship of state lands through a comprehensive resource approach, improving New York's forest tax laws to make them more user friendly, and enhancing the ability of local governments to develop and implement local open space plans.[27] The Open Space Conservation Plan identifies areas of funding including: the Clean Water/Clean Air Bond Act, the Environmental Protection Fund, and certain federal funds.

[25] Conserving Open Space in New York State, 1998. *State Open Space Conservation Plan*. The Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation. 1998.
[26] Department of Environmental Conservation website: www.dec.state.ny.us/website/opensp/ospln14.html
[27] DEC website: www.dec.state.ny.us/website/press/govrel/422-398.html

Environmental Protection Fund[28]

The New York State Environmental Protection Fund provides mechanisms for open space conservation and land acquisition. Funds are allocated to the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation for the purchase of land as part of the Forest Preserve, State Parks, the State Nature and Historical Preserve, State Historic Sites, and Unique Areas. In addition, the fund also provides money for local governments and non-profit organizations for the purchase of parklands or historic areas.

Revenues from the New York State Bluebird License Plates, the Bond Act, and the real estate transfer tax provide money to fund land purchases, conservation, and agricultural easements and agreements. The fund also provides grants of up to 50 percent of project costs for state and local parks, historic preservation, and waterfront revitalization.

Superfund Working Group Report[29]

The governor's Superfund Working Group set forth recommendations to reform and finance New York's hazardous waste remediation programs. The programs evaluated include the state Superfund Program, the Voluntary Clean-up Program, and the Oil Spill Program.

The major recommendations include:

- Permanently refinancing the Superfund with a "pay-as-you-go" strategy;
- Adding hazardous substance sites to the state Superfund Program;
- Adopting protective and consistent clean-up standards;
- Providing liability releases to parties that satisfactorily clean up sites;
- Providing incentives to encourage brownfields redevelopment instead of pristine areas and to further revitalize urban areas;
- Expanding public participation in clean-up decision making; and
- Imposing harsh penalties on polluters who refuse to clean up sites.

Coastal Management Program[30]

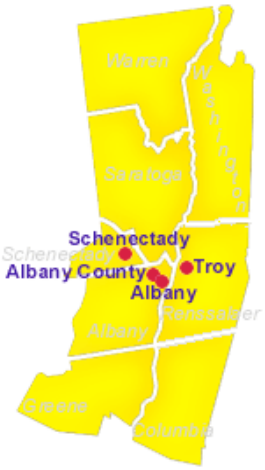
New York State's Coastal Management Program establishes a strategy for protecting the coastline through policies on economic development, fish, wildlife, flooding, erosion hazards, public access, recreation, historic and scenic preservation, agricultural lands, energy and ice management, and water and air resources. The Division of Coastal Resource, located within the Department of State, is responsible for developing and implementing the Coastal Management Program. The Division works with local governments, businesses, community organizations, and citizens to protect waterfronts by providing technical, planning, and financial assistance.

[28] DEC website: www.dec.state.ny.us/website/opensp/opepf14.html
[29] Recommendations to Reform and Finance New York's Remedial Programs. Superfund Working Group. 1999.
[30] Division of Coastal Resources, NY Department of State website: www.dos.state.ny.us/cstl/cstlcr.html

Economic Development Zone Program[31]

Created in 1987, the Economic Development Zone Program uses financial incentives and economic development benefits to attract new businesses and keep existing business in already distressed areas. The Empire State Development Corporation has designated fifty-two urban, rural, and suburban areas across the state as Economic Development Zones (EDZs). These areas are classified as EDZ, based on a definition of distress in terms of poverty, unemployment, military base closures, and sudden severe worker dislocations. The program establishes tax incentives and benefits through:

- Wage tax credits;
- Investment tax credits;
- Sales tax refunds;
- Zones capital credit;
- Utility rate reductions; and
- Special low interest loans.



EDZ areas within the Capital District

Many have entrepreneurial assistance programs, small business loans, and one-stop, fast-track business assistance services.

New York Farmland Protection

The New York Agricultural District Law of 1971 allows farmers controlling at least 500 acres or 10 percent of the land in an area to propose that the county government establish an agricultural district.[32] The district is required to be maintained for an initial eight-year period, subject to recertification. Once a district is created, the state supports continued farming by eliminating pressures for sewer and infrastructure development, eminent domain locations, and special district formation.

Other existing laws which benefit farms in New York include the Farm Preservation Act of 1996, the Historic Barn Income Tax Credit, the Agricultural and Farmland Protection Program, and conservation easements. The Farm Preservation Act permits farms to claim a state income tax credit for school taxes paid on farmland and buildings. The Historic Barn Income Tax Credit, instituted in 1996, allows taxpayers who rehabilitate barns for agricultural or retail

Cayuga County Agricultural Districts

Over fifteen years ago, officials in Cayuga County worked in collaboration with local planning boards to set up agricultural districts with designated areas for cropland. 90 percent of the fertile land in the county is in the agricultural district. Provisions were also made for cluster development in rural areas with a recommendation that the clusters concentrate around the district borders to minimize the impact on farmland.

[31] Empire State Development website: www.empire.state.ny.us/zones/zprogram.htm
[32] *Farmland Protection Policy: An Economic Perspective*. Lawrence Libby. CAE Working Paper Series: January 1997

purposes to take a 25 percent income tax credit. The State's Agricultural and Farmland Protection Program relies on collaboration between landowners, local governments, land trusts, and the state to protect agricultural land for the future. The principle components of the program are planning and implementation; however, the primary focus is on the purchase of farmland development rights or conservation easements. The easements preserve farmland by guaranteeing that farms remain farms forever, regardless of property sales or inheritance, answering that these lands will not be utilized for housing or commercial developments.[33]

This section demonstrates that New York currently has a number of Smart Growth programs in place. Next, we examine the state of planning at the regional and local levels.

New York State Planning

New York has previously played a much stronger role in land use and planning. In 1967, the New York State Office of Planning and Coordination (OPC) was established with the mandate to create "a comprehensive plan for the development of New York State." Other functions were to coordinate all state and local planning efforts. In 1971, OPC released the first phase of the New York State Development Plan, highlighting a strategy for regional planning tasks, and was abolished shortly thereafter.[34]

Four bills are currently pending in the State Legislature and a Smart Growth Working Group has formed to discuss issues and alternatives for New York on a statewide level.[35] Our interviews of local and regional planners as well as research into the concept of Smart Growth illustrated an emerging desire for state leadership in aiding local planning. Growth often does not adhere to local government boundaries. How one locality plans and zones can impact a neighboring area. Those who support statewide Smart Growth mandates consider it imperative that land use and planning efforts occur at the regional level. This section briefly explores the regional planning activities in New York.

Regional Planning Councils

There are fourteen regional planning councils in New York State, which cover the majority of the 62 counties. Regional planning councils were established to review the needs of an entire region and help develop comprehensive regional plans that benefit localities while considering the regional effects, both positive and negative, of growth and development. The regional councils were created voluntarily by local governments and have legal status but do not have the power to regulate or tax. The governing bodies of the councils are primarily local officials or appointed representatives of local communities. The mission of these councils is "to study the needs and conditions of an entire region and to develop strategies which enhance the region's communities through intergovernmental cooperation, seizing of economic opportunities, and the pursuit of improvement to the well-being of its citizenry."[36]

Regional planning councils also play an important role in regional planning and land use issues by promoting intergovernmental cooperation, articulating region-wide economic and

[33] "Conservation Easements Save N.Y. farms," Joel Stashenko. *Daily Gazette* (Schenectady): January 22, 1999
[34] Patricia E. Salkin, "Regional Planning in New York State: A State Rich in National Models, yet Weak in Overall Statewide Planning Coordination." http://joshua.law.pace.edu/landuse/salkin.html
[35] See Appendix 3 for a list of the New York State Smart Growth Working Group members
[36] NYSARC Informational Pamphlet.

social concerns, and providing the resources and technical expertise to support regional projects. Types of technical resources provided include digital photographic inventory, digital mapping, and CD-ROM technology, accessible to both the public and private sector. For the most part, the councils serve as facilitators in building citizen, organizational, and community capacity for sustainable long-term regional development.

Local Government Planning

The figures in the table below show the number of local governments that use the most basic planning, land use, and zoning tools that exist for municipalities on a statewide level. These numbers indicate that 85 percent of New York municipalities have planning boards, however, only 55 percent have master plans. The appendix contains a description of the various land use tools expressly provided by the legislature for use by local governments. This suggests that the structures for land use development plans are in place, but are not fully being utilized.

1994 Survey of Planning and Zoning Tools[37]

Tool	Cities (61 Total)	Towns (931 Total)	Villages (55 Total)	Total (1,547 Total)
Master Plan	82%	53%	54%	55%
Zoning Regulations	100%	67%	87%	75%
Subdivision Regulations	90%	69%	65%	69%
Site Plan Review	82%	55%	59%	57%
Planning Boards	100%	85%	84%	85%

Summary of New York State Regions

Highlighted in this section are brief overviews of New York State regions, and some of the growth and development factors facing each. The regional section provides this information in much greater detail and includes specific examples of Smart Growth type activities occurring at the local level. The key point of this section is to highlight the diversity of the state and show that different regions are confronting different issues. Another factor that will become evident from the information in the appendix is that Smart Growth type activities are occurring at the local and regional level all across New York.

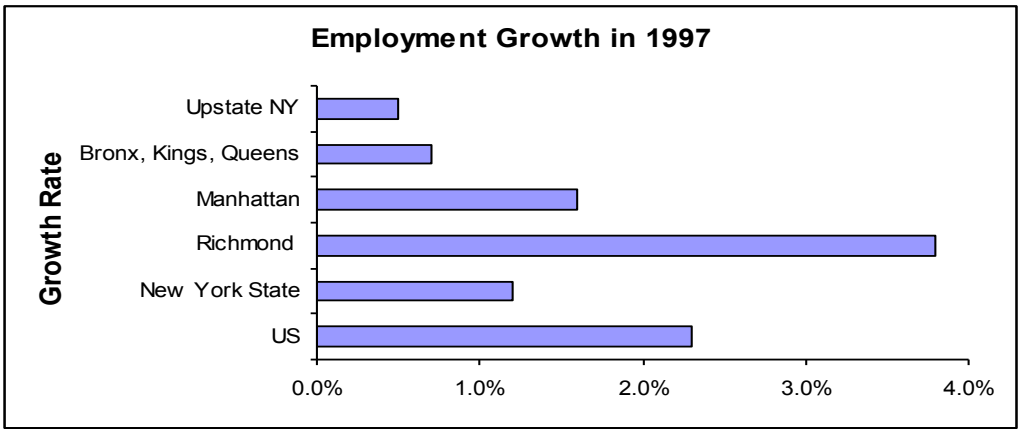
New York City

The New York City area is comprised of Kings, Richmond (Staten Island), Queens, New York, and Bronx counties. New York City's land area covers more than 321 square miles. As

[37] New York State Legislative Commission on Rural Resources, "Local Planning and Zoning Survey: New York State Cities, Towns, and villages." Second edition, April 1995.

the city grows, it is battling to provide the necessary services needed in an already dense and fully developed area.

While, New York City's economy has benefited tremendously from the recent stock market success, the benefits have not been evenly distributed within the city (or throughout the state). For example, Bronx county enjoyed a .3 percent increase in jobs from 1995 to 1997, as Kings County (Brooklyn) lost .8 percent of its job base during that time period.[38]



New York City is developed to its edges and has most of its infrastructure systems and land use patterns established. The focus in terms of development tends to be more on reuse and redevelopment of land through rezoning to better accommodate the current use.[39] As the population of the city increases, the greatest challenge for planning officials is balancing the remaining available land for development while maintaining open space.

Long Island

Long Island consists of Nassau and Suffolk Counties. As a result of their proximity to New York City, these counties have very different areas of concern than the rest of the counties throughout the state. In 1998, both Nassau and Suffolk Counties were among the top eight counties in New York with the highest population increases. The 1997 employment growth rates for Suffolk and Nassau county were 2.1 percent and 1.2 percent respectively.[40] Long Island's economy emerged out of the post World War II decades dependent on heavy industry. With many of the industries now departed and sites boarded up downtown, the counties have focused on attracting high-tech businesses into the area.[41] Population increases, industry revision, and limited space for development are forcing a crisis between commercial and residential demands and environmental needs in order to protection the area's open space, drinking water quality, clean beaches, and recreation and tourist attractions.

[38] New York State Economic Report 1997 & 1998; New York State Assembly Ways and Means Committee Staff, March 1998.
[39] "Reforming the New York City Zoning Resolution." Speech by Chairman Rose, delivered on April 20, 1999, see www.ci.nyc.ny.us/html/dcp/html/zonespch.html
[40] New York State Economic Report. 1998
[41] Stone, Roger. "A New Vision for Long Island." The New York Times. Sunday, July 28, 1996.

Long Island has a stratified system of planning. At the regional level there is the Long Island Regional Planning Board which encompasses Nassau and Suffolk Counties. In addition, both counties have a planning agency and most of the municipalities have town planning boards.

Environmental protection, economic development, transportation, and housing are Long Island's primary concerns. The counties have focused on purchasing farmland, open space, and fragile land to maintain the ecological balance of the area.

New York State Western Region

For purposes of this study, the Western New York region will refer to seventeen counties in four regional planning districts outlined in the table below. The area covers the region from Lake Erie, North along Lake Ontario, South to the Pennsylvania border, and East to the Finger Lakes area. The Western portion of New York is very diverse and includes two of the State's major cities: Buffalo and Rochester. This area hosts some of the most fertile soil in New York, with wine production from Finger Lake wineries second only to California.

Regional Planning Agencies	Counties
Erie & Niagara Counties Regional Planning Board	Erie, Niagara
Southern Tier West Regional Planning & Development Board	Allegany, Cattaraugus, Chautauqua
Southern Tier Central Regional Planning & Development Board	Chemung, Schuyler, Steuben
Genesee-Finger Lakes Regional Planning Council	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates

The population of the Buffalo-Niagara Falls metropolitan area has continued to decline steadily, and the rate of growth of urbanized area has slowed from the 20 percent to 30 percent range in the 1970s and 1980s to a 1990s rate of less than 10 percent.[42] Overall, Western New York has experienced relatively little population growth. Over the past two decades, the population in the Buffalo-Niagara Region has continued to decline steadily. This factor, coupled with emigration, results in what some deem as the worst type of sprawl--sprawl without growth.

Southern Tier East Region

The Southern Tier East incorporates the counties of Broome, Chenango, Cortland, Delaware, Otsego, Schoharie, Tioga and Tompkins. Southern Tier East is a predominantly rural region. According to Robert Augenstern, the Executive Director of the Southern Tier Regional Planning Commission, most of the municipalities in this region have virtually no growth and have not had growth for a century or so. Some municipalities in the Southern Tier East have

[42] New York State Senate Committee on Local Government Hearing on S.1367/A.1969 by Beverly A. Sanford, Associate Director, Institute for Local Governance and Regional Growth, March 1, 1999.

recently seen some positive growth after a lengthy downturn in the economy, and economic expansion is primarily limited to small and mid-sized communities such as Binghamton, Norwich, Union, and Ithaca.[43] Broome County has historically had a strong industrial base and when many of the companies in this base fled the region, they left large amounts of unused and contaminated land. The remediation of a significant number of brownfield sites is a major challenge to attracting businesses into the urban areas of this region.[44]

Central New York Region

For the purposes of this study, Central New York refers to the following six counties: Cayuga, Herkimer, Madison, Oneida, Onondaga, and Oswego. The region is very diverse and larger than the states of Rhode Island and Delaware combined. Central New York consists of a few mid-size cities like Syracuse and Utica and several smaller urban/suburban-type municipalities like Auburn, Oneida, Oswego, and Rome. There are townships or first ring suburbs with relatively large populations and much residential and commercial development like Dewitt and Camillus outside Syracuse, and New Hartford and Whitestown outside Utica. The region is also host to numerous towns that are large in geographic size but have small populations, low density, and vast tracts of greenfields, such as the towns of Ava, Steuben, Redfield, and Webb.

Due to declining populations and the exodus of numerous businesses, most of the land use and planning issues in the region focus on maintaining and upgrading aging infrastructure, rehabilitating brownfields and environmental hazards, and infilling urban areas. The Central New York Regional Planning and Development Board in Syracuse and the Herkimer-Oneida Counties Comprehensive Planning Program based in Utica serve the six-county region. In both cases, the regional planning councils are working closely with county, city, town, and village officials in developing regional plans and providing a centralized forum for potential sharing of resources, technical assistance, and cooperation.

Tug Hill Commission[45]

The Tug Hill region is a 2,100 square mile rural area of New York between Lake Ontario and the Adirondacks. The region is home to dense forests, large tracts of agricultural land, and many small towns and villages. The Temporary State Commission on Tug Hill was established in 1972 by the New York State Legislature in response to a private developer's bid to purchase 55,000 acres of forest wilderness in the region. The original task of the Tug Hill Commission, as it came to be known, was to study the region and make recommendations for its future. Shortly thereafter, the Cooperative Tug Hill Planning Board began providing technical assistance to some of the region's municipalities. This planning board was established through an intermunicipal agreement and was comprised of different town planning boards. In 1992, the State Legislature formally changed the commission's name to the Tug Hill Commission and recognized it as a special region. The legislation empowered local governments in the region to prepare reserve plans and requires state and county agencies to consult with communities on the plans but does not allow the higher levels veto power.

[43] Phone Interview with Robert Augenstern, Director of the Southern Tier East Regional Planning and Development, May 27, 1999.
[44] Phone interview with Carin Webb, Binghamton Economic Development Director, May 21, 1999.
[45] Tug Hill Commission website: www.tughill.org

The Tug Hill Commission works with local and county governments in the region on issues from land use to economic development. The Commission provides technical assistance to communities and responds to inquires from local officials about land use law, legislative changes, recent court rulings, and various land use and planning implementation procedures. Furthermore, the Commission serves as an information clearinghouse and exchange of "best practices."

The Commission also develops and tests working organization structures for implementation in a way that protects local home rule while providing protection of the shared regional resources. It conducts research and pilot programs and provides countless other services to municipalities. All of these activities are conducted through four councils each served by a circuit rider. These circuit riders are Commission employees who help coordinate the Commission's informational resources and work closely with local government officials to ensure the regional cooperation and exchange of smart planning ideas.

Interviews with local town officials indicate that the Commission is successful because of the commonality among the towns within the region and the hard work and dedication of the staff. Several local officials see the Tug Hill Commission as the logical forum for any smart growth type planning or discussion. In fact, many interviewed officials see this as a model for effective regional planning, coordination, and conservation. In 1997, a survey was completed by nearly 200 town and village officials, business representatives, and other local leaders that showed 91 percent supporting continuation of the Commission.[46]

The Capital District Region

The Capital District is comprised of Albany, Rennselear, Saratoga, Schenectady Counties, and covers a total area of 2,200 square miles. In 1990 the Capital District's population numbered 777,783, a 4.9 percent increase since 1980. Of that total, urban and rural areas represented 73 percent and 27 percent of the total, respectively. Albany is the largest county, and Schenectady the smallest. The fastest growing county is Saratoga.

The Capital District is experiencing slow but steady economic activity. In 1997, the District's economy increased slightly over 1996 levels with average annual employment up .5 percent, and an unemployment rate of 3.8 percent (a decrease from 4.3 percent in 1996). Currently, the Albany-Schenectady-Troy region has witnessed a .9 percent increase in jobs over the past year, a .2 percent increase over 1998.[47]

Hudson River Valley Region

For the purpose of this study the Hudson River Valley region includes Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties. Columbia County is not part of the New York State Association of Regional Council's Hudson River Valley region, but is added to the area for this study.

Population increases for this region are greater than any other area of the state for the period 1990-1998. Putnam was the fastest growing county in New York during this period.[48] This

[46] Tug Hill Commission website: www.tughill.org
[47] See http://www.bcnys.org/new/ppi/nyecon.htm and http://www.bcnys.org/new/ppi/trail2.htm
[48] New York State Data Center website (http://www.empire.state.ny.us/nysdc/index.html).

region arguably has the greatest planning and development pressures in the State, because of its proximity to New York City. Most of the Hudson River Valley's local governments are prepared for potential sprawl issues within by having master plans. Orange and Dutchess Counties are particularly progressive in planning and development in that every city, town, and village has a comprehensive master plan and zoning regulations.

Adirondack/Lake Champlain Region

The Adirondack/Lake Champlain region is the least populous area of New York, with a population of 246,000 for the five-county region. For the purpose of this study, the regions consist of five counties, Clinton, Essex, Hamilton, Warren, and Washington. Eighty percent of the region's 6,352 square miles falls within the Adirondack State Park. There are few sprawl issues in this region of the state. Preserving the livelihood of the communities while not disturbing the natural habitat that surrounds them is the balance this region struggles to maintain.

Findings

Interviews and research on Smart Growth brought to the forefront a number of recurring themes and issues. These findings mainly present the perspective of local government officials, interest groups representatives, and policy analysts. Although these findings may or may not be realistic, affordable, or implementable, the consulting team believes it is important that they be presented as part of this research. These findings show what issues came up over and over again as significant problems and barriers that need to be addressed.

- Technical assistance and funding: Overwhelmingly, local officials call for more technical and financial assistance in preparing comprehensive plans, protecting natural resources, and handling infrastructure problems. The phrase heard most often when asked what role the state could/should play in Smart Growth was to: "incentivize planning."
- A top-down approach will not work: Another message that resonated loudly is that a top-down approach of mandated statewide planning or growth controls will not be feasible in New York. New York's long history of strong Home Rule and unique local governmental structure are strong impediments to a comprehensive statewide land use or planning mandate approach to Smart Growth.
- Use Existing Legislation: Much of what people are calling potential Smart Growth legislation is already on the books in New York. Many of those interviewed said one approach would be to simply bundle existing land use, transportation, infrastructure, and funding legislation under a Smart Growth title and provide further participatory incentives.
- Tug Hill Commission Example: Some officials pointed to the success of the Tug Hill Commission as a model to be implemented in other regions. The key here is to create commissions in regions with common landscape, growth issues, and technical needs, especially focusing on small communities and rural areas.
- Brownfields: Many believe the current liability laws under the New York brownfields program make it nearly impossible to attract new private investment to these areas. Many feel the state should consider changing the liability aspect of the statute and provide larger incentives for brownfields redevelopment efforts. Furthermore, many noted that brownfields are a roadblock to urban infill efforts. There is an overwhelming statewide consensus that brownfields law needs to be changed so that those sites can compete with greenfields in attracting business or residential construction.
- State Building Codes: The need for a state review and update of building code laws was frequently mentioned. Recurring comments focused on updating existing laws and creating new uniform guidelines.
- Interagency Coordination: Conflicting policies and overlapping jurisdictions of state agencies was mentioned as a frustration by county and municipal planners.
- Better Coordination Among Regional Authorities: Several county planners that we spoke to called for strengthened regional coordination, particularly regarding infrastructure. For example, the county water authorities will extend water without considering the impact

on surrounding regions. The Regional Commissions could bring counties together to facilitate a mutual agreement about infrastructure placement.

- Infrastructure Uniformity: Currently New York has uniform codes and inspection practices for bridge construction and maintenance. However, some people are frustrated there is no uniformity in road building practices and inspections. There was a consensus in the need for road and infrastructure uniformity, which could be accomplished through state law as well as financial incentives.
- Revenue Sharing: One of the most significant questions being asked by localities regarding any type of regional or statewide smart growth plan is who will pay for it? Many local governments are presently operating under conditions of rapidly increasing costs and moderately increasing or even decreasing revenues. A common observation was that statewide general revenue sharing has been cut back significantly in the last decade. There is a sense that the state cannot be trusted when it comes to incentives because they have a history of taking them away in times economic or fiscal stress.
- Agricultural Lands Preservation: A number of people mentioned providing more incentives for farmers to keep land in agricultural use. Allowing for the creation of more agriculture districts would lessen the tax burden on farmers and provide an incentive for farmers to keep their land in its current use.
- Conservation easements: Many pointed to the need for increased incentives for landowners who donate development rights to land conservancies.
- Land Bank Conservation Entities: Several people mentioned creating publicly funded organizations that buy land to be placed in public conservation.

What became very interesting, as we went through this process, was observe the uniformity in responses and the apparent consensus on many of these issues. Moreover, many of those interviewed mentioned similar issues even though some were from rural areas and others from urban areas. These same themes, particularly Home Rule, incentivizing planning, brownfields liability relief, building code reform, and the Tug Hill model, echoed clearly from all areas.

After gathering data from personal interviews, it became evident that a "cookie-cutter" application of national methods would be difficult to implement in New York. One interesting finding from our interviews was the extent of geographic, economic, and political diversity in New York's land use and development arenas. The land use and economic development needs, problems, and perspectives of New York communities vary widely, precluding the use of prior national actions as models for implementing New York Smart Growth policy.

A second intriguing finding that complicates the strict application of national models was the strength of Home Rule laws in New York. Home Rule laws act to stratify the power of county and state agencies in implementing development and land use policies. Rather, home rule rests the lion's share of power and responsibility for development policy in the hands of local city, town, and village officials.

As we note in the "Current New York State Policies" section, many programs incorporating Smart Growth ideals exist in New York, and the tools for attaching Smart Growth principles to development practice have been available to local communities for years. (A more extensive discussion of specific regional and local Smart Growth policies, as well as current tools for

policymakers, are included in the appendix.) Consistent with the lack of a prescriptive definition of Smart Growth, many communities are "doing" Smart Growth, but not attaching the Smart Growth label to their actions.

The general sentiment is that the state should play an advisory role, providing education, training, technical assistance, and other financial support to local planners.

Recommendations

Establish a task force to continue the study of land use and development issues facing New York State.

Recognizing the complexity and broad range of the issues that are included in any Smart Growth discussion, our study is not meant to be exhaustive. Instead we advocate that more information be collected to fully understand how Smart Growth would operate in New York. The Task Force would serve to inventory and assess the effectiveness of current technical assistance programs directed at local governments, attempt to better quantify the costs and benefits of Smart Growth, and explore and make recommendations as to the role of the State in promoting Smart Growth in New York.

Create a State Planning Office to serve as an information clearinghouse and a central location for interagency coordination pertaining to land use and development policy.

The group noticed that the extensive amount of literature, data, and information on New York development issues was widely dispersed among an array of authorities and locations, impeding the collection of relevant information by interested parties, advocates, and policymakers. A centralized information center should ease the dissemination of, and increase access to, relevant information for interested parties and policymakers. Additionally, given the breadth of issues included in Smart Growth and development policy, the planning office should attempt to provide a holistic understanding of Smart Growth by coordinating interagency expertise when approached by local officials and policymakers.

The state government should play a role in assisting small and rural areas that often lack the resources for comprehensive planning activities.

Many localities, especially in rural areas, lack the financial and personnel capacity to fully develop comprehensive land use plans. Often the lack of a master plan is indicative not of an unwillingness to develop such a document, but of insufficient resources. To this end, we believe that the state should assume a greater role in providing the means to implement Smart Growth to the communities that so desire. The state should model this policy after the Rural New York Grant Program which distributes small grants to rural communities so they may develop master land use plans.

The state government should provide financial incentives to two or more municipalities who agree to cooperate in land use planning and growth management.

One of the consistent themes gleaned through our research is that intermunicipal cooperation is important to fashioning effective Smart Growth policies. Intermunicipal cooperation is important for two reasons: 1) a municipality's actions will affect neighboring communities, and 2) intermunicipal cooperation is an avenue by which communities that lack some the requisite materials and resources for Smart Growth can pool resources and overcome individual shortcomings. Additionally, intermunicipal cooperation perpetuates a spirit of regionalism, where communities can learn from each other. This knowledge sharing should ease the implementation of Smart Growth policies.

Appendix 1: New York State Population and Density by County

	Population 1990	Population Estimate 1998	Population percent change	Land Area square miles	Population Density 1990	Population Density 1998	Population Density Change 1990-1998
New York State	17,990,778	18,175,301	1.03%	47,224	381	385	4
Albany	292,793	292,586	-0.07%	524	559	558	0
Allegany	50,470	50,997	1.04%	1,030	49	50	1
Bronx	1,203,789	1,195,599	-0.68%	42	28,662	28,467	-195
Broome	212,160	196,545	-7.36%	707	300	278	-22
Cattaraugus	84,234	85,086	1.01%	1,310	64	65	1
Cayuga	82,313	81,264	-1.27%	693	119	117	-2
Chautauqua	141,895	138,103	-2.67%	1,062	134	130	-4
Chemung	95,195	92,021	-3.33%	408	233	226	-8
Chenango	51,768	51,052	-1.38%	894	58	57	-1
Clinton	85,969	79,970	-6.98%	1,039	83	77	-6
Columbia	62,982	63,221	0.38%	636	99	99	0
Cortland	48,963	48,033	-1.90%	500	98	96	-2
Delaware	47,225	46,086	-2.41%	1,446	33	32	-1
Dutchess	259,462	265,317	2.26%	802	324	331	7
Erie	968,584	934,471	-3.52%	1,045	927	894	-33
Essex	37,152	37,548	1.07%	1,797	21	21	0
Franklin	46,540	48,582	4.39%	1,632	29	30	1
Fulton	54,191	52,914	-2.36%	496	109	107	-3
Genesee	60,060	60,654	0.99%	494	122	123	1
Greene	44,739	47,807	6.86%	648	69	74	5
Hamilton	5,279	5,193	-1.63%	1,721	3	3	0
Herkimer	65,809	64,049	-2.67%	1,412	47	45	-1
Jefferson	110,943	111,050	0.10%	1,272	87	87	0
Kings	2,300,664	2,267,942	-1.42%	71	32,404	31,943	-461
Lewis	26,796	27,494	2.60%	1,276	21	22	1
Livingston	62,372	66,000	5.82%	632	99	104	6
Madison	69,166	71,069	2.75%	656	105	108	3
Monroe	713,968	716,072	0.29%	659	1,083	1,087	3
Montgomery	51,981	50,755	-2.36%	405	128	125	-3
Nassau	1,287,444	1,302,220	1.15%	287	4,486	4,537	51
New York	1,487,536	1,550,649	4.24%	28	53,126	55,380	2,254
Niagara	220,756	218,070	-1.22%	523	422	417	-5
Oneida	250,836	230,628	-8.06%	1,213	207	190	-17
Onondaga	468,973	458,301	-2.28%	780	601	588	-14
Ontario	95,101	99,662	4.80%	644	148	155	7
Orange	307,647	329,220	7.01%	816	377	403	26
Orleans	41,846	44,518	6.39%	391	107	114	7
Oswego	121,785	124,006	1.82%	953	128	130	2
Otsego	60,517	60,788	0.45%	1,003	60	61	0
Putnam	83,941	93,358	11.22%	232	362	402	41
Queens	1,951,598	1,998,853	2.42%	109	17,905	18,338	434
Rensselaer	154,429	152,689	-1.13%	654	236	233	-3
Richmond	378,977	407,123	7.43%	59	6,423	6,900	477
Rockland	265,475	281,338	5.98%	174	1,526	1,617	91
St. Lawrence	111,974	113,688	1.53%	2,686	42	42	1
Saratoga	181,276	197,606	9.01%	812	223	243	20
Schenectady	149,285	145,530	-2.52%	206	725	706	-18
Schoharie	31,859	32,438	1.82%	622	51	52	1
Schuyler	18,662	19,125	2.48%	329	57	58	1
Seneca	33,683	31,943	-5.17%	325	104	98	-5
Steuben	99,088	97,950	-1.15%	1,393	71	70	-1

Appendix 1: New York State Population and Density by County (cont.)

	Population 1990	Population Estimate 1998	Population percent change	Land Area square miles	Population Density 1990	Population Density 1998	Population Density Change 1990-1998
Suffolk	1,321,768	1,371,269	3.75%	911	1,451	1,505	54
Sullivan	69,277	69,111	-0.24%	970	71	71	0
Tioga	52,337	52,477	0.27%	519	101	101	0
Tompkins	94,097	96,020	2.04%	476	198	202	4
Ulster	165,304	166,351	0.63%	1,127	147	148	1
Warren	59,209	61,261	3.47%	870	68	70	2
Washington	59,330	60,481	1.94%	836	71	72	1
Wayne	89,123	94,977	6.57%	604	148	157	10
Westchester	874,866	897,920	2.64%	433	2,020	2,074	53
Wyoming	42,507	44,049	3.63%	593	72	74	3
Yates	22,810	24,202	6.10%	338	67	72	4

Source: 1990 population & 1998 population estimates: http://www/census.gov/population/estimates/county/co-98-4/98C4_36.txt
Land Area: http://www.health.state.ny.us/nysdoh/vs96/table2.htm

* Note: Numbers may not add due to rounding

Appendix 2: New York State Farmland by County

	Farm Acreage 1987	Farm Acreage 1997	Farm Acreage Percent Change	Number of Farms 1990	Number of Farms 1997	Number of Farms Percent Change
New York State	8,077,785	7,387,900	-8.5%	36,665	35,010	-4.5%
Albany	67,754	59,100	-12.8%	460	430	-6.5%
Allegany	193,436	165,500	-14.4%	798	765	-4.1%
Broome	116,759	100,400	-14.0%	590	580	-1.7%
Cattaraugus	234,999	212,000	-9.8%	1,102	1,055	-4.3%
Cayuga	262,454	262,100	-0.1%	995	980	-1.5%
Chautauqua	289,730	265,400	-8.4%	1,972	1,865	-5.4%
Chemung	64,159	60,800	-5.2%	327	325	-0.6%
Chenango	223,893	192,000	-14.2%	933	895	-4.1%
Clinton	172,734	161,500	-6.5%	591	540	-8.6%
Columbia	133,623	118,000	-11.7%	567	535	-5.6%
Cortland	148,153	141,500	-4.5%	535	535	0.0%
Delaware	225,899	196,000	-13.2%	883	795	-10.0%
Dutchess	124,401	112,500	-9.6%	613	610	-0.5%
Erie	166,121	147,800	-11.0%	1,201	1,105	-8.0%
Essex	59,752	57,500	-3.8%	219	210	-4.1%
Franklin	157,189	142,600	-9.3%	557	565	1.4%
Fulton	38,762	36,700	-5.3%	195	210	7.7%
Genesee	185,119	178,700	-3.5%	660	615	-6.8%
Greene	56,441	49,000	-13.2%	279	240	-14.0%
Herkimer	175,803	170,100	-3.2%	708	715	1.0%
Lewis	193,083	176,800	-8.4%	707	680	-3.8%
Livingston	234,071	213,800	-8.7%	737	715	-3.0%
Madison	212,804	200,200	-5.9%	785	785	0.0%
Monroe	134,670	114,000	-15.3%	682	560	-17.9%
Montgomery	156,368	143,700	-8.1%	616	600	-2.6%
Nassau	1,471	1,600	8.8%	67	60	-10.4%
Niagara	146,537	141,000	-3.8%	923	840	-9.0%
Oneida	285,731	248,600	-13.0%	1,251	1,170	-6.5%
Onondaga	158,276	151,800	-4.1%	772	710	-8.0%
Ontario	202,049	188,000	-7.0%	837	810	-3.2%
Orange	114,928	107,000	-6.9%	789	710	-10.0%
Orleans	152,354	138,000	-9.4%	581	515	-11.4%
Oswego	122,648	113,800	-7.2%	749	730	-2.5%
Otsego	264,388	223,700	-15.4%	1,029	975	-5.2%
Putnam	6,059	4,100	-32.3%	51	40	-21.6%
Rensselaer	106,559	93,900	-11.9%	526	490	-6.8%
Rockland	1,107	900	-18.7%	27	25	-7.4%
St. Lawrence	456,497	412,400	-9.7%	1,602	1,525	-4.8%
Saratoga	82,878	72,200	-12.9%	528	490	-7.2%
Schenectady	22,276	19,200	-13.8%	182	165	-9.3%
Schoharie	131,800	122,700	-6.9%	572	580	1.4%
Schuyler	75,871	67,400	-11.2%	371	355	-4.3%
Seneca	126,320	119,500	-5.4%	432	435	0.7%
Steuben	388,822	374,000	-3.8%	1,407	1,405	-0.1%

Appendix 2: New York State Farmland by County (cont.)

	Farm Acreage 1987	Farm Acreage 1997	Farm Acreage Percent Change	Number of Farms 1990	Number of Farms 1997	Number of Farms Percent Change
Suffolk	41,799	37,000	-11.5%	696	650	-6.6%
Sullivan	62,976	58,500	-7.1%	373	335	-10.2%
Tioga	125,838	119,000	-5.4%	579	570	-1.6%
Tompkins	110,609	95,300	-13.8%	532	500	-6.0%
Ulster	78,437	73,800	-5.9%	539	480	-10.9%
Warren	8,500	6,000	-29.4%	61	70	14.8%
Washington	240,936	211,800	-12.1%	861	835	-3.0%
Wayne	191,309	179,500	-6.2%	1,064	1,020	-4.1%
Westchester	8,519	6,000	-29.6%	121	105	-13.2%
Wyoming	220,192	217,600	-1.2%	812	830	2.2%
Yates	113,922	105,900	-7.0%	619	675	9.0%

Source: http://www.nass.usda.gov/ny

Appendix 3: Smart Growth Working Group

- Eric Alexander, Sustainable Long Island; 33 Gerard Street, Huntington, NY 11743
- Peter Baynes, NYS Conference of Mayors; 119 Washington Ave, Albany NY 12210
- Dave Church, New York Planning Federation; 41 Central Avenue, Albany NY 12206
- Bill Cooke, National Audubon Society; 200 Trillium Lane, Albany, NY 12203
- Jerry Cosgrove, American Farmland Trust; 100 Spring Street, Saratoga Springs, NY 12866
- Kevin Crawford, Association of Towns; 146 State Street, Albany, NY 12207
- Deborah DeWan, Scenic Hudson; 9 Vassar Street, Poughkeepsie, NY 12601
- Patrick Duggan, Sustainable Long Island; 33 Gerard Street, Huntington NY 11743
- Alison Heaphy, National Audubon Society; 200 Trillium Lane, Albany NY 12203
- Philip LaRocque, NYS Builders Association; 41 State Street, Suite 408, Albany NY 12207
- Kevin MacDonald, Group for the South Fork; PO BOX 569, 1117 Main St, Bridgehampton, NY 11932
- Darlene McCloud, Preservation League of NYS; 44 Central Ave., Albany, NY 12206
- Paul McDowell, Farm Bureau, Route 9W, PO Box 992, Glenmont, NY 12077
- Brian McMahon, The Business Council of NYS, Inc., 152 Washington Avenue, Albany, NY 12210-2289
- David Miller, National Audubon Society, 200 Trillium Lane, Albany NY 12203
- John Nolon, Land Use Law Center, 78 North Broadway, White Plains, NY 10603
- Teri Ptacek, American Farmland Trust, 100 Spring Street, Saratoga Springs NY 12866
- Patty Salkin, Government Law Center, 80 New Scotland Ave, Albany, NY 12208
- Beverly Sanford, Institute for Local Governance and Regional Growth; Institute for Local and Regional Governance, University of Buffalo, Beck Hall, 3435 Main Street, Buffalo, NY 14214-3004
- Cori Traub, Environmental Advocates; 353 Hamilton Street, Albany, NY 12210
- Tamara Van Ryn, Land Trust Alliance of NY; PO Box 792, Saratoga Springs, NY 12866-0792
- Bob Wiebolt, Long Island Builders Institute; 400 Corporate Plaza, Islandia, NY 11722
- Robert Yaro, Regional Plan Association; 4 Irving Place, 7th Floor, New York, NY 10003
- Rick Zimmerman, New York Farm Bureau; Route 9w, PO Box 992, Glenmont, NY 12077

Appendix 4: Tools Available to Local Governments to Manage Land Use

There are any number of publications available that are excellent resources for officials, citizens, and others interested in growth and land use management tools. For information on tools available for use in the State of New York, two superior and easily read publications are: (1) "Creating the Community You Want: Municipal Options for Land Use Control," published by the New York State Department of State[49], and (2) "Local Leader's Guide To Land Use Practice," by John R. Nolon of the Pace Law School Land Use Law Center.[50]

The following provides a short (and incomplete) summary of tools available to local communities to manage and direct development to assist in planning, managing, and encouraging smarter growth. These provisions range from relatively simple to the highly complex. Numerous resources and professionals can provide a fuller description and explanation of the proper application of these tools. The intent of this section is to introduce a provision, tool, or concept that may raise questions or pique an interest for further investigation by officials, citizens, or practitioners.

Comprehensive Plan

A comprehensive plan is the foundation of land use planning and serves as a blueprint for community desires in terms of the future management of land. The plan provides a shared vision of how the locality would like to see its land used in the next several years. Although not required in New York, adoption of a comprehensive plan can provide insurance against legal challenges to local zoning laws and land use regulations. The comprehensive plan does not carry the force of law, but provides a foundation from which other statutory measures for land use planning and control derive their vision.

Zoning

Zoning regulations, codes, and ordinances generally divide land into distinct subsections and regulate the use, density, and siting of development within each zone. Zoning is the most basic form of land use regulation. A zoning map usually accompanies the zoning regulations to provide a visual legal document of permissible types of development within a locality. There are a number of alterations to zoning statutes that can provide a measure of flexibility, as well as creating restrictions as desired by the locality. Some of the alterations include allowing nonconforming uses, variances, subdivision of land, site plan regulations, special use permits. In addition, the State of New York requires environmental reviews for actions that may have an adverse impact on the environment, including some actions relating to rezoning, subdivision, special permits, and variances, among others.

Permit Conditions

When approving a permit for land development, local governments possess the ability to attach certain conditions relating to the use of the property under development. These conditions must be have a direct bearing on proposed use of the property and often are used to provide for safety, aesthetic, and/or environmental improvements.

[49] See URL: http://www.dos.state.ny.us/lgss/list9.html.
[50] See URL: http://www.law.pace.edu/landuse/llgtoc~1.html.

Incentive Zoning

Incentive zoning involves a negotiation between a developer and the local government whereby the developer is able to exceed zoning restrictions in some form (an incentive to develop) in exchange for concessions from the developer that provide a public benefit or amenity.

Overlay Zoning

Overlay zoning is a special type of zoning typically used to protect a natural resource (flood plain, waterfront, wetland, etc.) from development within an area where development according to the underlying zoning for that area could jeopardize the resource. Overlay zoning may also be used to for stricter or lesser enforcement in an area that cuts across two or more zones.

Cluster Development

Cluster development allows for the subdivision of a parcel of land into smaller units than allowed under a local zoning ordinance by varying certain dimensional requirements so that the entire parcel in configured in a way to provide benefits such as open space or recreational facilities that meet community desires. Cluster zoning usually allows houses or buildings to be placed closer together as long as the overall density of the parcel is not exceeded.

Planned Unit Developments

This technique allows for design flexibility, generally involving large tracts, by altering underlying zoning regulations on the tract to provide for a combination of land uses. This flexibility allows the site to be creatively developed in a manner that can enhance a community.

Transfer of Development Rights

This tool involves the creation of "receiving" districts and "sending districts." The owner of a particular property deemed a "sending" district is able to sell the development rights to the property (in order to preserve it in its current form) and gain development rights in the "receiving" district. The sending district development rights bought allow for higher density development or other variances that are not available under the current zoning structure. The intended result is land preservation (and economic benefit for the landowner) in exchange for redirected development in an established area with current infrastructure.

Agricultural Zoning

The designation of land as an agricultural zone by a local government restricts the land from being used for any purpose other than farming and related uses. This technique is a divergence from the common practice of zoning all land within a local government jurisdiction as either commercial, industrial, or residential. As such, it provides farmers with relief from the necessity to seek variances or special use permits to farm. In addition, the intent is to keep property tax assessments on farms from escalating due to development pressures caused by a non-agricultural zoning classification.

Conservation Easements

Conservation easements involve the transfer of the development rights to a property (through sale or donation) from the landowner to a government agency or not-for-profit entity. The seller of development rights may qualify for tax breaks, while the locality ensures that the land is preserved in its current land use permanently (unless the easement provides otherwise). The landowner retains title to the property, but donates or sells the rights to the development of the land to a government agency or non-profit organization.

Intermunicipal Agreements

Two or more local governments in New York have the authority to enter into a cooperative agreement on any number of matters, including planning and land use issues. These agreements have the potential to create efficiencies in government operations, as well as allowing for addressing matter of mutual concern. Land use decisions in one jurisdiction often can impact development patterns in another closely situated locality and intermunicipal agreements can allow for greater coordination in this area.

Appendix 5: Interview List

The Maxwell Team interviewed the following people either in person or by telephone:

Roger Akeley, Commissioner, Dutchess County Department of Planning & Development

Richard Albertin, Director, Resource & Risk Management, New York State Department of Transportation

Jerry Alexander, Highway Superintendent, Floyd (Oneida County)

Frank Alguire, Executive Director, Massena Economic Development Council

Robin Alpaugh, Empire State Development

Bill Applebee, Engineer, Oneida County Department of Public Works

Robert Augenstern, Director, Southern Tier East Regional Planning Development Board

Jim Bensley, Planner, Orleans County Planning & Development Department

Lou Benton, New York State Department of Agriculture & Markets

Richard Bird, Director, Hamilton County Planning Department

Joe Boardman, Commissioner, New York State Department of Transportation

Steve Boborakus, Director, Legislative Affairs

Thomas R. Bodden, Manager of Information and Research, Association of Towns of the State ofNew York

Ron Brach, Chief of State, New York State Legislative Commission on Rural Resources

Eric Bridges, Southern Tier West Regional Planning and Development Board

Rodney Brown, Director, Clinton County Planning Board

John Buzcak, Town Supervisor, Floyd (Oneida County)

George Canon, Supervisor, Town of Newcomb and President of the Adirondack Association of Towns and Villages

David A. Casciotti, Director of Planning, Cortland County Planning Department

Robert A. Costanzo, Director Department of Planning, Genesee County

Chungchin Chen, Executive Director, Capital District Regional Planning Commission

Dave Church, Executive Director, New York State Planning Federation

Art Collings, Land Projects Manager, Dutchess County Land Conservancy

Glen Cooke, Director, Seneca County Department of Economic Development & Planning

Kevin Crawford, Counsel, Association of Towns of the State of New York

John Czamanske, Cornell Cooperative Extension, Schuyler County

Dick D'Attilio, Director, Broome County Economic Development Agency

William Davidson, Lake Champlain/Lake George Regional Planning Board

Dennis Davis, Deputy Commissioner, Oneida County Department of Public Works

Thomas Dearing, Community Planning Coordinator, Erie County Department of Environment & Planning

Tim Decker, Engineer, Oneida County Department of Public Works

Owen DeMuth, Legislative Aide, Assemblyman Sam Hoyt

Rocco DiGiovanni, Director, Monroe County Department of Planning & Development

Gavin Donahue, Executive Deputy Commissioner, New York State Department of Environmental Conservation

Patrick Dugan, Executive Director, Sustainable Long Island

Fran Duma, Secretary, Yates County Planning Board

Kathy Engert, Delaware County Planning Board

Edward Farrell, Executive Director New York Conference of Mayors
Brian Fraser, Planning Director, Chenango County Department of Planning
Brian Fraser, Planning Director, Chenango County Department of Planning
Tony Favro, Staff Assistant to the Mayor, City of Rochester
Pete Fellows, GIS planner, Lamoille County Planning Commission
Steven Finn, Director, Ontario County Division of Planning & Research
Eileen Fitzgerald Spiehs, Willet Planning Board

Peter Garrison, Commissioner, Orange County Department of Planning
Michael Gapin, Program Director, Herkimer/Oneida Counties Comprehensive Planning Program
Bryan Garol, Chairman of Legislative Council, St. Regis Mohawk Nation
Stephen Gleason, Executive Director, Genesee Transportation Council

James Hansen, Commissioner, Tompkins County Planning Department
Bill Harvey, Oneida Nation Economic Development
Alison Heaphy, National Audubon Society
Gregory B. Heffner, Director, Steuben County Planning Department
Lori Hethoff, Training Manager, New York Department of State
Robert Henry, Member, Floyd Town Planning Board
William D. Hess, Executive Director, Southern Tier Central Regional Planning & Development Board
Tom Higgens, Cayuga Planning Board
Linda Holland, Executive Director, Nantucket (Mass.) Land Council
Jim Hotelling, Adirondack Park Agency
Paul Howard, Executive Director, Genesee/Finger Lakes Regional Planning Council

Doug Jacobs, Planning Technician, Chautauqua County Department of Planning & Development,
Bill Johnston, Director, Essex County Planning Office

Karen Kitney, Director, Syracuse/Onondaga Planning Agency
Lee Koppelman, Director, Long Island Regional Planning Board

Phil LaRocque, Director, New York State Builders Association
Sharon Lilla, Director, Wayne County Planning Board
Donald Lister, Nassau County Planning Commission

Kevin P. Masterson, Director of Building & Zoning, Town & Village of Livonia
Ed Marx, Director, Oswego County Planning Board
William Paul McDowell, Associate Director, New York Farm Bureau
Dave Miller, Director, United States Department of Agriculture, Rural Utilities Service
Jack Miller, Madison County Planning Department

Dean Morgan, Owego Town Planner

Randy Olthof, Planning Commissioner, Chemung County

Geoff Osynski, Project Director, New York State Association of Counties

Colleen Parker, Adirondack Park Agency

Laird Petrie, Senior Examiner of Municipal Affairs, Office of New York State Comptroller

John Pagini, Director, Nantucket (Massachusetts) Planning Commission

David Phillips, Senior Planner, Chautauqua County

Bob Quinn, Director, Tug Hill Commission

Harold Roth, Union City Planner

Donald Rychnowski, Executive Director, Southern Tier West Regional Planning and Development Board

Patricia Salkin, Associate Dean & Director, Government Law Center, Albany Law School

Susan Sanderson, Senior Planner, City of Poughkeepsie

Beverly A. Sanford, Associate Director, Institute for Local Governance and Regional Growth, University at Buffalo

Eric Savetsky, Director, Nantucket Land Bank Commission

Barbara Schilling, Planner, Wyoming County Economic Development & Planning

Bernard Schmelz, Land Use Specialist II, New York Department of State

Spencer P. Schofield, Erie & Niagara Counties Regional Planning Board

Marie Schoonmaker, Director, Office of Community Development

Vito Sciscioli, Commissioner, Syracuse Department of Commerce & Economic Development

Loretta Simon, Coastal Resources Specialist, Department of State, Division of Coastal Resources

Janine Simonsen, Planning & Strategy Group, New York State Department of Transportation

Eric Siv, Resource Referral Institute

Kevin Smith, Director of Community Economic Development, State of New York Tug Hill Commission

Kevin Stack, Chair, Rural Development Council, New York Department of State

Larry Stid, Planning Director, City of Rochester

Ed Stiffler, Planner, Columbia County Planning Department

Al Sweenor, Director, City of Plattsburgh Planning Office

Alison Sweet, Broome County Department of Planning

Patricia Tatich, Planning Director, Warren County Planning Board

Alicia Terry, Director, Schoharie County Planning and Development Agency

Bill Thomas, Supervisor, Town of Johnsburg

Anne Van Ingen, Director, Architecture, Planning and Design Programs, New York State Council on the Arts

David Vahue, Director, Rural Development Council

Carin Webb, Director, Office of Economic Development

Reverend Gordon V. Webster, Organizing Director, Common Good Planning Council

Lucille White, Seneca Nation Planning Department

Kyle Wilber, Land Use Specialist, New York Department of State

David O. Woods, Director, Livingston County Planning Department

Marina P. Woolcock, Chief of Staff/Albany, New York State Senator Mary Lou Rath

Bob Yaro, Executive Director, Regional Plan Association

Dave Zorn, Programs Manager, Genesee/Finger Lakes Regional Planning Council

Appendix 6: Smart Growth Websites

Nationwide Perspectives, Organizations & Federal Resources

The President's Council on Sustainable Development
http://www.whitehouse.gov/PCSD

U.S. Department of Energy -- Center of Excellence for Sustainable Development: Land Use Planning
http://www.sustainable.doe.gov/landuse/luintro.htm

Policy.com – Issue of the Week: Sprawl (04/26/97)
http://www.policy.com/issuewk/1999/0426_70/Intro70.html

USDA Forest Service: information by states
http://www.fs.fed.us/ne/fia/states/ny/nyhilite.html
http://www.fs.fed.us/ne/fia/ny_view.html

Government Information Sharing Project
http://govinfo.library.orst.edu

Natural Resources Conservation Service
http://www.nhq.nrcs.usda.gov/land/meta/m2769.html

The Smart Growth Network
http://www.smartgrowth.org

American Farmland Trust
http://www.farmland.org

American Planning Association
http://www.planning.org

Brookings Institution: Center on Urban and Metropolitan Policy
http://www.brook.edu/ES/urban/overview.htm

Congress for the New Urbanism
http://www.cnu.org/index.html

Farmland Information Library
http://farm.fic.niu.edu/fic/home.html

Lincoln Institute of Land Policy
http://www.lincolninst.edu/main.html

Planners Web
http://www.plannersweb.com

Sierra Club – Sprawl Index Page
http://tamalpais.sierraclub.org/transportation/sprawl/index.htm

Sprawl Busters
http://www.sprawl-busters.com

The Sprawl Watch Clearinghouse
http://www.sprawlwatch.org

Skeptical Voices

Cascade Policy Institute
http://www.cascadepolicy.org

Competitive Enterprise Institute
http://www.cei.org

"A Free-Market Guide to Suburban Development & "Urban Sprawl"
http://www.cei.org/pubs/1999/simmons%20&%20wyatt.html

Goldwater Institute
http://goldwaterinstitute.org

The Heritage Foundation – Key Urban Issues
http://www.heritage.org:80/library/urban.html

Pacific Research Institute
http://www.pacificresearch.org

Planning and Markets
http://www-pam.usc.edu/index.html

Political Economy Research Center
http://www.perc.org

The Public Purpose
http://www.publicpurpose.com

Reason Magazine – Breaking Issue: Sprawl Brawl
http://www.reasonmag.com/bisprawl.html

Reason Public Policy Institute
http://www.reason.com

Thoreau Institute: Urban Growth and Transportation Studies
http://www.ti.org/urban.html

Urban Futures
http://www.urbanfutures.org

New York State Sources

New York State Division of Local Government - Land Use Publications for Local Officials
http://www.dos.state.ny.us/lgss/list9.html

Guide to Planning and Zoning Laws of New York State
http://www.dos.state.ny.us/lgss/planzone.html

New York State Assembly
http://assembly.state.ny.us

New York State Senate
http://senate.state.ny.us

New York State Department of State - Division Of Local Government Services
http://www.dos.state.ny.us/lgss/localgovt.html

New York State Department of Environmental Conservation
http://www.dec.state.ny.us/index.html

NY Department of State Training Information
http://www.dos.state.ny.us/lgss.localgovt.html

New York State Conference of Mayors and Municipal Officials
http://www.nycom.org

New York State Data Center
http://www.empire.state.ny.us/nysdc/index.html

New York State Builders Association
http://www.nysba.org

New York State Association of Counties
http://www.state.ny.us/nysac/home.html

New York Association of Regional Councils
http://www.cdrpc.org/nysarc.html

New York Farm Bureau
http://www.nyfb.org/index.htm

The Business Council of New York State, Inc.
http://www.bcnys.org

CNY Regional Planning & Development Board
http://www.cnyrpdb.org

Cornell Institute for Social and Economic Research
http://nysis.ciser.cornell.edu

Government Law Center of Albany Law School
http://stella.als.edu/glc

Pace University Law School Land Use Law Center
www.law.pace.edu/landuse/welc.html

National Audubon Society – New York State Office
http://www.audubon.org/chapter/ny/ny/office.html

SUNY – University at Buffalo Institute for Local Governance & Regional Growth
http://regional-institute.buffalo.edu

USDA New York State Agriculture Highlights
http://www.nass.usda.gov/census/census97/highlights/ny/ny.htm

U.S. Census Bureau, New York Profiles
http://www.census.gov/datamap/www/36.html

County Websites

New York State Association of Counties
http://www.state.ny.us/nysac
(site linked to all available county homepages)

Local Websites

Adirondack Park Agency
http://www.northnet.org/adirondackparkagency

Capital District Regional Planning Commission
http://www.cdrpc.org

Columbia Land Conservancy
http://www.clctrust.org

Dutchess County Economic Development Corporation
http://www.dcedc.com

Empire State Development
http://www.empire.state.ny.us

Hudson River Valley Greenway
http://www.law.pace.edu/landuse/bgreenwa.html

Lake Champlain-Lake George Regional Planning Board
http://www.albany.net/~rpb

Long Island History
http://www.lihistory.com

Madison County Industrial Development Agency
http://www.madisoncountyny.com/mcida

New York City Department of City Planning
http://www.ci.nyc.ny.us

Association of Towns of the State of New York
http://www.nytowns.org

New York State's Central Pine Barrens
http://pb.state.ny.us

Orange County Development
www.orangeny.org/about_orange_county/economic_develpoment.html

Orange County Partnership
www.ocp.pair.com

Population census
www.census.gov/population/estimates/county

Public Policy Institute of New York
www.bcnys.org/new/ppi/nyecon.htm

Scenic Hudson
http://www.scenichudson.org/index.html

Suffolk County Water Authority
www.scwa.com

Syracuse Dept. of Community & Economic Development
http://www.syracuse.ny.us/syrmayor/development/index.htm

Tug Hill Commission
http://www.tughill.org

Appendix 7: Maxwell Consulting Team Biographies

Laura Buffo will receive a Master of Public Administration from The Maxwell School of Citizenship and Public Affairs at Syracuse University in July 1999. Ms. Buffo's areas of concentration are international development and administration and non-profit Management. Ms. Buffo has held a number of community development positions both domestically and internationally. Upon graduation from Whitman College in 1992, Ms. Buffo worked in Guatemala and Ecuador as a micro-enterprise project coordinator. After returning to her home-state of Oregon, Ms. Buffo was the Bi-lingual Membership Director for the Columbia River Girl Scout Council where she was responsible for developing and implementing educational programs for Latino migrant children. Most recently, she was the Ecuador In-Country director for Global Routes and was responsible for researching, developing and supervising educational and service-oriented college exchange programs.

Kevin T. Farrell will receive a Master of Public Administration from The Maxwell School of Citizenship and Public Affairs at Syracuse University in July 1999. He has extensive professional experience in the legislative and political arena. In 1990, Mr. Farrell received a B.S. degree in political science from Towson State University in Maryland. His initial professional experiences involved working on a political campaign for a Maryland State Senator, and working for Maryland's U.S. Senate Paul Sarbanes. From 1991 to 1995, Mr. Farrell served in positions with the U.S. Senate Committee on Finance where his work focused on federal taxation matters. From 1995 to 1999, Mr. Farrell worked as a lobbyist and legislative assistant for a major international law firm in Washington, D.C., where he provided policy and strategic advice to clients on a variety of issues, including environmental, appropriations, taxation, energy, and trade matters. He has worked for MD State Senator Gerald Winegrad, U.S. Senator Paul Sarbanes, U.S. Senator Lloyd Bentsen, and U.S. Senator Daniel Patrick Moynihan. Upon graduation Mr. Farrell will be the Program Manager for the Environmental Finance Center at The Maxwell School.

Kyle R. Kotary will receive a Master of Public Administration in July 1999 from The Maxwell School of Citizenship and Public Affairs. He has extensive professional experience in media relations and political campaigns, and spent four years on Capitol Hill. In 1992, Mr. Kotary received a Bachelor's degree in political science and economics from Hamilton College in Clinton, NY. A native of New Hartford, NY, he started his political career working in the district office of Congressman Sherwood Boehlert of New York's 23rd District. He then moved to Washington, D.C., to become Senator Daniel Patrick Moynihan's Assistant Press Secretary and Legislative Aid. Mr. Kotary gained extensive campaign experience while working on several House and Senate campaigns and the Clinton-Gore 1996 Presidential Campaign. This past year he handled press and public relations and provided research support for the *Government Performance Project*, a Pew Charitable Trusts and Maxwell School project. He is also currently a Graduate Research Assistant at the Alan K. Campbell Institute of Public Affairs at Syracuse University.

Bradley A. Meurrens is a Master in the Public Administration from The Maxwell School of Citizenship and Public Affairs at Syracuse University. While his concentration is in International Development Policy, he has an interest in environmental policy. Mr. Meurrens is

also a Research Associate at the Environmental Finance Center at Syracuse University. He received a B.A. in Latin from the University of Nebraska. While an undergraduate student, he was an Assistant Debate Coach at Westside High School in Omaha, NE. Before attending The Maxwell School, Mr. Meurrens was a Master's student in the Speech Communication Department at Syracuse University and acted as an Assistant Debate Coach for Syracuse University.

Donia Schanthal is a concurrent graduate degree student with the State University of New York College of Environmental Science and Forestry and The Maxwell School of Citizenship and Public Affairs at Syracuse University focusing on democratic processes and environmental policy. In 1995, Ms. Schanthal received a B.S. in environmental studies with a concentration in environmental policy and management from SUNY ESF. During her studies, Ms. Schanthal has worked with several corporate environmental offices reviewing environmental management practices and creating environmental reports. Future interests emphasize formulating public participation plans for government agencies, developing corporate environmental management systems, and facilitating information between government, businesses, and citizens.

W. Anthony Stacy is currently attending The Maxwell School of Citizenship and Public Affairs at Syracuse University to earn his Master in Public Administration, commencing in July 1999. Most recently Mr. Stacy served as Program Officer for Freedom House in Washington, D.C. From 1995 to 1996, Mr. Stacy developed the Young Political Leaders School in Bucharest, Romania, training approximately 225 Romanian political leaders on electoral campaign and political communication. From 1990 to 1995, Mr. Stacy worked in several positions at the Ohio House of Representatives, including Policy Chief for the House Democrats, Assistant Director of Communications for House Speaker Vern Riffe, and Legislative Assistant for State Representative Sean D. Logan. He was also Campaign Manager for State Representative races in 1992 and 1994. Upon graduation Mr. Stacy will be Project Manager for the Government Performance Project, an initiative administered by the Maxwell School's Alan K. Campbell Institute Public Affairs Institute at Syracuse University. He received his Bachelor of Arts in Business Administration from Malone College in 1990.

Susan M. Weber will receive a Master in Public Administration from The Maxwell School of Citizenship and Public Affairs at Syracuse University in July 1999. Ms. Weber worked as a transportation planner and contract administrator for an international planning, engineering and environmental consulting firm, STV Incorporated in New York City. In this role, Ms. Weber prepared socioeconomic and environmental methodology reports including assessment, feasibility, major investment, and draft and final environmental impact statements for clients applying for federal transportation funding. In addition, she served as an assistant project manager for the United Nations Development Programme to develop an organizational policy framework for Moscow's transportation infrastructure. As contract administrator, Ms. Weber tracked overall project budget, controlled costs, and maintained schedules and work scopes of subconsultants. She received her Bachelor of Science in Public Administration from the School of Public and Environmental Affairs at Indiana University in 1994.

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