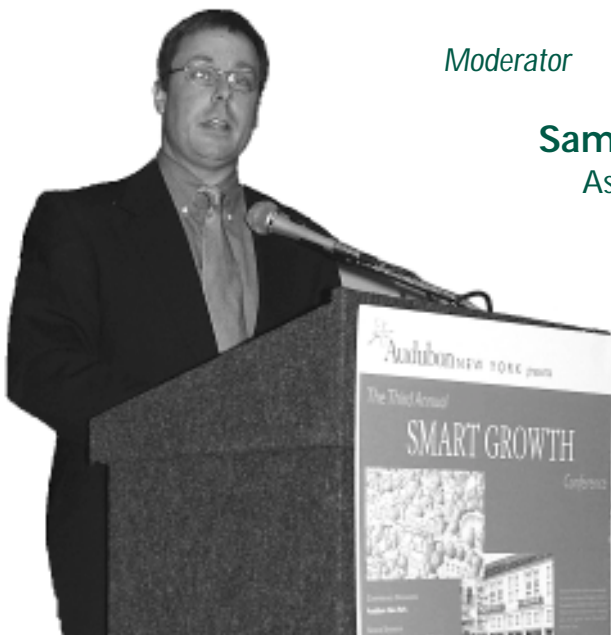


Comments on the Task Force Report

Moderator: **Sam Hoyt**, Assemblyman, New York State Assembly;
Panel Members: **Mary Lou Rath**, Senator, New York State Senate;
Thomas P. DiNapoli, Assemblyman, New York State Assembly;
Irene Elia, Mayor, City of Niagara Falls;
Patricia E. Salkin, Associate Dean and Director,
Government Law Center at Albany Law School

“State and local governments share many priorities and objectives. Enhanced state technical assistance programs and greater interagency communication at all levels of government will strengthen the relationship between state government and its diverse collection of municipalities.”

- *Quality Communities Task Force Report*



Moderator

Sam Hoyt

Assemblyman, New York State Assembly

Assemblymember Hoyt complimented Audubon New York and David Miller, its executive director, and the members of the Smart Growth Working Group for the incredible work that they have done in moving the smart growth issue forward over the years, making it a priority in New York state. He also thanked former Secretary of State Sandy Treadwell for his leadership on the executive level, along with the governor and the lieutenant governor. He looks forward to working with the new Secretary of State Randy Daniels, who told him he would be just as dedicated to this issue.

Mary Lou Rath

Senator, New York State Senate

Senator Rath began by emphasizing that, in her role as chairman of the state senate committee on local government, she believes we need to do a better job than just thinking about our own particular region. She said some of the difficulties come from looking “at the role of regional planning boards and regional planning councils and their advisory role for the most part, then we superimpose on that what the towns and the cities have by way of powers, and then we look at where do counties fit in and, of course, what is one person’s economic development and business growth is another person’s sprawl and what one town is looking at is tax base enhancement and looking for opportunities to keep their tax rates down, others find it, again, sprawl and inappropriate development.”

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So she asked, “how do we get from there to where we know we want to go?” One of the ways she says this is happening is due to the strength of the Quality Communities Task Force, and the other is the ability of the diverse Smart Growth Working Group to stay together over a long period of time and stay focused on a consensus group of compelling smart growth goals.

According to Senator Rath, some of the problems in getting to quality communities are the turf battles, including those in the legislature, and the legal issues that zoning and town boards face. She complimented the leadership

in places like the city of Syracuse, and Wayne and Erie Counties in doing the important exercise of community visioning. As well, she emphasized that local leadership is important, because from the beginning she believed that smart growth needed to have commitment on the local level and come from the bottom up.



In terms of the quality communities report, Senator Rath pointed to recommendation number 39, as one that “really hit home for [the] chairman of local government.” It says, “Amend the general municipal law to improve state guidelines for comprehensive planning and encourage local governments to engage in such planning as a foundation for economic and community development.” She discovered there are several Senate bills relating to this issue including, Senate 3089 by Senator Pat McGee to provide a statutory framework for the use of planned unit development as a tool for guiding community growth and development. As well, Senate 3819, according to Senator Rath, is focusing on planning agencies and regional planning councils on the review of projects and actions with intercommunity and county-wide impacts.

She noted that regionally, “when businesses come in and do major expansions, and you have a lot of jobs, they don’t live in one town, people don’t live in one county, they live in the region because we’ve done such a good job in building so many roads people can get back and forth.” So in looking at the regional way people live today she sees the need to go back and redouble her efforts to help with shaping the framework.

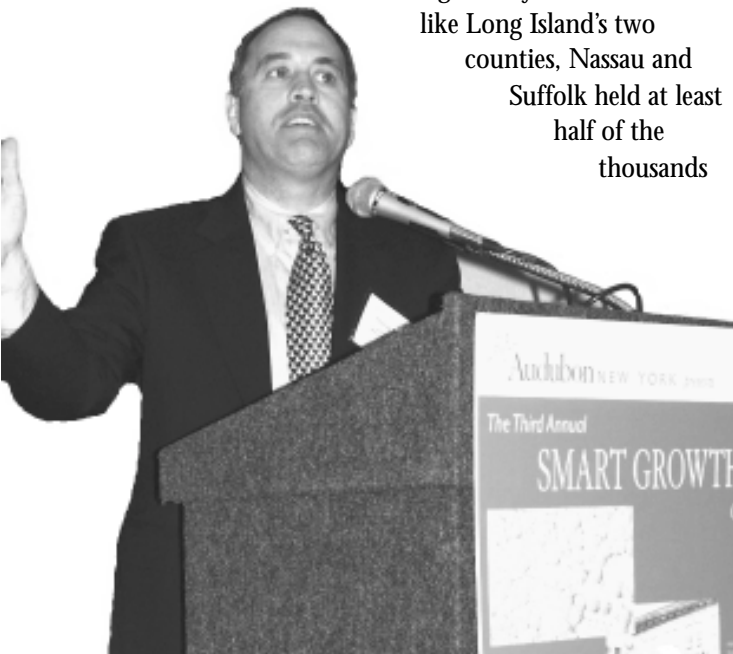
She concluded by saying that there are “a lot of good frameworks in place, a lot of

legislation in place, and what the lieutenant governor and the ongoing task force are doing are going to be a wonderful adjunct to what the localities will be doing.” But she emphasized that there’s a lot more work to be done and she looks forward to helping to make places that are “people friendly, walking friendly, [and] bicycle friendly, so people can get out there and exercise and do all the good things that we like to plan for the quality life of the future down through the next century.”

Thomas P. DiNapoli
Assemblyman,
New York State Assembly

Assemblyman DiNapoli began by praising the quality community grants given out to communities as “an important first step in implementing some of the objectives of the task force.” He emphasized that the task force recommendations are an important foundation, building on New York’s strong tradition of local control and planning processes.

Assemblyman DiNapoli pointed to his home area of Long Island as “the best case and the worst case when you talk about planning and trying to plan in the smart and intelligent way.” He said it felt like Long Island’s two counties, Nassau and Suffolk held at least half of the thousands



of local government units in New York state. He said, “I know for myself, I live in a county, I also live in a town, I also live in a village, I also had to make a list when I was trying to remember all the municipalities and jurisdictions I’m in, I also live in a water and a fire district, I live in a school district, I live in a sewer district, I live in a library district, I live in a park district, I vote for lots of folks.”

While some of these different levels are important in terms of putting a priority on a particular level of service, Assemblyman DiNapoli said, it also made “it very difficult sometimes to coordinate strategies and coordinate efforts.” In terms of quality communities, he thought it was important that the decision-making of each of those levels of government be well coordinated. Because of the planning challenges presented by the many overlapping jurisdictions of government, he said, “It’s no surprise that sometimes the decisions that are made aren’t in the best interests of a regional model or a regional plan.”

“I think we need to include in our principles very specific commitments to public investments so that particularly the state can be helpful to localities in defraying the cost of expenditures related to planning and implementing regional plans.”

However, he also pointed to some positive steps and examples that Long Island has pioneered, including one of the national models for collaborative decision making and planning, the Pine Barrens Preservation Initiative. According to Assemblyman DiNapoli, the Pine Barrens process brought together a diverse set of competing interests and began a process that resulted in a consensus that was very much home grown and

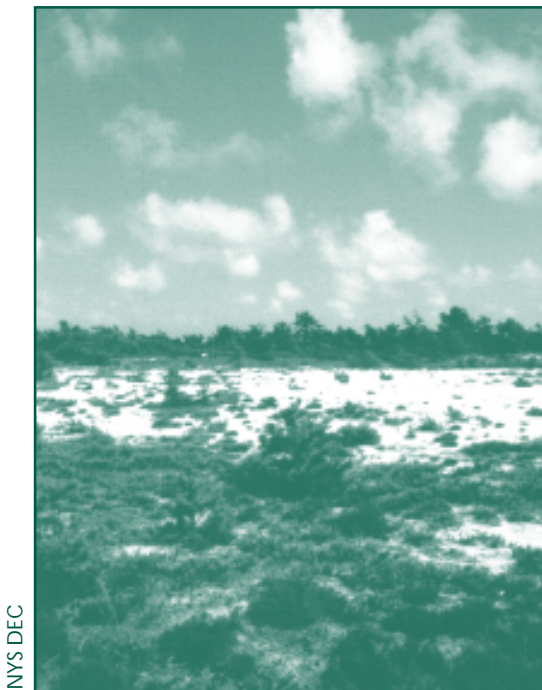
bottom up driven. A unique process was set up to target growth in certain very specific areas and preservation in other areas, with a Pine Barrens Commission set up that included local governments to oversee the process in a cooperative fashion. According to Assemblyman DiNapoli, “the plan worked because there were incentives from the state in the form of grants to help with open space preservation which then also encouraged the county and the town governments to do likewise.”

In terms of the Quality Communities Task Force process, Assemblyman DiNapoli felt that the report and the principles for quality communities outlined in the report were ones that he could support and embrace. However, he thought it was important to expand on some of the steps already taken, in particular in the budget process to allocate funding for grants and other quality community initiatives as incentives. He suggested that the principles could be expanded as well in some of the Assembly smart growth bills that were pending. He said, “I think we need to include in our principles very specific commitments to public investments so that particularly the state

can be helpful to localities in defraying the cost of expenditures related to planning and implementing regional plans.”

Assemblyman DiNapoli listed priorities that he felt needed to be addressed, which were:

- economic development;
- conservation;
- coordination of state and local government decisions;
- encouraging cooperation between communities;
- emphasizing community design and strengthening communities by adopting development and redevelopment strategies that include an integration of all income and age groups, and mixed-use and compact development for downtown revitalization;
- transportation, both walking and mass-transit;
- consistency in the planning process to ensure predictability in building and land use codes, as well as encouraging a community collaborative process;
- provision of technical assistance to communities to develop smart growth plans;
- a process for inter-municipal agreements for regional planning to encourage localities to look at how their decisions will impact their neighboring localities.



NYS DEC

Long Island Pine Barrens

In conclusion, Assemblyman DiNapoli emphasized that from a legislative point of view he thought it was important that New York state “build on [the] positive planning processes that are already occurring in our state and to coordinate state programs so that they work in tandem with, not at odds with, the locally driven community based collaborative plans that are being developed and that we come up with incentives that promote the smart growth principles, [or] principles of quality communities.”

Irene Elia Mayor, City of Niagara Falls

Mayor Elia said that the opportunity to serve on the Advisory Board to the Quality Communities Task Force gave her the chance to learn about smart growth. Up until then, she knew how to develop and raise money, but this enabled her to “see the whole picture” and use “all the tools.” She praised the lieutenant governor and governor for helping her in her new role as mayor of Niagara Falls.

According to Mayor Elia, Niagara Falls, of all the eastern coast cities, is one of the three most frequently visited along with Washington D.C. and New York City. They get between eight to ten million visitors a year. She said, “Isn’t that a wonderful thing? A lot of cities have to figure out what they’re going to do to get people there. Our problem is the decadence for over 40 years. That people have lost a sense of self esteem.” To deal with this the mayor is working to re-establish the city’s self esteem and to improve communication between local officials

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throughout the region.

To accomplish this and to start to revitalize Niagara Falls and western New York, the mayor convened local people, regional people, and did a town and gown with Niagara University and with the community college to start to get people working together. And, she is looking to the quality communities effort as well to help to teach her how to be successful. The mayor also emphasized that New York’s most important

asset are the people, and by starting the process of communicating, she is starting to hear some great ideas.

According to Mayor Elia, before the Quality Communities Task Force process, a lot of people, including herself, did not know what smart growth was. She said that she knew sprawl was occurring and that they were using more land than needed, but this process has helped to focus people on the need for regionalism.

According to Mayor Elia, when they decided the city needed a plan, they found that they already had about 20 plans sitting with dust on the shelf. So, the first thing they did was look at all those plans and they came up with one document with some really good ideas of how to develop their waterfront. Mayor Elia did this in conjunction with area business people, like Mike Wilton, president of the USA Development Corporation, so that she could understand what they were targeting and bring it all together to connect the downtown with the waterfront. Throughout this process she has found she has learned a lot from planners throughout the region who wanted to help Niagara Falls, which has helped her to realize that “meaningful, sustainable growth for our communities is dependent on collective efforts. We all have to work together to be truly competitive in the 21st century’s global economy.” And, according to Mayor



Elia, this was an important element of the Quality Communities Task Force Report.

In terms of the task force process, the Mayor said that they listened to leaders from the environmental and business communities to learn about what qualities were important to their communities and how community visions can help to identify new ways for attaining quality communities. She said, “New York recognizes that what is smart for one community is dumb for another” and that the report’s principles along with the set of recommenda-

tions are “going to strengthen the local capacity for positive change.”

In conclusion, Mayor Elia said that one of her goals for the year was to help her community stabilize, and to develop and grow in a smart way was to provide fiscal stability and good budgeting. She again emphasized the importance of people sharing their talents, because she said, “together we will have a healthy environment, [and] we will have a healthier Niagara Falls, western New York and state.”

Patricia E. Salkin

Associate Dean and Director,
Government Law Center at
Albany Law School

Ms. Salkin provided the audience with an overview of smart growth efforts around the United States, and gave some input on New York’s different initiatives.



“...population increases have been significant in many of the smart growth states, but...we have not had the benefit of significant population increase in New York. Nevertheless, we still have the same problems that the other states have.”

According to Ms. Salkin, the General Accounting Office’s (GAO) 2000 report on local growth issues, which surveyed municipal officials across the United States, concluded that “municipalities are relying on the land use plan and the zoning authority to deal with growth.” Unfortunately, Ms. Salkin said, “This is the outdated traditional Euclidean zoning model” which is not the solution, but the basis for many of the problems we face. Ms. Salkin emphasized that to successfully deal with growth, connectivity is crucial. She said that all of the issues of infrastructure, housing, finance, budget, economic development, conservation, agriculture are all related and all tied into land use.

of government — local, state and federal. She pointed out that while population increases have been significant in many of the smart growth states, New York has not seen a significant population increase, but is nevertheless still experiencing the same problems as these other states. She praised the Quality Communities Task Force as an essential process to serve as an ongoing forum to get all of the commissioners and policy people from the different divisions and departments to finally talk with one another to figure out solutions in an interdisciplinary interdepartmental way. She said, “That’s going to be a big benefit to New York. That’s going to put us ahead of many of the other states.”

According to Ms. Salkin, there has been a lack of coordination on these issues at all levels

Ms. Salkin shared some additional findings from the GAO report: 1) Between

1970 and 1990, the amount of developed land in metropolitan areas grew 74 percent, but the population grew only 31 percent. 2) Between 1960 and 1995, the U.S. population grew 45 percent, yet the number of Americans driving grew 237 percent. 3) Between 1970 and 1990, the population in central cities grew by 22 percent, yet the population of metropolitan areas outside the central cities grew by 52 percent. 4) From 1990 to 1998, population in central cities grew by just 3.9 percent, yet the suburbs by 12.5 percent. 5) Congress estimates a loss of 7,000 acres of farm land every day.

In terms of what municipal officials told the GAO, their priorities are to: 1) attract business; 2) increase the tax base to support better schools and roads; 3) revitalize the downtown centers; 4) enhance transportation systems; and 5) attract new development to areas with infrastructure. According to Ms. Salkin these findings are consistent with what municipal officials are saying in New York.

In addition, Ms. Salkin said, "The public is speaking out." She cited dozens of web sites, studies and reports that are finding that sprawl and growth are edging out crime as top issues for voters. She pointed to Smart Growth America's poll in September of 2000, which found that 78 percent of Americans support policies to curb sprawl and more than 80 percent of the respondents think that government should give priority to maintaining services and infrastructure in established communities. According to Ms. Salkin, the public is speaking out in New York as well, showing similar support.

Ms. Salkin advised New York to consider both the impacts of technology and aging. In terms of technology she said, "Don't underestimate technology. Even in a technology age, place matters." She has found in her research

that when people want to telecommute, they are not telecommuting from their apartment in the city, but from rural communities that are beyond even the suburban fringe. So it is important to ask, "what impact is that going to have on smart growth, on quality communities, on the rate in which we consume our open space?"

In terms of aging, she felt that this was an issue that has not been addressed by New York but should be because by 2030 there will be more people over age 65 than under age 15. She said, "The aging baby boomers must be factored into the smart growth debate. We

need to get the people who want to age in place." Another important player that she said needs to be at the smart growth table in New York is the business community, which she said nationally is promoting smart growth.

Ms. Salkin gave an overview of smart growth initiatives in other states. In terms of legislative reform proposals she has found three categories of initiatives:

1) recodification and tightening of laws; 2) authorization for more innovative and flexible controls; and 3) top down major overhauls. According to Ms. Salkin, New York has been a leader and has provided a model for the first, and that while we have been successful with the second, there's a lot more that we can do, and that the third would not work in New York.

According to Ms. Salkin, roughly half the states around the country are using outdated enabling legislation. She said, "We should be proud of New York that we're not doing that anymore. Thanks to the leadership of former Senator Cook and the Legislative Commission on Rural Resources, we've had over 30 statutory changes to our planning and zoning enabling acts since the late 1980's."

"There are state-local and local-local conversations taking place. That's always good, and our innovation and creativity is being challenged in many positive ways. The future is up to the leaders."

Ms. Salkin reviewed the similarities in some of the recent state legislative proposals from around the country, which are:

- 1) incentive-based;
- 2) authorization for flexible zoning and land use controls like transfer of development rights, purchase of development rights, planned unit development;
- 3) alternative dispute resolution mechanisms;
- 4) infill development and brownfields
- 5) money for planning, open-space purchases and technical assistance;
- 6) priority funding for state budget dollars;
- 7) private land conservation incentives;
- 8) mechanisms that continue state level oversight, reviews and reports;
- 9) regionalism and cooperation;
- 10) building code reform;
- 11) statewide Geographic Information System clearing houses and web sites; and
- 12) government and university partnerships.

Other national trends, according to Ms. Salkin, are the creation of task forces, committees and commissions to address smart growth. While many of them have come out with reports like New York, she emphasized the need to prevent the shelving of these reports. Some states are doing studies on the cost of sprawl and many states have started to put together a set of principles and goals. She said, "This is going to be critical to us later on when we benchmark to figure out whether or not smart growth, quality communities is actually working in New York." In addition, she said that nationally, funding for planning, training and technical assistance is reemerging and that this is good for New York, in particular the Department of State.

Ms. Salkin pointed to nationwide agricultural protection trends and complimented New York for its focus on making sure "farms and the farmers stay viable, that it stays as a business operation, that it's not looked at purely as esthetics and open space" as other

states have done. In addition she said, "Private and non profit alliances are building around the country as they are here in New York, and we're creating forums for ongoing dialog and work."

Ms. Salkin said that it is important for New York to learn from our competition. She reviewed the following actions by neighboring states: 1) Massachusetts through their Environmental Affairs Office is doing build outs with local governments. 2) New Jersey developed a state plan and has passed some innovative legislation. 3) Vermont's governor created a cabinet level office for smart growth.

4) Pennsylvania passed statutory reform and Governor Ridge has taken a leadership role. 5) Rhode Island, New Hampshire, Maine and Connecticut have legislation and task forces at work.

"Leadership is the key, from the governor to the legislature to the private and nonprofit sectors. Let's not just make this a 12 month or 24 month initiative. There is going to be no quick fix."

She emphasized the need to keep the momentum going here in New York through gubernatorial and legislative leadership on a bipartisanship level and to learn from what other states are doing. She emphasized, "Leadership is the key from the governor to the legislature to the private and nonprofit sectors. Let's not just make this a 12 month or 24 month initiative. There is going to be no quick fix."

On the federal level, according to Ms. Salkin, "federal interest is at an all time high" and that President Bush issued an executive order on federalism in February and has created an interagency task force, with a report due in August. In addition, Ms. Salkin pointed to three significant cabinet appointments: 1) Mel Martina, head of Housing and Urban Development, who chaired the Florida Growth Strategies Commission; 2) Christie Todd Whitman, head of Environmental Protection Agency, who, as governor, oversaw landmark work in open-space preservation and smart

growth in New Jersey; and 3) Governor Thompson, head of Health and Human Services, who, as governor, overhauled the land use laws in the state of Wisconsin. She also mentioned that the executive agencies in general have consistently mentioned smart growth themes on their websites.

As well, Ms. Salkin said that there are three active task forces in the Senate and in the House looking at legislation and they have asked the GAO to do a third study on smart growth and sprawl. One piece of legislation, the Community Character Act of 2000, would provide up to \$500,000 to each of the states to do smart-growth-type initiatives. According to the GAO, they found that, in general, municipalities supported policies that target infrastructure incentives, such as tax incentives, tax benefits and incentives for brownfield development.

In addition, Ms. Salkin pointed to the National Conference of State Legislatures and the National Governor's Association which have identified sprawl and smart growth as major policy issues for 2001.

Given all the federal and state initiatives currently underway on smart growth, in order to figure out whether or not smart growth is working, Ms. Salkin said, "we have to first all agree on the definition of smart growth, the definition of sprawl. We have to impor-

tantly list those goals and then we have to figure out what the appropriate benchmarking milestones are." According to Ms. Salkin, states are figuring out how to benchmark smart growth milestones and New York will have to learn from them and figure out as well how we are going to measure that success.

The types of things Ms. Salkin sees as working are: 1) money being invested in planning and in growth; and 2) state-local and local-local conversations taking place which she said is encouraging innovation and creativity in many positive ways.

She emphasized several needs: 1) the need to build trust, particularly among the local government officials who are going to have to work together from different jurisdictions; 2) the need to negotiate; 3) the need to check egos, because she said, "there's enough credit to go around for everyone, there's enough opportunities to try different innovative ways in order to make things happen;" 4) the need to analyze and act now before it's too late. She pointed to the quality communities demonstration program as an important way to build models and experiment to figure out what works; 5) the need for thoughtful advocacy and input; and 6) the need to educate the media.

In conclusion, Ms. Salkin felt it will be important to figure out what New York's legacy will be on smart growth. She stressed that while New York is doing good work so far, it will be crucial to implement the strategies in the report and to figure out what issues still need to be addressed.



As stated in the Quality Communities Task Force Report, "Across New York state - in towns, villages and large cities - signs are going up along Main Street that say 'Open for Business.' In places where many felt the best times were memories, there is a growing sense of renewal. For the first time in decades, people are returning to central cities to live, work, shop and enjoy the unique character of our downtowns." Below is a photo of Market Street in Corning, New York. Corning's restoration project is considered one of the most successful efforts in the state, and according to Norman Mintz, this success continues to rely upon the ongoing support of both public and private organizations.



Norman Mintz

Market Street, Corning, New York