

# Regional Planning How Does It Fit?

Moderator: **John Nolon**, Director, Pace University Land Use Law Center;  
Panel Members: **William Carpenter**, Supervisor, Town of Pittsford;  
**Carmella Mantello**, Executive Director, Hudson River Valley Greenway Communities  
Council, and Co-Director, Hudson River Valley National Heritage Area;  
**George Raymond**, A.I.C.P., George M. Raymond Associates, Inc.;  
**John Sheffer**, Director, Institute for Local Governance and  
Regional Growth, University at Buffalo

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- *Quality Communities Task Force Report*



*Moderator*

## **John Nolon**

Director, Pace University Land Use Law Center

Mr. Nolon introduced the session by saying that the panel would address the quality communities report in terms of how it deals with, or fails to deal with, regionalism.

Mr. Nolon stressed that despite the fact New York is a strong home rule state, he has found that often local officials don't feel in control. According to Mr. Nolon, local political officials express the need to have control over issues like the market for affordable housing, or what the Department of Environmental Conservation (DEC) does in designating rivers, or how the state cites power plants or

what their municipal neighbors are doing, however these are all regional phenomenon. He quoted from one of the panelists, George Raymond, who says, “we don’t live in cities, we don’t live in villages, we live in regions because where we work and where we live and where we recreate are all different parts of the region usually not our hometown.”

Mr. Nolon put things in a historical perspective citing *Euclid vs. Ambler Realty*, in 1926, when the Supreme Courts sanctioned zoning as a constitutional exercise of local power. In addition, he cited the *Ramapo* case, where the Court of Appeals in New York state in about 1972 said that an individual local government can adopt a growth control ordinance, but at the same time resisted giving local government control over regionwide phenomenon.

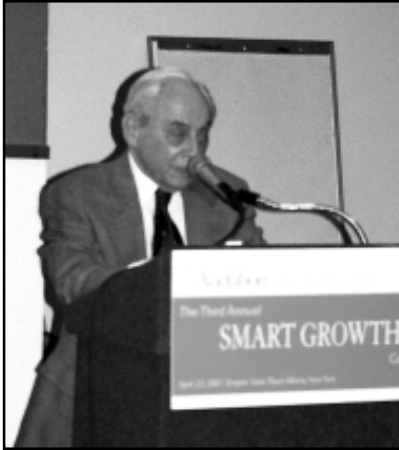
According to Mr. Nolon, “There should be from the state legislature some regional cohesion to this matter of growth control.” He cited *Realty vs. APA*, where the State Court of Appeals gave approval to the state legislature to

“There should be from the state legislature some regional cohesion to this matter of growth control.”

take away local control where state concerns superseded local ones. Despite this ruling, Mr. Nolon said that the state legislature has mostly given that control to local government anyway. So, according to Mr. Nolon, the quality communities process is an opportunity to “talk about the ways in which regional context can be brought to local decision making in New York state.” He pointed to recommendations 37, 38, 40 and 41 as the ones touching on regionalism and read the following passage from page 109 of the report: “New York now provides a powerful tool, the inter-municipal agreement for local governments, to address a wide variety of activities on a regional basis. Utilization of this tool is and should remain voluntary.”

Given this statement in the report, Mr. Nolon stressed “the state should recognize, however, that inter-municipal agreements are useful vehicles for local governments to pool their resources and undertake regionally developed and locally implemented planning efforts.”





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**George Raymond, A.I.C.P.**  
George M. Raymond Associates, Inc.

According to Mr. Raymond, the Quality Communities Task Force Report represents a “historic moment” in that it demonstrates “for the first time an interest in community planning at the highest level.” However, he emphasized the mistake in assuming that smart growth can occur if planned community by community, and warned against squandering “a unique opportunity of enlisting developers and conservationists in a common effort to pursue the goals espoused by both, but which can only be reconciled on a regional basis.”

He criticized the parochial nature of local plans drawn up by individual communities, as well as the self-serving goals of activist residents of various special interests, which have used SEQRA and intimidation of local officials to prevent things from happening for “the greater good.” Mr. Raymond suggested that inter-municipal cooperation “will work only so long as each of the participants will deem it to be in its parochial interest.” He pointed to recent border wars over shopping centers in the densely settled lower Westchester County, as well as to the inter-municipal cooperation to preserve open space in the more rural northern part of Westchester County. This latter example he suggested is at the same time serving to continue to exclude people who are deemed to be incompatible through large lot single family zoning.

According to Mr. Raymond, these “policies ignore the Court of Appeals mandate that their zoning must make provision for a full array of housing to satisfy their own, as well as their share of the regional housing needs.” In addition he said, to balance “the local desire to maintain the status quo within the community and the greater public interest that regional needs be met, the Court directed that regional need and local shares be determined by regional rather than local governmental units. By certifying such plans as conforming with state objectives, by helping finance open space acquisition and by offering indemnity from prosecution resulting from their implementation, the state would greatly enhance the ability of such towns to engage in constitutionally prohibited exclusionary zoning.”

According to Mr. Raymond, “the quality communities effort has demonstrated that the problems of growth and environmental preservation, housing for all income groups in quality communities, economic development, transportation and farmland preservation are regional in nature.” In seeking to achieve smart growth, he advocated, “the state could develop a framework that would entice municipalities in well-defined regions to identify their common interests, participate in developing a bottom up plan for the region, and implemented by adopting as their own plan that portion of the regional plan that they have a hand in developing and that falls within their jurisdiction.”

According to Mr. Raymond, a smart growth state policy could combine two components: 1) reasonable environmental preservation in outer suburbs and rural areas; and 2) intensification of already developed areas with particular stress on the standardization of brownfields. In order to achieve this, Mr. Raymond pointed out that the agreement of cities and inner suburbs would be necessary to quell the opposition by residents to greater density. He said, "It would also require the creation of a market among all income classes for residential development in inner cities," in addition to addressing the issue of poor performing schools.

To spur the reuse of brownfields, which he pointed out are mostly located in the "midst of deteriorated and socially debased areas," he said, "most inner cities would have to undertake the rehabilitation and redevelopment of major tracts, significantly upgrade public transportation, streets, utilities and public buildings, reduce densities in some areas to create open space, and recreation areas, and radically reformed their social services with an

emphasis on the schools."

Mr. Raymond also addressed the need for the state to "reexamine the impact on growth patterns of municipal reliance on the property tax." He suggested that because of local insistence on home rule, the state "would have to offer significant incentives for independent municipalities to adopt policies motivated by more than their own narrowly conceived interests." He urged the state to commit to sustained funding for a voluntary smart growth program, where "the protections, and benefits it offers will only be available to those [municipalities and counties] who agree to comply with its requirements."

In conclusion, Mr. Raymond said, "Smart growth is supposed to be an antidote to insularity. I hope that having recognized that the problems to be solved are regional in nature, the state will manifest a concern transcending local interests, at least to the extent of explicitly leading municipalities toward a regionally harmonious evolution without impairing home rule."

## William Carpenter

Supervisor,  
Town of Pittsford

According to Mr. Carpenter, the Quality Communities Task Force Report does provide sufficient incentives to encourage regional cooperation, because it creates a necessary vision from the state level. He emphasized the report's recommendations for the adoption of quality community principles, a continued interagency working group, provision of training and technical assistance, and that grants be tied to comprehensive planning and implementation of quality community principles as important steps.



At the local level, Mr. Carpenter pointed to the need to clarify state goals to avoid confusion and inconsistency. He gave as an example that instead of supporting community schools, the state is pouring billions of dollars into putting schools everywhere. He said, "If we believe in our local communities, then all the state policies, irrespective of what branch they are, ought to be tied to that."

In addition he said, "I think we're on the steps of having that state vision that's going to help us understand where the priorities are, and putting the money behind it, forcing all the state agencies also to stand behind what this report stands for."

According to Mr. Carpenter, the key to quality communities is planning at the local level. As a town supervisor, Mr. Carpenter is beginning to see much more agitation on the part of residents, who “still feel they have a big choice and a big say in what goes on in their communities, [and] in their back yards.” He stressed that every community is unique, so if you plan from a state level, it’s a very different perspective than when you plan at a town or a village level.

Mr. Carpenter pointed to the Green Print for Pittsford’s Future, which preserved 2,000 acres of open space or 67 percent of the land remaining in Pittsford. He said, “If we had taken state or county land evaluation models, nothing in our town would have been rated because they were too small in their nature, but they were important to us in our back yards because they are important, and, in fact, our community approved 9.9 million dollars to save 1,200 acres of farmland, preserving seven farms left in the community. So that’s where this local level of planning has got to come into effect.”

Mr. Carpenter also emphasized that in doing their local Greenprint, unlike the way the state usually does things, there was no regulation necessary. He said, “We built consensus around every group that was necessary, and when it was all said and done, we did it based on hand shakes and agreement that everyone would win and I believe the planning is really about win, win.”

Mr. Carpenter, emphasized the need for partnerships versus mandates, saying “If we mandate it, I think there will be tremendous resistance on the local level, but I think what we’re beginning to see is more and more communities understanding that partnerships are absolutely essential.” He said, “Communities are seeing that planning together makes

sense. They’re understanding [that] there needs to be cooperation.” However, turf issues still occur and he said, “until that mentality of turf disappears, we’re going to have a struggle with regionalism, but I think those walls are coming down.”

As an example of growing regional cooperation he pointed to the formation of a Council of Governments in Monroe County for the chief elected officials of the 19 towns, 11 villages, and the city and county government to get together to talk about the issues that are important throughout the county. He said, “This can be very easily translated into regional issues and I think, again, it’s the coming together and understanding of which

we’re more than our individual towns.” Two of the issues they have started to look at are inter-municipal agreements and economic development. The City of Rochester, Town of Brighton, and the Village of Pittsford are working together on a Monroe Avenue corridor

study, the “Main Street to Monroe County,” to collectively come up with a plan for the best retail areas, living areas, and recreating areas in Monroe County. In addition, Mr. Carpenter said that Monroe County shares sales tax revenue, which allows all to benefit from nonresidential development no matter where it goes.

Mr. Carpenter concluded by reemphasizing the importance of a clear compelling vision at all levels of government so that everyone on the local level can understand the priorities at the state, regional and county levels and how they fit together so that these priorities can be taken into account in local planning. He said, “I think that that’s where the real success around this concept of regionalism is going to work. Where it’s not mandated, where there’s clear and crisp understandings of the priorities that need to be met and how they’re built into it.”

“If we believe in our local communities, then all the state policies, irrespective of what branch they are, ought to be tied to that.”

## Carmella Mantello

Executive Director, Hudson River Valley  
Greenway Communities Council;  
Co-Director, Hudson River Valley  
National Heritage Area



Ms. Mantello began by giving an overview of the Greenway, which was established in 1991. She said, “We cover 242 communities all throughout the

valley from Waterford in Saratoga County, to the tip of Manhattan. We work with communities on comprehensive plans, master plans, [and] voluntary regional planning. We work from a bottom up approach and how can we get communities to collaborate together to think about the Hudson River Valley as a region. The Greenway works with communities to collaborate to get the communities to think about how can we balance economic growth, and how can we at the same time preserve our natural, historical and cultural resources.”

According to Ms. Mantello, one of the objectives of the Greenway is to establish a water trail on both sides of the Hudson River. She said that the water trail, as well as walking, biking and hiking trails, help to link communities together. In addition, their charge includes developing a regional plan for the Hudson Valley, which they are doing on a county by county level and through partnerships.

Ms. Mantello said that their first compact on a county-wide level was recently passed in Dutchess County, with Greenway financial

support and technical assistance. So far, more than half of the municipalities in Dutchess County have adopted the plan, called Greenway Connections. Ms. Mantello said it is “a perfect tool for Dutchess County and the Hudson River Valley region, [and] was actually cited in the lieutenant governor’s task force report as the role model for the state.” In addition, Ms. Mantello said that Rockland, Westchester, Putnam, and Albany Counties are working on similar compacts and through the provision of financial and technical assistance they hope to encourage all the counties within the Hudson River Valley to develop these compacts.

In addition to encouraging partnerships between communities, Ms. Mantello said that they are also encouraging partnerships between the non-for-profits, such as Scenic Hudson, Westchester Land Trust, Columbia Land Trust, the Open Space Institute, and municipal and residential folks throughout the communities. She pointed to the General Motors site as a perfect example where they are working with Scenic Hudson and Sleepy Hollow to encourage a multi-use development of the site. In addition, she praised the Community Leadership Alliance Program run by Pace

University, which provides tools and training to local officials throughout the valley to build capacity for good planning at the local level. The Greenway also partners with municipal officials all throughout the valley on a daily basis.

In conclusion she said, “Regional planning is actually happening. The Greenway is a tool to allow that to happen, and we are hoping to take our model and encourage other municipalities outside of the Hudson River Valley to utilize this tool.”

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## John Sheffer

Director, Institute for Local Governance and Regional Growth, University at Buffalo

Mr. Sheffer framed his comments around two important challenges to overcome in order to achieve quality communities in New York state.

The first challenge he said was “to facilitate effective planning and community building” and better definition and understanding of some of the major themes of smart growth. According to Mr. Sheffer, many of the terms such as, regionalism, smart growth, sprawl, and sustainable economic development are used interchangeably and have “generated a great deal of confusion.” He said, “Or related to that, tend to portray that the sole purpose of regionalism, or smart growth, is to prevent sprawl, or to reinvigorate the central cities.” While those are important goals, he said “it can be counterproductive to portray them that simplistically.” According to Mr. Sheffer, “the themes are much broader than that and involve a very wide breadth of planning issues and approaches. It’s a strength of the task force report, I believe, that the breadth of these themes is acknowledged and pursued by many of the recommendations.”

By way of example he said, “Regionalism in my judgment is about governance, not government, but governance. Governance involves all sectors and involves organizing and acting to accomplish key tasks. Establishing a vision as so many have talked about today, understanding and addressing problems, setting and achieving goals, providing affective services, brokering conflict, seizing opportunities, and bringing the right players to the table to try to accomplish all of that.”

In defining regionalism, Mr. Sheffer quoted Bill Dodge, who says, “Regionalism is generally an unnatural act performed by rarely consenting municipalities.” At the Institute at the University of Buffalo, Mr. Sheffer said, they used the definition that: “Regionalism is a constant process of deliberately developing and implementing cross border, cross sector arrangements that result in the effective delivery of quality services, not just public, but private not-for-profit, and so forth, as well, of quality services in as efficient and equitable a manner as possible. Systemic regional excellence as measured by identifiable performance standards is the goal of such arrangements.” Given that definition he said, “Smart growth is one of those priorities on which we ought within that kind of framework to focus, to achieve growth.” He emphasized the need to encourage growth, and to not misunderstand that smart growth means no growth, but growth “in a deliberate sustainable way.”

Mr. Sheffer stressed that because smart growth has so many dimensions and themes, it would be “too simplistic, too myopic to portray that all of these themes are all the same and all have but a single focus. I also think that tends to polarize people within a community when it’s viewed that simplistically, and the last thing that we need is polarization.”

The second challenge, according to Mr. Sheffer, is “the issue of the relationship between central cities and suburbs.” He said, “The challenge is that we need to do a much better job of detailing and understanding the stake



that the entire region, including the suburbs, has in a strong central city.” He emphasized that saving central cities is not the sole purpose of smart growth or regional initiatives and that this is not “all about how the suburbs can bail out the central cities,” however, it is important.

Mr. Sheffer proposed, “that we in New York state ought to be a leader in the country” in defining this relationship. He cited research from Anita Summers at the Wharton School, which he said has found that “this issue isn’t just about redistributing wealth, or a matter of social conscience trying to bail out the central city, but that there are issues of jobs, and income levels, and home values, and population growth, and mortgage rates. Issues such as that that are

a very direct economic interest to suburban and rural tax payers and are very much interrelated to the strength of the central city.”

Mr. Sheffer pointed to the need to begin to identify those issues in New York state and

he said, “try to promote better understanding of the stake that we all have as a region in the strength of central cities.” He emphasized the importance of the university/community relationship and the responsibility on the university to assist in this effort so that “growing the

pie for everyone, for the region, certainly including the central cities, becomes the goal and not just how do we redistribute things so that the cities will be okay.”

**“We need to do a much better job of detailing and understanding the stake that the entire region, including the suburbs, has in a strong central city.”**

Brenda Stynes, University at Buffalo



*Gateway Park redevelopment around the Erie Canal in downtown North Tonawanda.*