



PLANNING NEWS

Sanford Repeals Ban on Fracking Discussions

On September 11, 2012, the Town of Sanford drew national attention when its Town Board unanimously passed a resolution banning discussion of gas drilling (a/k/a hydraulic fracturing or fracking), during the public participation period of its monthly meetings. Town Attorney Herb Kline explained that the reason for the ban was because discussion of the controversial issue was taking up so much meeting time that the board was unable to accomplish its regular business.

This past April, following a First Amendment lawsuit filed in February by the Natural Resources Defense Council (NRDC) and the Cats-kill Citizens for Safe Energy on behalf of their members who live in Sanford, the Town Board repealed its decision.

Sanford, a rural Broome County community with 2,400 residents, lies near the Pennsylvania border atop the gas-rich Marcellus Shale. A February press release from the NRDC at the time the lawsuit was filed in Federal District Court claimed "the September vote was

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2014 Conference Program Taking Shape

The 76th Annual New York Planning Federation Planning & Zoning Conference is just a couple of months away, and it is shaping up to be one of our best. Once again, we will be back at the historic Gideon Putnam Resort & Hotel in Saratoga Springs, from Sunday March 30th through Tuesday April 1st. While the NYPF Annual Conference offers full accreditation for planning board and ZBA members, it also offers Certification Maintenance (CM) credits for professional planners, Continuing Legal Education (CLE) credits for attorneys and – new this year – we are anticipating a full track of accredited in-service courses for Code Enforcement Officers (CEO).

A full day of training begins at 8:30 am on Monday March 31st with a keynote address by Mark Schachner, Esq. One of our most popular presenters over the years, Mr. Schachner's talk is titled "Dealing with Difficult Players in the Planning and Zoning Game." Describing the program, he says, "We would all be delighted if every applicant, applicant's consultant, engineers, lawyers, neighbors and all citizens who appeared before us at planning and zoning meetings, behaved perfectly with the utmost respect for board members and the planning and zoning process. Unfortunately, this is not always the case."

He promises to solicit specific situations and suggestions from audience members to make his talk interactive, relevant and fun for all conference attendees.

Following the plenary, 21 different sessions will be offered for all skill levels on both Monday and Tuesday. These include programs on dealing with solar projects, Complete Streets, conservation

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The New York Planning Federation also maintains a toll-free number for members at 1-800-366-6973 (NYPF).

NEW YORK PLANNING FEDERATION

is a non-profit membership organization established in 1937. Our mission is to promote sound planning and zoning practice throughout New York State. Membership, which currently includes nearly 10,000 individuals, is open and welcome to anyone supporting this mission. Membership categories include municipalities, counties, public organizations, private businesses, individuals and libraries.

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From the Executive Director

Judith Breselor, AICP



I am writing this column on the first day of winter, and want to wish all of our members a happy holiday season. I am proud to say that the New York Planning Federation had a very successful 2013; we saw an increase in membership as many municipalities looked to us for guidance on their land use planning and zoning questions.

In September, we relocated our office to 600 Broadway in Albany. We are now in a beautiful historic building that we're proud to call home. I do want to apologize to any members who may have tried to contact us during the move, but be assured that the staff is once again available to help you. I'd also like to take this opportunity to thank our staff – Lael Locke, Leila Jabour, Anne Rounds and intern Ozge Erbas – for their tireless work on behalf of the Federation. Ozge is preparing a publication on Transfer of Development Rights, which will also be one of the topics at our 2014 conference. She is also working on a publication on Multi-Generational Housing – both these publications will be available shortly to NYPF members.

As you are aware, new procedures have been implemented by NYS DEC pertaining to the SEQR process. NYPF Board President Laura Moore, Board members Ron Brand and Mark Schachner, and I, are working on a simple guide on how to effectively use the computerized system. We will be sending an email blast to our members once the document is completed.

This issue of "Planning News" contains important information about our 2014 conference. We anticipate an exciting program for both appointed and elected officials, as well as attorneys, professional planners and Code Enforcement Officers, so please plan on attending. A registration form is on-line at www.nypf.org. A hard copy of the registration form is also in this newsletter, if that is a more convenient way for you to register.

Please see page 11 of this newsletter for a conference registration form. Be sure to complete all the information and return it to the NYPF office at your earliest convenience. You may fax the registration to 518 512 5274 or email it to nypf@nypf.org. Our new address is 600 Broadway, Albany, NY 12207 and, as always, we are happy to answer any questions by phone. Please call either 518 512 5270, or use our toll-free number 800 366 NYPF. We look forward to seeing you in March!

Sanford Repeals Ban on Fracking Discussions

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the most recent in a series of ‘pro-fracking’ town board resolutions that actively lobbied the state to move forward with proposed natural gas ex-traction...Last May, the board passed a resolution urging Governor Cuomo to lift the de-facto moratorium on fracking. On September 5th – days before the gag order passed – Town Super-visor Dewey Decker signed on to a letter urging Governor Cuomo to legalize fracking in the state.”

Though the lawsuit claimed that the Sanford Board had violated both federal and state free speech rights, Robert Freeman, executive director of the NYS Committee on Open Government, disagreed. In his opinion, “the Open Meetings Law gives the public the right to attend, listen and observe. It says nothing about their right to speak.” Freeman also felt that calling the board’s decision a gag or-der was incorrect, as Town residents were still al-owed to give the clerk written materials for the Board to review, not to mention being able to freely express their opinions in person, in print and/or on-line.

When the Board repealed its 2012 decision in April, the groups involved in the First Amendment lawsuit dropped their own charges, claiming victory as they did so. Kate Sinding, Director of the Community Fracking Defense Project at NRDC, commented in a press release: “This is a vindication of the right to free speech. And it sends a message to communities everywhere. As Americans, we have the right to speak up when we feel threat-ened. And it is our government’s responsibility to listen.”

The Sanford Town Board has since made some changes to its meeting policies. Public comments are now held at the end of Board meetings, rather than at the beginning. The Board also reserves the right to limit speakers to three minutes each and to stop them if their comments are deemed repetitive or fail to add anything “helpful to the board’s understanding of the topic.”

Meanwhile, the highly-charged topic of gas drilling continues to be at the forefront of discussions in many communities across New York State.

2014 Conference Program Taking Shape

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easements, ethics, case law updates, how to use the new SEQR workbook, legal criteria for area and use variances, community design tools, and many others. Again, we anticipate that many of the sessions at the 2014 conference will qualify for continuing education credits in the fields of law, code enforcement and planning.

A tentative session schedule will be posted and up-dated at www.nypf.org as more information be-comes available. Registration is also available on our website, as is the nomination form for the NYPF Annual Awards, should you want to nominate a deserving individual or innovative zoning law in your community.

We look forward to welcom-ing old and new friends to Saratoga Springs this March for another successful NYPF Annual Conference. Please contact us at either nypf@nypf.org or call our toll-free number, 800 366 NYPF for more information.

Save the Date!
NYPF Annual Conference

March 30 -April 1