

Conference Program

Sunday, April 7th, 2024

2:00 – 5:00 PM Registration Desk Opens

5:00 – 6:00 PM Gallery Area
Welcome Reception

Monday, April 8th, 2024

7:30 – 8:30 AM Breakfast Buffet and Registration Desk Opens

8:00 – 8:30 AM Saratoga Ballroom
Annual Membership Meeting

8:30 – 8:45 AM Break

8:45 – 9:30 AM Saratoga Ballroom
Welcome and Keynote Address

9:30 – 9:45 AM Morning Break

9:45 – 11:00 AM High Rock Room
Case Law Update – CM
This session will examine recent NYS court cases concerning land use and planning involving challenges to the issuance or denial of special use permits, site plan approvals, and use and area variances as well as rezoning and comprehensive plan amendments. These cases will be examined and discussed with the goal of determining what useful information they provide to land use and planning boards to assist the boards in future decision making. These cases often involve challenges based on alleged procedural deficiencies; for example, failure to refer an application to the county planning board or department and failure to follow the procedures set forth for public hearings and notices, as well as in connection with the State Environmental Quality Review Act.
Speaker: Dominique Albano, Attorney at Whiteman Osterman & Hanna

Travers Room
Revitalizing our Downtowns: Strategies, Funding Frontiers, And Lessons Learned – CM
Norabelle Greenberger will lead a panel discussion featuring forward-thinking municipal leaders from across the State as they share their diverse experiences in spearheading downtown revitalization. This session will delve into the multifaceted approaches these leaders have used, the innovative funding opportunities that have fueled these transformations, and lessons learned along the way. Discover how these leaders are

reshaping their communities, embracing the challenges, and crafting success stories that resonate across the State.

Speakers: Norabelle Greenberger, Senior Planner at Labella Associates; Danielle Krupa, Project Manager at Schenectady Metroplex Development Authority; Cheyenne Steria, Director of Development for Lewis County

Alabama Room

Whose Role is it Anyway: The Interplay Between the Governing Board and Planning and Zoning Boards – CM

Does the town board have jurisdiction over special use permits, or is it the planning board? Which board reviews site plan applications? Are localities required to have planning boards? The relationship between the governing board and the planning board and zoning board of appeals often varies by locality, so what is true for one may not be the case for another. This session will provide a general overview of the responsibilities of each respective board in the land use process, their relationships to one another, as well as the different delegations of authority available to local governments. Questions are encouraged during the session!

Speaker: Katie Hodgdon, Counsel to the Association of Towns of the State of New York

11:15 – 12:30 PM

Alabama Room

Zoning in the Adirondack Park – CM

This session will provide an overview of the intersection between the regional land use controls of the Adirondack Park Agency (APA) Act and the special considerations for local land use controls within the “Blueline.”

Speaker: Robyn Burgess, NYS APA Local Planning Assistance Specialist

High Rock Room

Public Participation: The Good, the Bad and the Ugly – CM

Few would disagree that public participation is a vital component of sound Planning and Zoning decision-making. However, unstructured participation can actually impede the process, sometimes resulting in "worse" decisions. We will discuss Public Hearings, OML, FOIL, "citizen audits" and other participation tools in this context.

Speaker: Mark Schachner, Esq., Senior Principal Attorney at Miller, Mannix, Schachner & Hafner, LLC

Travers Room

Introduction to Planning, Zoning and Land Use – CM

This presentation will offer a general overview of planning and zoning concepts, including: the comprehensive plan, zoning districts, rezoning, spot zoning, grandfathering, subdivisions, site plans, use and area variances, county approval, and enforcement.

Speaker: Donald Young, Esq. Attorney and Owner of Law Practice at Donald A. Young

12:30 – 1:45 PM

Ballroom

Luncheon

2:00 – 3:15 PM

Alabama Room

Complaints Against Code Enforcement Officials and Municipalities – CM

This session will provide an overview of how complaints against code officials and/or the municipality that employees them are processed and handled in the New York State Department of State's Oversight Unit.

Speaker: Ron Stark, Code Compliance Specialist 2 with the New York State Department of State Oversight Unit

Travers Room

Best Practices for Complete Streets Codes and Policies – CM

Your code matters to meeting your transportation goals! Learn how to match your codes to the streetscape and transportation goals your municipality wants to achieve. This session will cover suggested best practices for encouraging pedestrian, bicycle, and transit-supportive zoning. It will also include best practices for adopting Complete Streets policies. If you would like to encourage transit coming to your neighborhood, does your community have the density for transit (and does your zoning permit it)? If you want to encourage traffic calming, can your community consider reducing the number of travel lanes and/or adding traffic calming elements? Does your code require street trees and other placemaking elements? Do you have mixed use zoning, build-to-lines (building to the sidewalk), etc.? Is walking and biking encouraged in your code and community? Does your community require developers to include new/upgraded facilities as part of their development? The key is just ask... and if your code requires it, it is even better. This session will cover these topics and provide for an open discussion/ Q&A.

Speaker: Katherine Ember, AICP, Founding Principal, Planning4Places, LLC

High Rock Room

Shifting from Conflict Management to Positive Communication – CM

It's human nature to avoid confrontation, while anger and disrespect aimed at elected and appointed officials is an ever-growing problem. The combination is making good people walk away from important roles in local government. Plus, it's becoming even more difficult to find residents willing to step forward to serve. Perpetual conflict affects the entire community in countless ways. Join this session for some perspective, as well as suggestions for fostering improved communication.

Speaker: Diana Smith, Senior Municipal Advisor and Director of Business Development at MRB Group

3:15 – 4:00 PM

Afternoon Break and Eclipse Watching!

4:00 – 5:15 PM

High Rock Room

SEQR Pitfalls – CM

SEQR is a complex law with requirements subject to wide interpretation. This study, which is intended for those with a working knowledge of SEQR, will discuss three common pitfalls: not doing a thorough enough review, avoiding an EIS when one is prescribed, and delegating lead agency responsibilities. This session will draw from the

experience of agencies accused of not properly conducting SEQR in order to help attendees avoid pitfalls and make thorough, defensible decisions. This course will include:

A discussion of the “hard look” requirement under SEQR, what does it mean, what do courts review, and what are industry-standard practices for technical studies.

A discussion of when to require an EIS and when an “expanded EAF process” is sufficient, and how the EAF process does not meet the standards inherent to an EIS process. A discussion of lead agency responsibilities and the fine line between consultation and delegation of responsibilities.

Speaker: Maximillian Stach, AICP, Partner, Nelson, Pope & Voorhis

Alabama Room

Zoning to Protect your Water Supply – CM

There are plenty of reasons you should protect your community's water supply, especially in rural communities that depend on private wells as their primary source of potable water. Many communities incorporate regulations that protect your community's wetlands, streams, and ponds. But do these regulations lead to cleaner and clearer water in your community? This presentation will explain how Federal, State, and County regulations apply to water resources, and how your zoning regulations can fill gaps in protection and still allow for the efficient processing of applications through the Planning Boards.

Speaker: Nicole Allen, AICP, Manager of planning department at Laberge Group

Travers Room

Siting Large Renewable Energy Facilities – The NYS Executive Law 94-c Process – CM

The Office of Renewable Energy Siting (ORES) was created in 2020 to help New York realize the goals of the Climate Leadership and Community Protection Act, by providing a streamlined process for siting and permitting large-scale renewable solar and wind energy facilities throughout New York State. This session is designed to view the siting process through the eyes of a local government, and the goal is to have you come away with a clearer understanding of how New York’s siting process is both helping us meet our ambitious climate goals while at the same time protecting communities and the environment to the greatest extent practicable. Topics include:

- An Overview of Executive Law 94-c and the Agency’s Implementing Regulations
- What is a Major Renewable Energy Facility?
- A Walk-Through of the ORES Application Process
- What You Can Expect if a Major Renewable Energy Facility is Proposed for your Town.

Speaker: Charles Voss, AICP, Senior Renewable Energy Siting Specialist IV with the New York State Office of Renewable Energy Siting

Tuesday, April 9th, 2024

7:30 – 8:30 AM

Breakfast Buffet and Registration Desk Opens

8:30 – 9:45 AM

Travers Room

Growing Sustainability – The Triple Bottom Line Approach in Local Government Planning and Operations – CM

Municipalities, particularly in New York State, are consistently “on the hunt” for new investment. How do we ensure that future growth and development don’t overtax our ability to deliver great services, a connected community, and protect the natural environment? This session will focus on case studies for communities employing a “triple bottom line” approach to growth – asking tough questions about financial, social, and environmental sustainability in development proposals.

Speaker: Matt Horn, Director of Local Services, MRB Group

High Rock Room

County Referral – CM

Many applications before local boards require referral to the county planning agency before action can be taken on them. This course reviews the requirements of General Municipal Law 239-l, -m, and -n and the law’s impact on local decision making. It includes discussion of the benefits of county referral, the effect of recommendations from the county planning agency, and the consequences of failing to make a required referral to the county planning agency. This course is 1 hour in length.

Speaker: Christopher Eastman, Manager of Local Government

Training program at the New York State Department of State

Alabama Room

Omnichannel Retail Impacts on New York Communities – CM

Updates on Omnichannel retail: recent patterns found throughout NYS - “Whether you attended last year’s session on omnichannel retail or are encountering the concept for the first time, tune in to discover the impact of omnichannel retail on New York State communities. In this engaging presentation, Derik explores the ever-evolving concept of omnichannel retail and how these new consumer habits are having an immense impact on local zoning, planning, transportation, and other development patterns throughout the state. Using practical examples from retail leaders like Kohl’s, Home Depot, and Amazon, Derik delves into the new retail dynamics that are shaping our communities, including BORIS (Buy Online Return In-Store), the emergence of dark stores, and the increasing number of microfulfillment centers popping up. This presentation promises valuable insights for anyone involved in urban planning and community development. Join Derik Kane as he navigates the complexities of omnichannel retail and its profound impact on the state of New York.”

Speaker: Derik Kane, AICP, Senior Planner and Project Manager at Labella Associates

9:45 – 10:00 AM

Morning Break

10:00 – 11:15 AM

Travers Room

Community Tools for Addressing the Housing Crisis – CM

Communities across the country have recognized a growing housing crisis with many facets: affordable housing, workforce housing, the “missing middle” housing, substandard properties, lack of housing options, homelessness, housing

insecurity, supportive housing, etc. Join us for a session on practical tools and case studies of how communities can address these issues head-on. We will examine the trends impacting housing, tools for you to gauge the scope of the problem in your community, the spectrum of housing options to consider, and policies and programs that can be used to address the problems you are currently experiencing. We will walk through an example of the process of creating a housing strategy and two case studies of community-sponsored housing developments.

Speaker: Michael N'Dolo, Director of Economic Development, MRB Group

Alabama Room

Land Use Moratoria – CM

A moratorium is a local enactment that suspends a landowner's right to obtain development approvals while the local government considers changes to its regulations. Before enacting a moratorium, local officials should be aware of the circumstances in which a moratorium is the most appropriate action for a local government to take. This course looks at, among other things, the court cases that shaped the "rules" for adopting moratoria and the procedures local officials should follow in adopting moratorium laws.

Speaker: Patricia Burke, Local Government Specialist with New York State Department of State

High Rock Room

Recent Changes in Federal and State Wetlands Case Law, Statutory Law, and Regulations – CM

- A. Brief History of regulation of Waters of the U.S. under the Clean Water Act (10 minutes) 1) Pre-2015, Obama regulations, Trump regulations and Biden 2022 regulations; 2) USSCt cases—Riverside; SWANCC and Rapanos;
- B. 2023 Sackett USSCt decision and Biden 2023 regulations (10 minutes); 1) No more “Significant Nexus”. 2) A new definition of “Adjacent” and “continuous connections” to Relatively Permanently Flowing Waters
- C. Brief History of the regulation of Freshwater Wetlands pursuant to ECL Article 24 (10 minutes) 1) Pre-2022 regulatory approach; 2) Longstanding issues that NYSDEC wanted to address;
- D. 2022 Amendments to ECL Article 24 (10 minutes); 1) Phase in dates and regulatory approach—changes to mapping process, changes to types and sizes of wetlands regulated, rebuttable presumptions, permit fees and grandfathered projects; 2) Status of regulatory process—new wetlands regulations to be adopted prior to 1/2025;
- E. Practical Consequences of federal and State changes for municipalities and economic development (10) 1) Status of federal and State guidance and issuance of wetlands delineations— workforce issues; 2) Lack of a meaningful general wetlands permit at the State level; 3) Excessive discretion granted to State and federal staff in the regulatory process— what is a wetlands of unusual importance and what is a sufficient connection to a Traditionally Navigable Water; and 4) Length of time for project permitting and regulatory uncertainty;

Speaker: Teresa Bakner, Esq. Partner at Whiteman, Osterman & Hanna LLP

11:15 AM

Conference Ends

