



# Developing a Comprehensive Plan

New York State Department of State  
Office of Coastal, Local Government  
& Community Sustainability



# What is a Comprehensive Plan?

- Expression of a goals and recommended actions to achieve those goals
- Outline for orderly growth, providing continued guidance for decision-making
- Document which focuses on immediate and long-range protection, enhancement, growth and development
- Defined in statutes
- Scope
  - Master Plan
  - Land Use Plan
  - Comprehensive Master Plan

# Include a Regional Perspective :

A Good Place to Incorporate SMART GROWTH concepts



## **General values to guide future land use decisions regionally and in each municipality**

- Encourage a regional approach to development and planning
- Maintain community character
- Enhance the economic climate of the region
- Protect and preserve natural resources
- Provide and improve recreational opportunities and parks
- Enhance the existing transportation system to improve regional access
- Ensure an appropriate and quality housing stock
- Provide clean, potable water to the residents of the region in an economical manner and in a manner that does not encourage sprawl

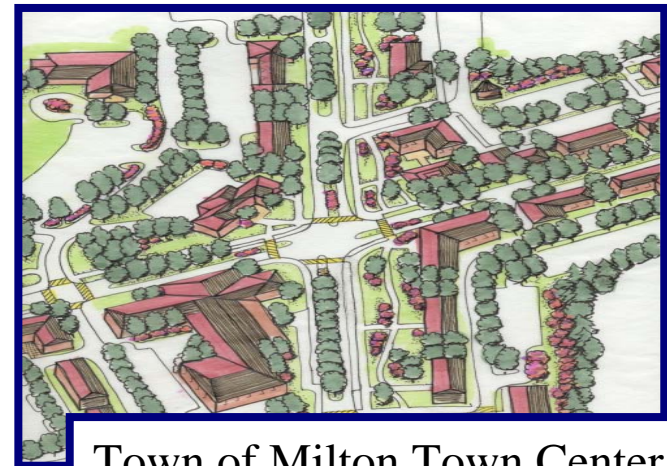
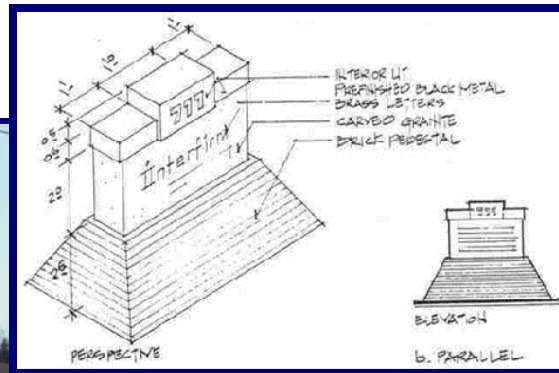
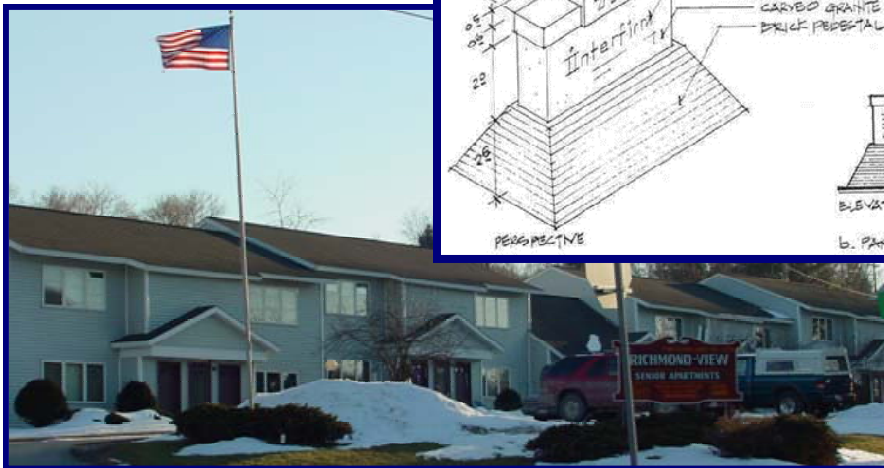
# Frequently Asked Questions

- Must every community adopt a comprehensive plan?
  - ☐ No.
- If we adopt a plan, must we adopt zoning?
  - ☐ No.
- What if we have zoning but we don't have a written plan?
  - ☐ If challenged in court, you would have to prove that your zoning was based on a planning process
- Who adopts the comprehensive plan?
  - ☐ Governing board (ex. town board)



# Planning provides a legal defense for regulations

- Zoning must be in accordance with a comprehensive plan
- Can also provide the basis for other actions affecting the development of the community.



Town of Milton Town Center Plan



# 2008 Survey of Local Governments

Source: Legislative Commission on Rural Resources

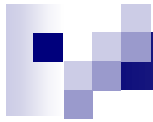
## Percent of Communities with Written Comprehensive Plans

2004

■ Cities	90%
■ Towns	64%
■ Villages	62%

2008

■ Cities	92%
■ Towns	71%
■ Villages	66%



# 2008 Survey of Local Governments

Source: Legislative Commission on Rural Resources

## Percent of Communities with Zoning

2004

■ Cities	100%
■ Towns	70%
■ Villages	88%

2008

■ Cities	100%
■ Towns	71%
■ Villages	89%

# Planning can help establish policies relating to:



- Creation & enhancement of a walkable business district
  - Sidewalk requirements
- Facade improvement program
- Beautification or street tree program
- Enhancement of positive community character
  - architectural standards
  - property maintenance laws
  - junk car regulations



# Planning can help establish policies relating to:

- Preservation of Farming and Farmland
  - Right to Farm Laws
  - Farmers' Market
  - Participation in Cornell programs
- Regulation of Waterfront Uses
  - Personal Watercraft
- Manufactured Housing
  - Individual Lots vs. Parks
  - Farm Worker Housing
- Site Plan Review Standards





Can we afford to do comprehensive planning?

Can you afford NOT to?

- Improve chances for grants & loans
- “Project Readiness”
- Provide a more welcome environment for economic growth

### Source of Funds

- Grant programs
- Gifts
- Corporations
- Not-for-profits
- Other benefactors
- Tax revenues
- General Fund
- Bonding

**NYS Department of Agriculture and Markets:** Now offers grants up to \$25,000 to assist municipalities in **developing the Agricultural and Farmland Protection portions of their Comprehensive Plan.**

See [www.agmkt.state.ny.us](http://www.agmkt.state.ny.us), under “Funding Opportunities”



# Getting Started

- Governing Board decides who will take the lead on the preparation of the comprehensive plan.
- General City Law §28-a
- Town Law §272-a
- Village Law §7-722

## Possible Leaders

- Governing Board
- Planning Board
- Special Board

## Assistance From:

- Planning Department
- Consultant
- Others



# Getting Started

- Check your current plan (if one exists)
- Review the Comprehensive Plan statute
- Budget for the planning process

There are typically many people in your community who can assist in plan preparation at little or no cost to the community.

- College students
- Retired workers
- Municipal employees
- Residents with areas of expertise
- County planning staff



# Using a Consultant

Consultants can provide an unbiased view of the community

- Their role in plan preparation can vary
- Interview the consultants and check their references. Identify the staff person who would be assigned to your community
- Consider the relevance of their experience
- Identify any subcontractors

# Identify Community Stakeholders

Identify key people to involve in the process

- Business Leaders
- Civic Leaders
- Elected Officials
- Environmental Activists
- Planning Board and ZBA



# The Public's Role

## Involving the Public

- Surveys or Questionnaires
- Informational Sessions
- Ongoing Outreach
- Design Charette
- Seek Out Opinions
- Internet site

## Informing the Public

- Local News Media
- Materials Available at Convenient Places
- Be Available to the Public
- Hold Open Meetings



# Open Meeting Law Requirements

- If a board is formally charged with preparing a comprehensive plan, such as a “special board”, it must comply with the Open Meetings Law.
- A board that is merely advisory -- the governing board can take action with or without their input -- need not comply with the Open Meetings Law.



- Provide Notice to the Media in Advance
- Post Notice in a Public Location
- Provide Access to the Public

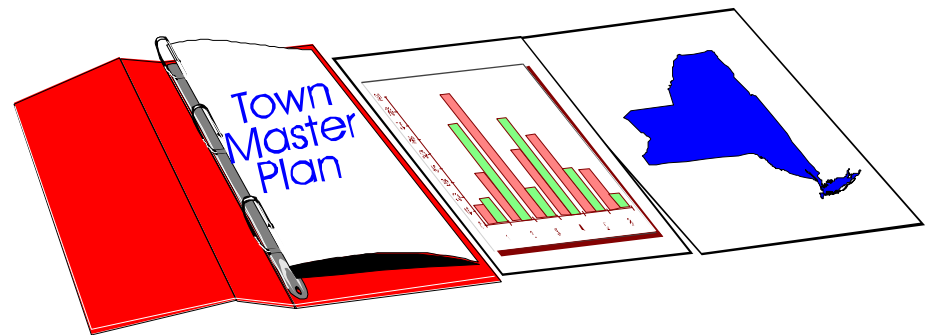




# Preparing the Plan

# Steps in the Development of a Comprehensive Plan

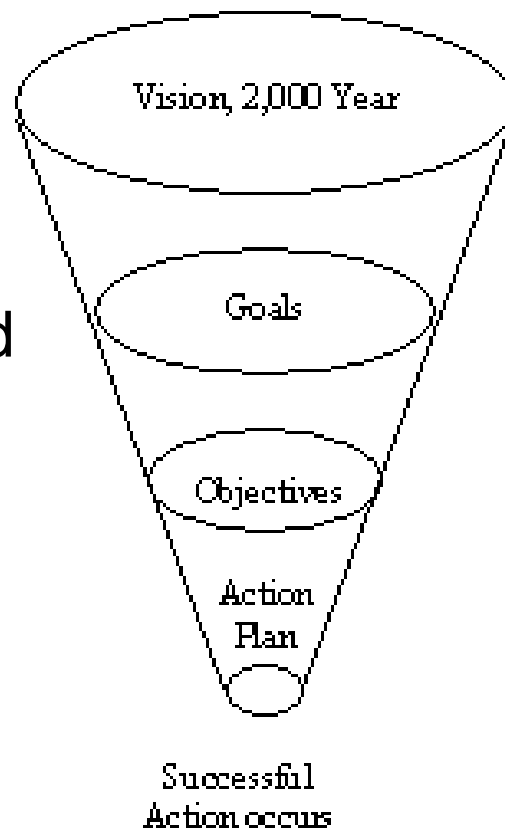
- 1) Identifying Major Issues (Focusing)
- 2) Survey & Analysis (Inventory)
- 3) Identifying Goals & Objectives
- 4) Development of Plan
- 5) Implementation & Evaluation



# Step One: Focusing

“We’re lost, but we’re making good time.” - Yogi Berra

- Develop preliminary goals that may lead to a set of goals and objectives, or identify needed research
- Imagine the best for your community

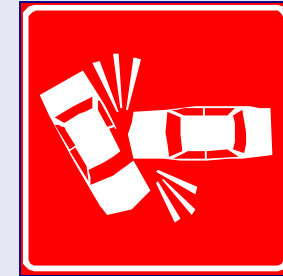
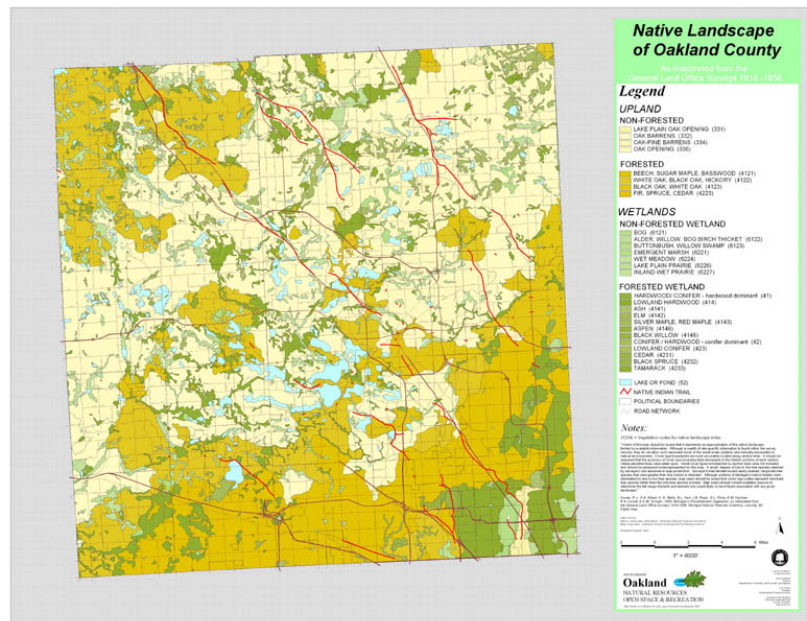


## Determine the Scope of the Plan

- Is the focus on a particular type of development or a particular area of the municipality?
- Will the plan cover a single community or will it be an intermunicipal effort?

# Step Two: Survey & Analysis

- Inventory Your Assets, Identify Your Liabilities
- Conduct basic research, mapping, and analysis of the information to evaluate the community's present circumstances and its future potential



- Issue: Overburdened Roads
- Goal: Reduce the number of accidents at traffic intersections
- Survey & Analysis: Determine and measure traffic impacts of particular development



# Physical Characteristics

## Information

- Base map
- Natural features
  - Water resources
  - Scenic vistas & open space
- Transportation system
- Existing land uses
- Suitability for development

## Sources

- NYS Office of Real Property Services
- NYS DOT and DEC
- Regional Planning Board
- Metropolitan Planning Organization (MPO)
- Utility Company
- E-911 System
- Soil & Water Conservation Service

# Housing Characteristics

## Information

- Number and type of units
- Age of housing
- Substandard
- Vacancy rates



## Sources

- U.S. Census
- Regional Planning Agency
- State Division of Housing and Community Renewal (DHCR)
- Local non-profit housing organizations
- U.S. HUD



# Demographic Information

## Information

- Present & future population
- Declining or increasing population
- Change in school-age population
- Change in senior citizen population

## Sources

- State Data Center
- Regional Data Center
- School District
- Regional Planning Agencies



# Transportation Issues

## Information

- Amount and condition of roads, railroad, airport, bikeways, parking
- Demand for public transit
- Accident rates/dangerous road segments
- Proposed development
- Regional transportation plans

## Sources

- Local and County Highway Departments
- Regional Transportation Plans
- Metropolitan Planning Organizations
- NYS DOT
- State Police statistics
- Public Transit agencies





# Economic Trends

## Information

- Project the effects of economic trends on the community's future
- Regional employment
- Changes occurring in local business industry

## Sources

- Regional Planning Agencies
- Statistical Digest?
- Local Industrial Development Agencies
- NYS Dept. of Labor
- Temporary Employment Services
- NYS Statistical Yearbook

# Historic Preservation

## Information

- Historic areas
- Historic structures



## Sources

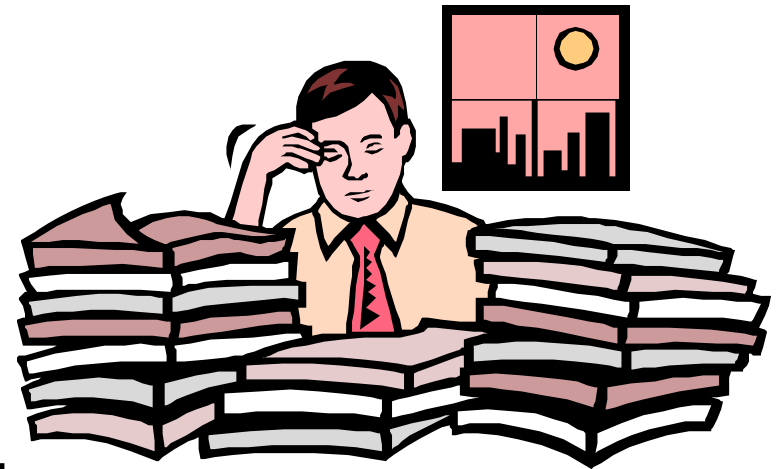
- NYS Office of Parks, Recreation, & Historic Preservation
- Local or County Historical Society
- State or Regional Preservation Groups
- NYS Library

# Other Sources of Information

Some Sources of Information:

- Town or Village Hall
- County Planning Department
- The Tug Hill Commission
- Regional Organizations
- County Tax Department
- Cooperative Extension
- Department of Transportation
- Department of Agriculture and Markets

The Municipality  
May Simply Need  
to Update Existing  
Information





## Step Three: Establish Goals & Policies

- Analyze Information
- Discover trends
- Examine existing regulations
- Review preliminary goals, adjust based on new information

### Goal Examples

- Expand the village core
- Increase business diversity
- Increase parking spaces
- Improve entrance to hamlet

# Develop Policy Recommendations



*Policy  
statements  
guide future  
development*

- Goal: Develop Existing Municipal Parkland
- Policy: Accept money in lieu of parkland when permissible
- Goal: Improve traffic safety in commercial areas
- Policy: Work with NYSDOT on access management strategies



# Examples of Land Use Policies that Encourage Agriculture

## FARM STRUCTURES

- Allow flexible placement of accessory buildings
- Relaxed or flexible application of architectural review or scenic corridor zoning
- Relaxed screening requirement

## COMMERCIAL HORSE BOARDING

- Caution when limiting the number of horses per acre or per number of stalls on the property
- Allow use of manure on property
- Flexibility in site plan/special use permit requirements for operating horse boarding facilities

## LAND USE LAWS

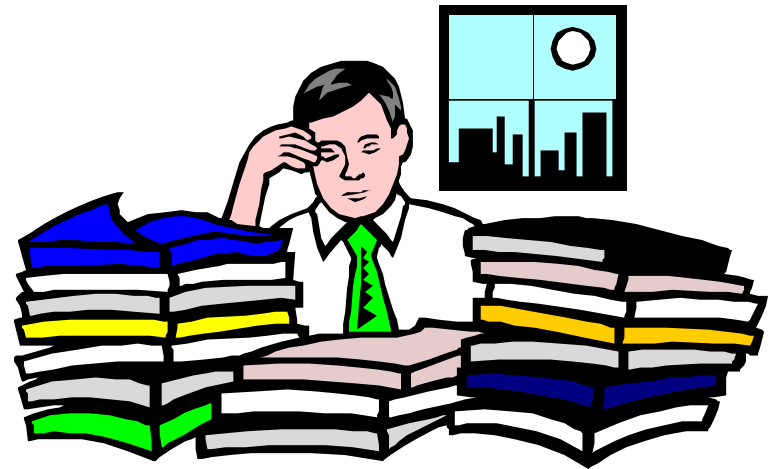
- Farming is a permitted use, not a special use
- Caution on use of minimum number of acres of land needed to be a farm operation
- Allow farms to construct fences close or at property line
- Allow land to be cleared for agricultural use conversion

## ANIMAL AGRICULTURE

- Caution on restricting the number of certain animals on farm or number of animals per acre
- Caution on restricting odors from leaving property

# Consider the Plans of Other Agencies

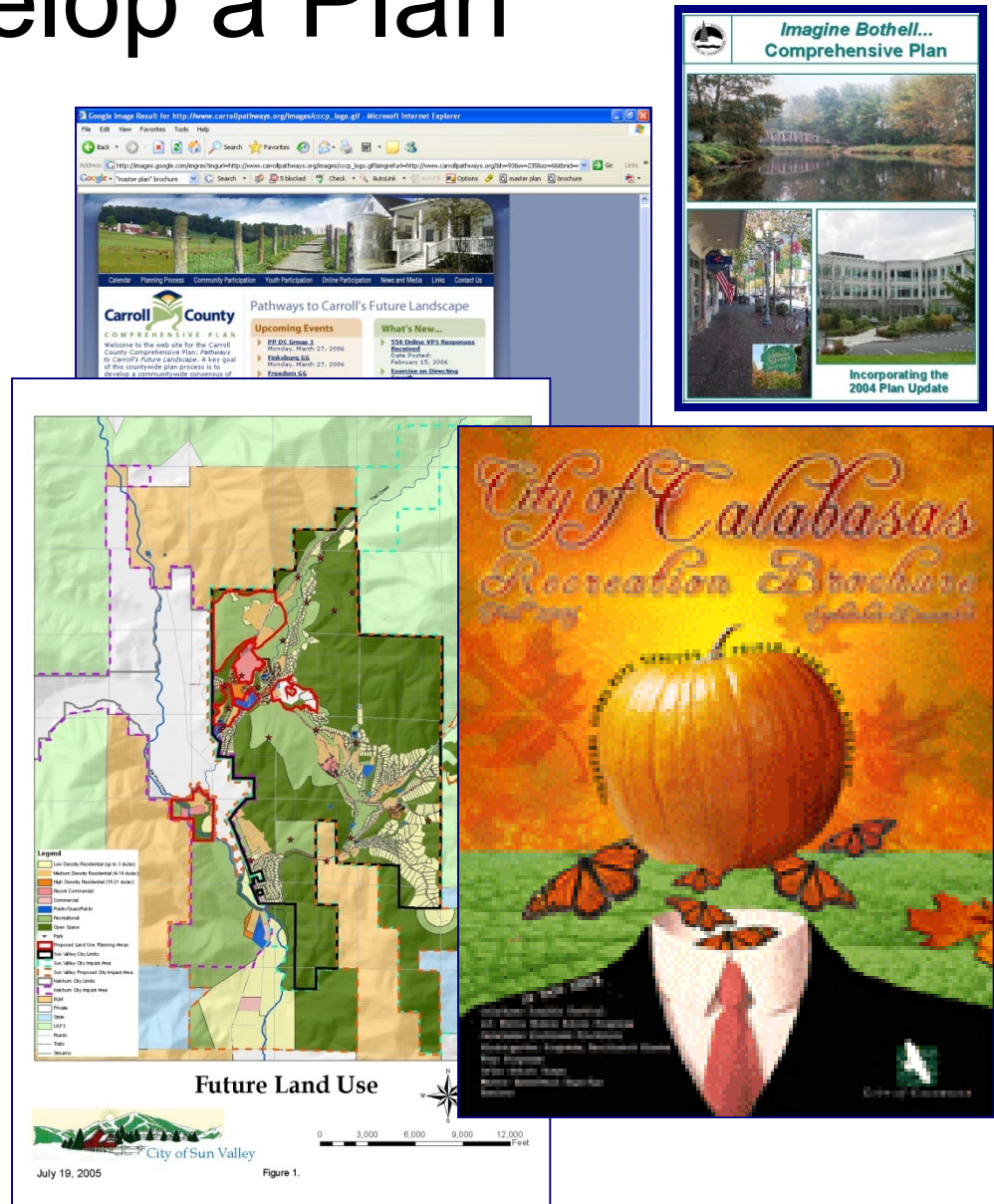
- County Farmland Protection Plans
- Regional Office of DOT
- School District
- Canal Recreationway Plan
- Coastal Resource Plans
- State Open Space Plan
- County Plan
- Plans of Neighboring Municipalities



# Step Four: Develop a Plan

Plans take many forms

- Short strategic documents
- Comprehensive documents with background information
- A brochure or newspaper insert
- A book
- Web documents

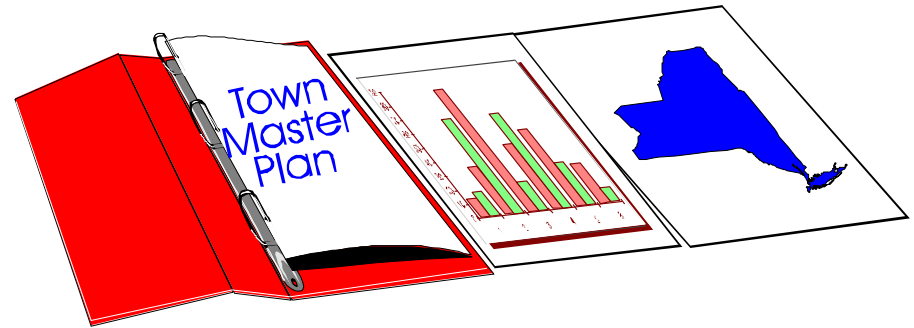




# What's in a Plan?

## Sample Table of Contents

1. Introduction
2. Existing Conditions
3. Trends
4. Environmental Framework
5. Development Goals & Policies
6. Land Use Constraints & Opportunities
7. Land Use Development Plan
8. Fiscal Impacts
9. Implementation Strategies  
Maps



**OTHER POSSIBLE TOPICS:**  
Hamlet  
Municipal Government Center  
Waterfront  
Airport  
Critical Environmental Areas  
Historical Areas  
Wind Energy- Green Energy  
Initiatives

# Reviewing the Proposed Plan

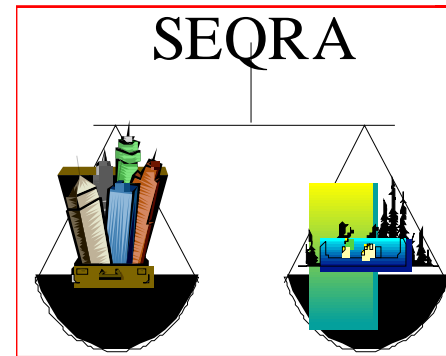
Once the Governing Board receives a proposed plan, it can continue the review process. If the plan is prepared by another board, it is referred to the Governing Board by resolution.

- Environmental Review
- Agricultural Review
- County Referral
- Public Review



# Environmental Review

- Subject to State Environmental Quality Review Act (SEQRA)
- Adoption of a Comprehensive Plan is a Type I Action (Presumed to have a potential significant adverse environmental impact)
- Full EAF is required
- EIS may be required



- May be designed to serve as a Generic Environmental Impact Statement
- Include thresholds and conditions that would trigger site specific EISs

# Agricultural Review

- If there are State Agricultural Districts created pursuant to Agricultural and Markets Law §25-AA, the municipality must consider the effect of adopting the plan on farming
- Municipalities should also consider county agriculture & farmland protection plans.



See DOS publication -  
“Local Laws and  
Agricultural Districts:  
How do they Relate?”

# County Planning Agency Review

- The Governing Board must refer the adoption or amendment of a proposed comprehensive plan to the County Planning Board
- See General Municipal Law §239-m





# Public Review

## The Statutes say:

- Public hearing during preparation
- Public hearing again by Governing Board

- There should be an effort made to reach a community consensus as to what direction the community will take
- Consensus is reached when few individuals feel so strongly opposed to the plan that they will actively oppose it.



# Adopting a Plan

The Governing Board may adopt a comprehensive plan (or an amendment to a comprehensive plan) by resolution.

## Effect of Adopting a Plan Pursuant to the Statutes:

- All Municipal Land Use Regulations Must Be in Accordance with the Plan
- Not simultaneously, but as time passes and they are amended by the Governing Board

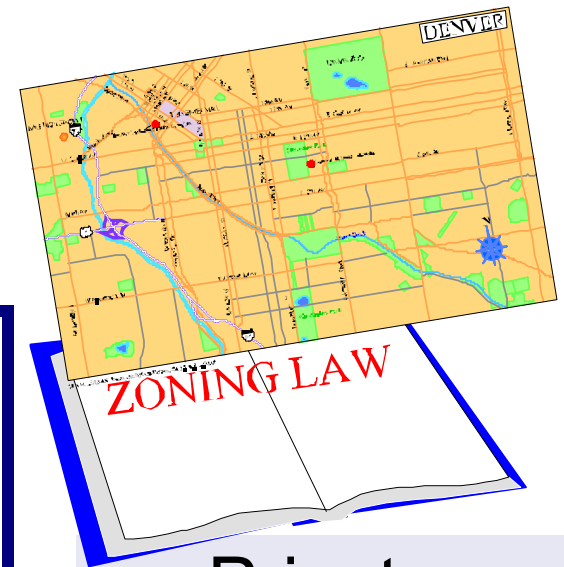
All Plans for capital projects of other governmental agencies on land included in the municipal comprehensive plan shall consider that municipality's comprehensive plan

# Step Five: Implementation

Develop a specific course of action which promotes the concepts outlined in the comprehensive plan.

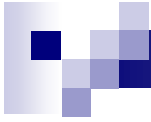
The Value of Planning comes from the municipality's willingness to implement the plan by:

- Amending Land Use Regulations
- Developing Design Guidelines
- Budgeting for Capital Improvements
- Applying for Appropriate State, Federal and Privately Funded Programs



**Private  
Actions will  
also play a  
large role in  
implementing  
the plan**





# Review the Plan Periodically

State Statutes require that Comprehensive Plans include a provision setting maximum intervals for periodic review.

As Policy-Making changes and the physical characteristics of the community change, the comprehensive plan should also change.



# Resources

- “A Practical Guide to Comprehensive Planning,”  
NY Planning Federation (2000), (518) 432- 4094  
[www.nypf.org/publications.html](http://www.nypf.org/publications.html)
- Pace Law School Land Use Law Center  
[www.law.pace.edu/landuse/landuse\\_library.html](http://www.law.pace.edu/landuse/landuse_library.html)
- State of New York  
[www.dos.state.ny.us/lgss/pdfs/zncompplan.pdf](http://www.dos.state.ny.us/lgss/pdfs/zncompplan.pdf)
- The Community Planning Website,  
[www.communityplanning.net/index.html](http://www.communityplanning.net/index.html)

# Contacting the Department of State



- (518) 473-3355 Local Gov.
- (518) 474-6740 Legal
- (800) 367-8488 Toll Free
- [localgov@dos.state.ny.us](mailto:localgov@dos.state.ny.us)
- <http://www.dos.state.ny.us>