

## **The New York Upstate Chapter of the American Planning Association supports:**

### ***GREEN BUILDING CONSTRUCTION ACT***

***A.2005-B (Lupardo, et al.)***

***S.7202 (Thompson)***

#### **Summary**

This bill would require that construction of all new state buildings, and substantial renovations of existing buildings, comply with energy consumption and resource use standards established by the Department of Environmental Conservation (DEC) in consultation with other state agencies and authorities.

#### **APA Position**

The American Planning Association, its Chapters, and planners support the development and application of green building standards that reduce the carbon footprint of both new and existing buildings. This bill will support the continued development and application of green building standards.

About 75% of the electricity used in the country goes toward heating, cooling, and lighting buildings. Since over 70% of electrical energy is generated by conventional electrical power sources such as coal –and gas fired generation plants, reducing the amount of power consumed by buildings is as important to addressing climate change as reduction of auto emissions. Research indicates that sufficient energy falls on the roof and south face of buildings to satisfy the power demands of those buildings.

States have a leadership role in fostering long-term, sustainable growth decisions. New York State by example will be able to foster the universal adoption of green building techniques by local governments, builders and citizens. This will advance the APA's goal to reach a 50% reduction below current levels in building-related carbon emissions by 2010 and carbon neutral buildings by 2030.

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## **The New York Upstate Chapter of the American Planning Association strongly endorses the passage of:**

### ***The Community Preservation Act (A.7333, S.3836)***

The American Planning Association and its Chapters support planning, development, and preservation policies and legislation that conserve undeveloped land, open space, agricultural land, protect water and soil quality, consciously restore ecosystems, and that minimize or eliminate the disruption of existing natural ecosystems and floodplains. Such legislation includes the Community Preservation Act.

### ***The Community Preservation Act [CPA] will help communities accomplish the following goals:***

**Enhances municipal home rule:** The CPA will not be a cookie cutter approach. The CPA will give communities the option of pursuing its enactment on the local level. Each community will develop its own approach to problem solving and planning while involving the public, private and non-profit sectors.

**Helps citizens plan and prioritize open space and other preservation projects** within their own communities. Plans that are citizen-based, reflecting citizen intents and visions for their communities' futures, have the highest probability of successful adoption and implementation. Citizen participation in planning helps ensure fair and efficient targeting of resources to community needs.

**Streamlines the development process:** Communities will be able to identify, prioritize and protect land they value as part of a community preservation planning process. This is a less contentious method than protecting land in response to a development proposal.

**Helps communities protect their natural systems:** The CPA will help communities sustain the ability of natural systems to provide the life-supporting "services" that are rarely counted by economists, but which have recently been estimated to be worth nearly as much as total gross human economic product. These critical natural and open space resources contribute as well to "quality of life" as an essential part of local and regional community character.

**Helps Curb Suburban Sprawl:** Current growth in suburban land use far exceeds the population growth in Upstate New York. The CPA will help communities and regions target areas for growth as well as areas for preservation

**Helps slow the loss of agricultural land and open space.** From 1970 to 1990, more than 19 million acres (30,000 square miles) of rural lands were developed. Every year, construction transforms 400,000 acres of high quality farmland. This amounts to 45.6 acres every hour of every day. Such development weakens the agricultural basis upon which people depend, as well as the natural resources upon which all life depends.

### **Helps maintain Agriculture as a viable economic development driver:**

Agriculture is important to New York State. Agricultural production returned over \$3.6 billion to the farm economy in 2005. About 25 percent of the state's land area, or 7.55 million acres, are used by the 35,600 farms to produce a very diverse array of food products.

**Helps Communities Maintain a “Sense of Place”:** A “sense of place” results when design and development protect and incorporate the distinctive character of a community and the particular place in which it is located. Geography, natural features, climate, culture, historical resources, and ecology each contribute to the distinctive character of a region.

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## **The New York Upstate Chapter of the American Planning Association supports:**

### ***The Clean Water Protection and Flood Prevention Act***

**A.7133 (Sweeney, et al.)**

**S.3835 (Marcellino, et al.)**

#### **Summary**

This bill would amend the Environmental Conservation Law to provide the Department of Environmental Conservation (DEC) with regulatory authority over the state's freshwater wetlands of an acre or more, regardless of whether that wetland had previously been mapped by the DEC.

#### **APA Position**

Wetlands in their natural state perform ecological functions, which are vitally important to the environment and economic health of the nation and impossible or costly to replace. Wetlands protect the quality of surface waters by retarding the erosive forces of moving water. They provide a natural means of flood control providing damage protection by reducing flood peaks, thereby protecting against the loss of life and property. Wetlands improve water quality by intercepting and filtering out waterborne sediments, excess nutrients, heavy metals and other pollutants.

Wetlands are also sources of food, shelter, essential breeding, spawning, nesting and wintering habitats for fish and wildlife. These include migratory birds, endangered species and commercially and recreationally important species. Wetlands need to be recognized as part of a complex, interrelated, hydrologic system.

The American Planning Association and its Chapters support augmenting the protection provided by Section 404 of the Clean Water Act by enacting state legislation, or local ordinances as appropriate, to regulate human-controlled activities which cause adverse impacts to wetlands, provide protection for isolated wetlands, and strengthen the biological component of the permitting process by recognizing the value of wetlands for wildlife habitats.

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# **The New York Upstate Chapter of the American Planning Association Supports:**

## ***The State Smart Growth Public Infrastructure Policy Act***

**(S. 4369, A. 7335)**

### **The American Planning Association and its Chapters affirm that reforming state legislation is necessary to implement Smart Growth.**

In contrast to prevalent development practices, Smart Growth refocuses a larger share of regional growth within central cities, urbanized areas, inner suburbs, and areas that are already served by infrastructure. Smart Growth reduces the share of growth that occurs on newly urbanizing land, existing farmlands and in environmentally sensitive areas. In areas with intense growth pressure, development in newly urbanizing areas should be planned and developed according to Smart Growth principles.

#### ***Summary:***

Establishes the "state smart growth public infrastructure policy act"; provides priority in public funding for projects which use, maintain or improve existing infrastructure and which protect and preserve natural resources and authorizes each state infrastructure agency to create a smart growth advisory committee. The bill also establishes "State Smart Growth Infrastructure Criteria." State agencies designated as "infrastructure agencies" would need to examine all projects financed with consideration to the smart growth criteria. The bill would further establish a preference for the construction of state facilities in established urban and suburban centers, prioritize projects located in designated development areas identified in locally adopted land use plans.

#### ***APA Position:***

Local governments have long been the principal stewards of land and infrastructure resources through implementation of land use policies. Smart Growth respects that tradition, yet recognizes the important roles that federal and state governments play as leaders and partners in advancing Smart Growth principles at the local level. State and federal policies and programs have contributed to urban sprawl and need to be re-examined and replaced with policies and programs that support Smart Growth, including cost effective, incentive-based investment programs that target growth-related expenditures to locally-designated areas. This bill will help ensure the efficient use of public and private infrastructure because it focuses on creating neighborhoods that maximize the use of existing infrastructure.

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## The New York Upstate Chapter of the American Planning Association supports:

### *The Smart Growth for a New Century Act*

**(S.4369 A.7335)**

#### **The American Planning Association and its Chapters affirm that reforming state legislation is necessary to implement Smart Growth.**

In contrast to prevalent development practices, Smart Growth refocuses a larger share of regional growth within central cities, urbanized areas, inner suburbs, and areas that are already served by infrastructure. Smart Growth reduces the share of growth that occurs on newly urbanizing land, existing farmlands, and in environmentally sensitive areas. In areas with intense growth pressure, development in newly urbanizing areas should be planned and developed according to Smart Growth principles.

#### ***The Smart Growth for a New Century Act:***

**Establishes an Adaptable Framework for Smart Growth:** States have a leadership role in fostering long-term, smart growth decisions. While land use regulatory decisions are largely the responsibility of local government in New York State, state programs, policies, and enabling legislation can have a profound affect on local planning and decision-making. This legislation will help enable local governments to foster more sensible, planned growth by facilitating increased communication between state departments and local governments and among local governments within a region.

**Supports Regional and Intermunicipal Planning:** Most major growth-related problems are regional, not local, in nature. Given the fragmented nature of local governance, individual community success in implementing Smart Growth is likely to shift development to other parts of the region. New York State has the opportunity to pass this modern enabling legislation that promotes Smart Growth planning and development at the regional level.

**Integrates Actions Across Levels of Government:** A statewide framework is needed to coordinate and integrate actions on such vital areas as transportation, infrastructure, and environmental policy. The most effective planning will integrate these areas with housing, economic development and other policy areas. This framework will also engage regional planning efforts to create mutually supported plans at multiple levels so all levels of government are working in concert to achieve Smart Growth goals.

**Ensures the Efficient use of Infrastructure Funds:** Efficient use of transportation funds requires using them to maximize the operational efficiency of the transportation system. Transportation investments made without regard to existing system deficiencies:

- result in sprawling, unplanned development, and allow existing transportation systems to deteriorate
- waste money by allowing funds to be expended for facilities that do not address problems
- lead to redundancies and inefficiencies as construction does not address real needs

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# The New York Upstate Chapter of the American Planning Association supports:

## ***Climate Change Solutions Fund***

**A.7366 (Gianaris, et al.)\***

**S.5371 (Marcellino, et al.)**

### **Summary**

The bill would create a new fund in the State Finance Law to receive the proceeds of the auction of carbon dioxide emissions allowances under the Regional Greenhouse Gas Initiative (RGGI) and provides for the deposit of such proceeds into the fund.

### **APA Position**

The American Planning Association, its Chapters and Divisions, and planners support policies that encourage the use of renewable energy and the adoption of state, regional, and national policies that accelerate the transition to renewable energy. Changing the source of fuel used for electrical power generation from fossil fuels to renewable energy will significantly reduce greenhouse gas emissions.

Greenhouse gas emissions from energy production amount to 70% of worldwide greenhouse gas emissions. The APA encourages the Climate Change Solutions Fund be used to provide incentives for small-scale use of renewable energy for homeowners and businesses, help to integrate renewable energy into local building codes and design guidelines, help eliminate barriers to the use of renewable energy in local codes, and encourage the construction and renovation of public facilities to serve as demonstrations of green building practices.

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## **The New York Upstate Chapter of the American Planning Association supports:**

### ***The Climate Change Solutions Act***

**A.7365 (Sweeney, et al.)\***

**S.5347 (Marcellino, et al.)**

### **Summary**

This bill would dedicate any monies raised from the auction of carbon dioxide emissions allowances under the Regional Greenhouse Gas Initiative (RGGI) for energy efficiency and renewable energy development initiatives. The bill creates several new programs to provide grants and various forms of financial assistance to municipalities, non-profits and electric utility ratepayers to achieve greenhouse gas reductions and other air quality goals.

### **APA Position**

Planners support emission reduction goals at the federal, state, and local levels that will result in reducing greenhouse gas emissions at least 80% below 1990 levels by 2050, with appropriate near-term goals to reach that target and minimize cumulative emissions, such as reductions of 25-40% of 1990 levels by 2020.

The APA encourages the establishment of strategies to facilitate the use of energy sources that generate lower levels of greenhouse gas emissions and the establishment of incentives for research and implementation of renewable energy generation, distribution, and deployment.

Fossil-fuel based energy sources and long distance transmission of energy are significant contributors to climate change. Planning and development of communities must include efforts to reduce the need for these energy sources and systems.

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## **The New York Upstate Chapter of the American Planning Association supports:**

### ***State assistance payments for implementation of agricultural and farmland protection plans***

#### **A.7361-B. Magee**

##### **Summary**

If enacted, this legislation would increase state cost share rates to farms looking to protect and preserve farmland. This would help provide increased farm sustainability and maintain the working landscapes which are a signature of New York.

##### **APA Position**

The United States loses anywhere from several hundred thousand acres to a million acres of agricultural land to other uses each year. Agriculture is important to New York State. Agricultural production returned over \$3.6 billion to the farm economy in 2005. About 25% of the state's land area, or 7.55 million acres, are used by the 35,600 farms to produce a very diverse array of food products. Agricultural land should be protected and preserved in large contiguous blocks in order to maintain a "critical mass" of farms and agricultural land. The critical mass will enable farm support businesses to remain profitable and sustain local and regional agricultural economies.

The APA supports legislation that incorporates agricultural land preservation into long range planning consistent principles of smart growth at the state, county, and municipal levels. Agricultural land preservation is necessary to curb urban/suburban sprawl and re-focus development into existing downtowns and areas with appropriate infrastructure. Growth boundary strategies can work only if development in the countryside is held to a minimum.

APA Chapters support re-authorized and increased funding for federal grants to state and local governments for the purchase of development rights to agricultural land. Interest among farmers in preserving their land far outstrips current available funding.

Maintaining viable farmland locally will also help address climate change. Local food production can reduce "food miles" – the distance that food must travel- thereby reducing greenhouse gas emissions. Food in a grocery store typically travels 1,000 miles or more while the typical food in a farmers market travels 1/10th of that distance. Providing this assistance to NYS farmers will help protect and ensure the retention of these farms for local food and commodity production.