

Smart Growth – Work Plan for Zoning

Zoning projects shall include, at a minimum, the following tasks:

Task 1: Project Initiation Meeting

The Contractor, the Department, and any partners responsible for managing the project, shall hold an initial meeting to review and agree upon the project scope and schedule, project requirements, budget, roles and responsibilities, the selection process for procuring consultants, State Environmental Quality Review Act (SEQRA) compliance requirements, MWBE requirements, the number of public meetings and techniques for public involvement proposed for the project, and any other information which would assist in project completion. In addition, the composition and role of the Zoning Advisory Committee shall be discussed during the project initiation meeting. The Contractor, or a designated project partner, shall prepare and distribute to all project partners a brief meeting summary clearly indicating the agreements reached at the meeting. Work on subsequent tasks shall not proceed prior to Department review of the proposed approach as outlined in the meeting summary.

Products: Project initiation meeting held with appropriate parties. Written meeting summary outlining agreements reached.

Task 2: Zoning Advisory Committee

Establish a Zoning Advisory Committee to oversee all aspects of the project in cooperation with municipal officials and the project consultant (if applicable). The Committee shall have at least one member from the planning board and zoning board of appeals and shall include representatives from a large range of ethnic, social, and cultural backgrounds and a diverse range of stakeholders, such as residents, civic leaders, business owners, elected officials, environmental experts, neighborhood association representatives, and municipal board members.

The members of the Zoning Advisory Committee shall conduct and oversee the development of the Zoning Code and participate in Committee meetings. The Committee will generate ideas and build consensus, provide the consultant team with relevant information reflective of the community's current conditions and regulatory environment, review materials prepared by the consultant team (if applicable) and provide constructive feedback. The Committee will also support each of the public participation and outreach efforts, assist the consultant team in integrating the Zoning Code into the existing municipal code, and set the stage for the adoption of the completed Zoning Code. The Contractor shall send a list of proposed members of the Zoning Advisory Committee to the Department for review.

Products: List of proposed members of zoning advisory committee. Zoning advisory committee established.

Task 3: Procurement of Consultant (if applicable)

Prepare a Request for Proposals (RFP) or similar instrument (if applicable) including a complete project description with site conditions, expected final results, a schedule for completion, MWBE requirements, and criteria for selecting a preferred proposal. Consultant services requested shall include all applicable tasks, activities and responsibilities outlined in the "Project Components" section of this work program.

The Contractor must actively solicit bids for contracts and subcontracts from qualified State certified MWBEs which can be identified using the NYS Directory of Certified Firms (<https://ny.newnycontracts.com/>). The Contractor must retain records of the procurement process including direct solicitation to MWBEs; results; and any actions that its subcontractors have taken toward meeting

MWBE contract participation goals. To demonstrate good faith efforts to achieve MWBE contract goals the following should be retained:

- Evidence of outreach to MWBEs: mail, email, phone calls and follow-up.
- Written responses by MWBEs to the grantee/vendor's outreach.
- Copies of search(es) of the directory and advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications.
- Attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by the grantee with MWBEs including dates and location.
- Description of how the scope of work maximizes opportunities for MWBE participation.
- Description of how non-MWBE subcontractors' have engaged MWBEs to undertake part of the project's work or to procure equipment/ materials/supplies.

NYS Department of State requires a licensed professional engineer, architect or landscape architect licensed to practice in New York State for preparation and certification of final designs and construction documents, and for supervision of construction.

Submit the RFP or similar instrument to the Department for review and approval prior to release for solicitation of proposals.

Products: Approved RFP or similar instrument released through advertisement in local papers, the New York State Contract Reporter, or other appropriate means. Documentation of procurement including direct solicitation to MWBEs and actions taken toward meeting MWBE contract participation goals.

Task 4: Subcontract and Compliance with Local Procurement Requirements

Prepare the draft subcontract(s) to conduct project work with the selected consultant(s). The subcontract(s) shall contain a detailed work plan with adequate opportunity for review at appropriate stages of product completion, a payment schedule with payments tied to receipt of products, and project costs.

Incorporate the Department's comments on the subcontract work plan, or scope of services, prior to execution of the final subcontract(s).

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that the Contractor fully complied with applicable provisions of General Municipal Law and with local procurement procedures. A procurement certification form will be supplied by the Department.

The Contractor's procurement record and consultant selection are subject to approval by the Department.

The Contractor remains responsible for the legal sufficiency of the subcontract in accordance with the requirements in the Master Grant Contract and Attachment A-1.

Products: Consultant(s) selected and approved by the Department. Executed subcontracts and written certification of compliance with procurement procedures.

Task 5: Zoning Advisory Committee Meetings

The Zoning Advisory Committee shall meet on a regular basis during the planning process to advance the preparation, review, integration, and approval of the Zoning Code and to organize and conduct community

participation events.

During the first meeting, the Zoning Advisory Committee will review project requirements, roles, and responsibilities, transfer necessary information to the consultant(s), if applicable, and identify new information needs, and next steps. The Zoning Advisory Committee or the Consultant (if applicable), will prepare and distribute a brief meeting summary clearly indicating the understandings reached at the meetings.

All subsequent meetings will advance the preparation of the Zoning Code, and assess the evolution of the project, identify new information needed, changes in roles and responsibilities, and next steps. Work on subsequent tasks shall not proceed prior to Department review.

Products: Minutes from Zoning Advisory Committee meetings, presentation materials, and/or maps/infographics related to the Zoning Code.

Task 6: Public Participation Plan

Prepare a Community Participation Plan that describes the public outreach and participation efforts that will be conducted during the development of the Zoning Code, pursuant to the local and State statutes.. At a minimum, the Community Participation Plan shall include (in-person or virtual) interviews with local and regional stakeholders, a community tour, a public information meeting, one or more public workshops, one or more public hearings, and a webpage with links to announcements, presentations and documents prepared during the planning process. The Community Participation Plan shall identify key individuals, organizations, and entities to be involved, and shall identify roles and responsibilities in coordinating the entire outreach process, logistics, and the proposed schedule of the proposed public outreach and participation efforts.

All public outreach and participation efforts will be publicized in the community through press releases, announcements, individual mailings, digital media and any other appropriate means. Public access must be provided to each public meeting or workshop. Outreach efforts should encourage participation from populations who are frequently underrepresented in this process, including immigrants, refugees, and minorities. A summary of each public outreach and participation efforts will be made available to the public in written form and through other appropriate means, such as websites.

Products: Draft and final Community Participation Plan.

Task 7: Community Tour and Stakeholder Interviews

Organize and conduct a community tour to obtain an on-the-ground understanding of local conditions and issues. The purpose of the tour is to provide contextual understanding of the municipality to the consultant team (as applicable)/ZAC and ground truth desktop analyses. Following completion of the tour, identify a set of topics that shall be discussed with stakeholders to obtain additional relevant information and elicit stakeholder reactions and suggestions.

Products: Community tour photos and a summary of interview findings.

Task 8: Public Information Sessions

Conduct at least two public information sessions, as identified in the Public Participation Plan. The purpose of the two public information sessions is to identify Smart Growth oriented solutions to current issues. The first public information session will be held after the conclusion of the Community Tour and Stakeholder Interviews. The first session will introduce the zoning code update to the public, provide an overview of the

planning process, and will describe findings from the Community Tour and the Stakeholder Interviews. The second session will take place after the conclusion of the draft regulations. It will provide the public with the opportunity to provide input on the draft regulations. The Contractor may choose to hold additional public information sessions as needed.

Products: Public Information sessions held. Minutes/summary of meeting prepared including any presentations or handouts and submitted to the Department.

Task 9: Local Regulations Assessment and Recommendations Report

The purpose of the Local Regulations Assessment and Recommendations Report is to evaluate the applicability of DOS Smart Growth Principles to the existing regulatory, natural, and built environment. The report may include, as applicable, but is not limited to: an analysis of existing development regulations, prior and current planning and zoning efforts, the physical details of the community, including its current and historic built patterns and architecture, natural resources such as prime agricultural lands, soil types, floodplains, topography, aesthetic resources, Critical Environmental Areas, current road network, blocks and lots, building types, public spaces, neighborhoods, and building form. The analysis shall also include an examination of existing land uses, density, and community design elements like setbacks, building height, and street width.

The Report shall include tangible, implementable recommendations for changes to the Zoning Code based on the DOS Smart Growth Principles, and the findings from analyses conducted in this section. The Zoning Advisory Committee shall work with the consultant team (if applicable) to collect best practices that could be used by the community and to articulate the best local approach to achieve the vision reflected in the Comprehensive Plan and other adopted planning documents. The Advisory Committee shall review the report before submitting it to the Department.

The Draft Report shall be submitted to the Department for review and comment. Department comments shall be incorporated into the final report.

Products: Draft and final report published online and submitted to the Department.

Task 10: Proposed Local Regulations

Draft Zoning Code, based on the local regulations assessment and recommendations report. The Zoning Advisory Committee shall review the content of the new or amended local regulations before submitting them to the municipal board for review and comments. The Zoning Advisory Committee shall work with the consultant(s), if applicable, to integrate the Zoning Code into the municipality's existing code while ensuring the Draft Code is consistent with the municipality's adopted Comprehensive Plan, the Department's Smart Growth Principles, and other state statutes.

The Draft Zoning Code shall be reviewed by the Zoning Advisory Committee before being submitted to the Department.

Products: Draft Zoning Code submitted to the Department and to the Zoning Advisory Committee

Task 11: Municipal Board Review

Submit the proposed local regulations to the municipal board for review, comments, and recommendations. The comments received from the board shall be addressed by the Zoning Advisory Committee and the consultant (if applicable) before the initiation of the SEQRA compliance process. The proposed local regulations shall be made available for public review on the municipal website.

The recommendations of the municipal board shall be reviewed by the Advisory Committee before being submitted to the Department.

Products: Comments received from the municipal board and revised proposed local regulations submitted to the Department.

Task 12: Environmental Quality Review

Prepare materials necessary for compliance with the State Environmental Quality Review Act (SEQRA). The adoption of a new or amended Comprehensive Plan is classified as a Type I action, pursuant to the State Environmental Quality Review Act (SEQRA) and 6 NYCRR Part 617. The Comprehensive Planning Committee or the consultant(s) shall comply with SEQRA requirements and, if appropriate, prepare the Generic Environmental Impact Statement (EIS) to provide a review of land use actions proposed in the comprehensive plan. The local municipal board shall declare to be the Lead Agency for the action of adopting the new or amended comprehensive plan.

The Department recommends the following resource:

- Department of Environmental Conservation's SEQR Handbook available at <https://www.dec.ny.gov/permits/6188.html> for guidance on the use of SEQR in the planning process.

Copies of all SEQR documents shall be submitted to the Department.

Products: SEQRA documents

Task 13: Public Hearing

Following completion of the new and amended zoning code, conduct a public hearing to solicit comments on the new or amended regulations. The new or amended zoning code shall be made available in hard copy form in the municipal offices, the municipal website/project website and other key locations throughout the community. The public hearing will be publicized in the community through press releases, announcements, individual mailings, online posting on the municipal website, and any other appropriate means at least ten days prior to the date of the public hearing.

The minutes of the public hearing shall be reviewed by the Zoning Advisory Committee before being submitted to the Department.

Products: Published announcements and the minutes of the public hearing submitted to the Department.

Task 14: County Planning Board Review

The municipal board or the consultant shall submit the revised local regulations to the County Planning Board for review and recommendations, pursuant to the required referral under General Municipal Law §239-m of the New York State General Municipal Law. The Zoning Advisory Committee and the consultant shall address the comments received from the County Planning Board before the public hearing.

Products: Comments received from the County Planning Board and revised proposed local regulations submitted to the Department.

Task 15: Final Proposed Local Regulations and Local Adoption

Address all of the received comments and recommendations and produce the final version of the proposed local regulations for the local adoption by the municipal board and subsequent filing with the Town/Village/City Clerk and in the office of the Secretary of State.

The municipal board shall adopt the proposed local regulations pursuant to § 7-706 of the New York State Village Law/§16-264 of the New York State Town Law/§83 of New York State General City Law.

Products: Adopted local regulations and copy of the resolution of adoption submitted to the Department.

Task 16: MWBE Reporting

Comply with MWBE Reporting Requirements by completing the following actions:

- Submit Form C - Workforce Employment Utilization to report the actual work force utilized for this contract broken down by specified categories (every March 31, June 30, September 30 and December 31).
- Submit Form D - MWBE Utilization Plan to indicate any state-certified MWBE firms selected to work on this contract. Form D must be updated and submitted to the Department whenever changes to the selected MWBE firms occur (addition or removal).
- Record payments to MWBE subcontractors using DOS funds through the New York State Contract System (NYSCS).

Technical assistance for use of the NYSCS system can be obtained through the NYSCS website at <https://ny.newnycontracts.com> by clicking on the “Contact Us & Support” link.

Products: Ongoing reporting through NYSCS during the life of the contract. Form C submitted on a quarterly basis and Form D submitted as necessary.

Task 17: Project Status Reports

Submit project status reports semi-annually (every June 30 and December 31) on the form provided, including a description of the work accomplished, the status of all tasks in this work plan, schedule of completion of remaining tasks, and an explanation of any problems encountered.

Products: Completed project status reports submitted during the life of the contract.

Task 19: Final Project Summary Report and Measurable Results

Submit the Final Project Summary Report and Measurable Results electronically at: <https://forms.office.com/g/eZERFeEeKM>.

Products: Final Project Summary Report and Measurable Results submitted to the Department.