

**NYS Department of State
Office of Planning, Development and Community Infrastructure
Smart Growth Community Planning and Zoning Program (SGCP)
2022 – 2023 Request for Applications
RFA #22-OPDSG-3**

The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential applicants and are hereby incorporated into the Request for Applications RFA #22-OPDSG-3 issued on May 2, 2022. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

DATE POSTED: _____

Section I Introduction is hereby amended to add:

Documents uploaded to the CFA cannot be larger than 30 MB in size. Every effort should be made to reduce the file size to meet this requirement and submit the attachment through the CFA. However, if this is not possible the document or link to FTP site may be submitted before 4:00 PM on July 29, 2022 via email to opd@dos.ny.gov. The applicant's name and CFA# should be included in the subject line. If documents submitted separately are not received by 4:00 PM on July 29, 2022, they will not be considered, however the application will still be reviewed.

Section II. Eligible Applicants is hereby amended to add:

Requirements for applications by non-municipal applicants

All non-municipal applicants are required to complete and submit the Certification under Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia. The certification may be found here:

https://ogs.ny.gov/system/files/documents/2022/04/eo16_certification.pdf

Completed Certification forms should be submitted no later than 4:00 pm on July 29, 2022 via email to opd@dos.ny.gov. The applicant's name and CFA# should be included in the subject line.

Section V. Eligible Activities is hereby amended to add:

An applicant may also apply for an area planning grant and an area zoning grant if the community is concurrently developing a municipality wide comprehensive plan, however, the application should include a description of the applicant's capacity to complete all the projects concurrently within the time frames indicated in the RFA.

Section VII. Funding and Budget Guidance is hereby amended to add:

An eligible applicant receiving a grant award must demonstrate the ability to cover 10% of the project costs and those costs must be eligible and essential to project completion. Any other source of funding,

including American Rescue Plan funds, may be used to pay for the 10% of the total project cost being provided by the grantee.

Section VII. Funding and Budget Guidance, Ineligible Costs is hereby amended to add:

(c) Volunteer Services

Questions & Answers

Q1: Where can the PDF and/or webinars related to this grant program be found?

A1: The webinar related to the Smart Growth Community Planning and Zoning Grant Program can be found here: <https://cfaresources.ny.gov/standalone-cfa-program-webinars>.

Q2: Is Town Board approval to apply for the smart growth grant necessary?

A2: A resolution is not required to be submitted with your application for the Smart Growth Community Planning and Zoning Grant Program.

Q3: Will SGCP applications be reviewed and scored for the 20 points by the REDC this year?

A3: No. SGCP applications will not be reviewed or scored by the REDC this year.

Q4: Can completed BOA plans [or nomination] be used for points to continue and apply for LWRP or Smart Growth Plans?

A4: EPF SGCP applications will be reviewed and scored according to application evaluation criteria detailed in Section IX. APPLICATION EVALUATION CRITERIA. For this round of funding, completion of a BOA plan is not taken into consideration.

Q5: Can a single application be applied to multiple grant programs? For instance, if a municipality is eligible for the Smart Growth Comprehensive Planning and Zoning Program and also for an LWRP, can a single application be drafted and then applied to both of those programs? Or would one simply duplicate the grant and submit it to a second program?

A5: Applicants may submit one application through the CFA to apply for both a Smart Growth Comprehensive Planning and Zoning Grant Program and a Local Waterfront Revitalization Program (LWRP) grant. The application should separately identify which grant is being requested to prepare each plan and should clearly show how the applicant plans to complete each project independent of the other with a clear separation of tasks and outcomes. The CFA will be evaluated separately by staff for each of the LWRP and Smart Growth Comprehensive Planning and Zoning Grant Program to determine if funding for each plan will be awarded. If funded by both grant programs, the municipality would need to execute two separate contracts with DOS; in addition, the end result must be two separate documents/plans - one for each contract, and the documents cannot be a combined or joint plan.

If the applicant wishes to submit separate applications, that can also be done, however it should be noted that the questions will be distinct for each grant program so it may not be possible to simply duplicate the grant application. Please see the CFA Application Guide which can be found here: <https://regionalcouncils.ny.gov/sites/default/files/2022-05/2022CFAApplicationManual.pdf>. Furthermore, the geographic requirements for each program may be different depending on the type of planning/zoning grant for which you are applying. The applicant is advised to make sure each application delineates the appropriate geographic area in each application.

Whether submitted as one application or separately, the application(s) should include a description of the applicant's capacity to complete both projects concurrently within the time frames indicated in both RFAs.

Q6: Can a municipality applying to multiple grant programs submit a separate application for each?

A6: Yes. See the 2022 CFA Application Guide can be found here: <https://regionalcouncils.ny.gov/sites/default/files/2022-05/2022CFAApplicationManual.pdf>

Q7: For the Smart Growth program Area Plans category, would a feasibility study that analyzed the market potential as well as technical feasibility of a TOD project be eligible?

A7: No. A feasibility study to analyze the market potential as well as technical feasibility of a Transit Oriented Development is not an eligible activity for the Smart Growth Community Planning and Zoning Grant Program.

Q8. I am assisting a municipality complete a CFA application for the Smart Growth Comprehensive Planning Program. We see that only 90% of the project cost may be covered by state-funded sources. For the remaining 10% match, does it need to be actual cash, or can in-kind services or volunteer time from Planning Board members count towards that 10%?

A8: The Smart Growth Comprehensive Planning Grant Program reimburses 90% of all eligible costs incurred for the project up to the amount of a grant award. An eligible applicant receiving a grant award must demonstrate the ability to cover 10% of the project costs, and those costs must be eligible and essential to project completion. The 10% of the project costs being provided by the grantee may be personal (including in-kind) or non-personal services that are adequately justified and directly support the project. For additional information on what constitutes eligible and ineligible costs, see Request for Application Section VII. Funding and Budget Guidance. Volunteer services are not eligible match for SGCP.

Q9: A Town intends to form a Steering Committee to work with a planning consultant to implement a Comprehensive Plan Update, including regular Steering Committee meetings and Public Engagement activities. Can the time of volunteer members of the Comp Plan Steering Committee (non-municipal employees) contribute toward the local match? (i.e. as non-personal/volunteer services)? If yes, are the guidelines for using Volunteer Services as Local Match as outlined in the EPF LWRP (22-LWRP-1) RFA applicable to the EPF Smart Growth (22-

OPDSG-3) program as well? (i.e. volunteer services are valued at \$15/hr; require DOS approved forms to account for volunteer services, etc.)?

A9: No. Volunteer services are not eligible match for SGCP.

Q10. Hello, I am the Climate Smart Communities Task Force Coordinator for Clermont NY. We are in the early stages of authoring a new Comprehensive Plan that incorporates Smart Growth principles for our town. We are interested in applying to 22-OPDSG-3 to support the comprehensive plan, and have an eligibility question. We expect to enter into an agreement with an engineering firm to lead the Comprehensive Planning process with us in the coming months - definitely prior to learning if a CFA application would be successful. We expect to research and write the plan between September 2022 and July 2023. If Clermont contracts with a planner and initiate the planning process prior to award notification, would those "preaward" expenses be eligible for reimbursement with this grant? In other words, if we're already in the process of creating the comprehensive plan, would our project be eligible for funding?

A10: Communities may apply to complete a comprehensive plan to incorporate smart growth principles. If awarded, expenses incurred after April 1, 2022 may be eligible for reimbursement through the Smart Growth Community Planning and Zoning Grant Program and costs must be incurred within a three-year contract term. Costs must be eligible and essential to project completion and meet all NYS Contracting requirements including Minority- and Women-Owned Business Enterprise Goals. All work completed by the consultant must also follow all program requirements.

Q11.

- **Budget guidance states applicants are encouraged to obtain initial project quotes from consultants. Are municipalities expected to engage consultants for a cost estimate? Does this go against procurement policies in that we may be giving a consultant an advantage in the consultant selection process?**
- **Can you give more details on how a town can comply with section 7 of smart growth program planning & zoning grant to get quotes from a consultant without doing an RFP.**

A11: All applicants should review their internal procurement policies with the appropriate fiscal officer or counsel to assure that appropriate procurement policies are followed when requesting cost estimates from potential consultants.

Q12: We are looking to apply for Smart Growth Community Planning and Zoning Grant funds on behalf of the Town of Watson to revise their zoning laws and wondered if the attached draft resolution would be appropriate for the consent requirement noted in Section II of the RFA?

A:12 For applications submitted by a county, regional planning entity, or non-profit organizations with the written consent and acting on behalf of a village, town, or city, the application must include a letter or resolution from each eligible municipality participating in the project. The

Department does not have a standard example for a resolution or letter, however, each should demonstrate the municipal consent and support for the application.

Q13:

- **I am reaching out on behalf of the Town of Chester, who are currently developing an application for the Smart Growth Program. Working within the CFA portal, I wanted to ask for some clarification on a particular question, specifically Question 13016. The question prompts the applicant to designate whether they have been certified as a Climate Smart Community, Clean Energy Community, or AARP age-friendly community. Is the Town of Chester still eligible to apply for funding without any of these given certifications? The RFA made no mention of certification as a prerequisite, but we are unable to proceed in the portal without selecting at least one of the boxes as applicable. Would it be possible to select one of the boxes, and attach a document reflecting the Town's lack of certification in lieu of the usual certification attachment?**
- **Under Section IX, "Application Evaluation Criteria", "Demonstration of Smart Growth Commitment (maximum 6 points)", we do not fulfill any of those criteria. We are a Climate Smart Community, but we have not reached Bronze Level yet. If we cannot fulfill these three criteria, will our application even be considered?**

A13: Communities that have not been certified or designated through these three mechanisms are still eligible to apply and will be considered. This question in the portal has been modified to include a Non-Applicable (N/A) option for those communities that do not have these certifications.

Q14: In the Informational Webinar for Department of State Grant Opportunities, it's stated that 10% of expenses for projects accepted to the referenced grant program must come from the grantee. Please confirm that American Rescue Plan funds may be used for the 10%.

A14: The Smart Growth Comprehensive Planning Grant Program reimburses 90% of all eligible costs incurred for the project up to the amount of a grant award. An eligible applicant receiving a grant award must demonstrate the ability to cover 10% of the project costs, and those costs must be eligible and essential to project completion. Any other source of funding, including American Rescue Plan funds, may be used to pay for the 10% of the total project cost being provided by the grantee. For additional information on what constitutes eligible and ineligible costs, see Request for Applications "Section VII Funding and Budget Guidance" page X.

Q15: What is the time period for which funds awarded under the Smart Growth Community Planning & Zoning Program will be available, and what is the date by which such funds must be spent?

A15: Awards are typically announced in December of the funding year, however, eligible costs incurred after April 1, 2022 may be eligible for reimbursement through the Smart Growth Community Planning and Zoning Grant Program. A contract period will not exceed three years. Once a start date is confirmed for a contract, all funds must be incurred within the three-year contract period. Special consideration for extensions due to extreme extenuating circumstances

will only be granted on a case-by-case basis and only if significant progress has been demonstrated.

Q16: Would this grant program fund the development of a Master Plan for a municipal park?

A16: No. The development of a Master Plan for a municipal park is not an eligible activity for the Smart Growth Community Planning and Zoning Grant Program.

Q17: I represent the Town of North Elba and Village of Lake Placid in Essex county, NY.

The Town and the Village are looking to update their joint Comprehensive Plan and have designated a starting contribution of a combined \$30,000. They are hoping to leverage this into additional funding via a state grant(s).

Based on the CFA process it seems like the Smart Growth Comprehensive Planning Grant Program is a good match. The Town and Village already incorporate smart growth into their existing Comp Plan and Land Use Code but are always looking for additional ways to improve.

I wanted to check in to see if this sounds like a valid option before I proceed with moving seeking Board permission to pursue funding via this program. I am happy to provide additional information if necessary.

A17: The Department encourages the updating of Comprehensive Plans and zoning to support smart growth principles which are eligible activities under this grant program. Applications to establish or update zoning regulations for an entire town, village, or city must be in accordance with a comprehensive plan duly adopted by the local government (town, village, or city) by September 30, 2022. Likewise, applications to establish or update zoning regulations for part of a town, village, or city must be in accordance with an area plan duly adopted by the local government (town, village, or city) by September 30, 2022.

Q18:

- **I was wondering why only planning area, and zoning area code updates were allowed in one application? It is my understanding that the funding for an Area Plan and Zoning Area Grants can be funded in one application for a limit of \$200,000 at \$100,000 for each grant, where a Comprehensive Zoning Grant and a Comprehensive Planning Grant are each funded at \$100,000, but can not be submitted for funding jointly. My goal is to apply for a Comprehensive Plan and Zoning update in this year's application. We know this program is funded, and the City of Oneida needs both the Comp Plan and Zoning Code to be updated. Having the ability to work on both concurrently, or planned in a way where the updates in the Comp plan are in harmony with the Zoning code. Not having this harmony could have long-term development and legal implications.**
- **Can a municipality apply to develop both a comprehensive plan and update their zoning ordinance?**

A18: As indicated in the Request for Applications, Section V. Eligible Activities, applicants may not apply for both a Comprehensive Plan Grant and a Comprehensive Zoning Grant either in a single application or separate applications in the same grant cycle (year). However, applicants may submit an application for either a Comprehensive Plan (or Zoning) Grant in the current grant cycle, and follow-up with an application for a Comprehensive Zoning (or Plan) Grant in a future grant cycle.

Q19: For the purposes of applying to the Comprehensive Planning Zoning Grant in this round, is a new comprehensive plan currently in progress with completion scheduled for Summer 2023 considered "an existing plan"?

A19: No. For the purpose of this round, an existing plan are those adopted by September 30, 2022. As stated in the RFA, Section I. Introduction, applications to establish or update zoning regulations for an entire town, village, or city must be in accordance with a comprehensive plan duly adopted by the local government (town, village, or city) by September 30, 2022. Likewise, applications to establish or update zoning regulations for part of a town, village, or city must be in accordance with an area plan duly adopted by the local government (town, village, or city) by September 30, 2022. The applicant should in all cases include an explanation of how the comprehensive plan addresses smart growth principles.

Q20: Can a Small area Planning and Zoning grant project be conducted concurrently with a new comprehensive plan in progress for the entire municipality?

A20: For the purposes of this round, an applicant may apply for an area planning grant and an area zoning grant if the community is concurrently developing a municipal wide comprehensive plan. However, applications to establish or update zoning regulations for part of a town, village, or city must be in accordance with an area plan duly adopted by the local government (town, village, or city) by September 30, 2022. The application should include a description of the applicant's capacity to complete all the projects concurrently within the time frames indicated in the RFA.

Q21: Can you please direct me to program specific information regarding procurement requirements should we receive an award to hire a consulting firm for eligible activities?

A21: Information regarding procurement requirements can be found starting on page 10 of the Request for Application.

Q22: If awarded, can grant funds be used retroactively? Meaning can the funds be used to pay for consulting services already performed in preparation of zoning laws that achieve the same goal (implementation of the comprehensive plan)?

A22: If awarded, expenses incurred after April 1, 2022 may be eligible for reimbursement through the Smart Growth Community Planning and Zoning Grant Program. Costs must be eligible and essential to project completion and meet all NYS Contracting requirements including Minority-

and Women-Owned Business Enterprise Goals. All work completed by the consultant must also follow all program requirements.

Q23: Regarding the Smart Growth Budget Summary & Detail, can you provide an example of a completed form to ensure we are completed the form correctly?

A23: Instructions on how to complete the Smart Growth Budget and Detail are provided within the spreadsheet. For the contractual services budget category, the applicant is instructed to enter the type of contractual service (e.g. planning, outreach, environmental review, etc.), a one sentence description of the service, and the estimated cost of each line item. See example below:

Type of Contractual Service	Service to be Provided	Total Amount (\$)
Planning Services	Consultant services for the development of a municipal smart growth comprehensive plan	\$80,000 *
Outreach Services	Consultant services to assist in public outreach and education related to the development of the comprehensive plan	\$5,000 *
* These costs are examples only and do not reflect a recommended funding amount.		

Q24: If the municipality applying for the Comprehensive Planning Grant has more than a 10% match can that be included in the budget? The budget form will only allow for a 10% match.

For example, the total project cost is \$80,000 and the municipality has \$20,000 set aside for a match. Would they be able to use the whole \$20,000 and ask for a \$60,000 grant? Is there a way to modify the budget form?

A24: The CFA budget attachment should only reflect the funding requested through the CFA and the required 10% local match. Additional local match may be applied to the project; however, it should not be reflected in the CFA budget attachment. To provide a full description of costs in the application, any additional local match can be indicated in questions 1575, 13053, and 1572. It should be noted that providing match above what is required for this grant will not be taken into consideration when evaluating and scoring applications.

Q25: Where can we get more information about the Smart Growth Comprehensive Plan grant program?

A25: A full Request for Applications and other information about the Smart Growth Comprehensive Planning grant program are available on DOS’s website, here: [2022-2023 Smart Growth Comprehensive Planning Grant Program | Department of State \(ny.gov\)](https://www.dos.ny.gov/SmartGrowth/2022-2023-Smart-Growth-Comprehensive-Planning-Grant-Program).

Q26: If a municipality already has an adopted comprehensive plan, can they apply to update their plan with Smart Growth Principles?

A26: Yes, communities with an adopted Comprehensive Plan are encouraged to regularly update their plan to reflect changes in local conditions and community goals and to integrate Smart Growth Principles. An update to the Comprehensive Plan will ensure the plan is current and well-connected to short and long-range community objectives and Smart Growth Principles.

Q27:

- **Can a county apply for a grant to develop a county-wide comprehensive plan?**
- **I had a question about the Smart Growth Community Planning and Zoning Program (SGCP) RFA. I see that it is geared primarily toward cities, towns, and villages. Are county-level comprehensive plans an eligible use of this funding?**

A27: This grant opportunity is intended to support development of comprehensive plans for villages, towns, and cities. A county may apply for a grant on behalf of a local municipality, but this program cannot be used to fund multi-municipal or regional comprehensive plans.

Q28: Can a county, regional planning entity, or not-for-profit submit an application for more than one municipal comprehensive plan?

A28: As stated in the RFA, Section I. Introduction, applications to prepare or update a municipal comprehensive plan may only include one plan per application. However, an eligible entity may submit multiple applications. Applications submitted by a county, regional planning entity, or not-for-profit organizations must include a letter or resolution from each eligible municipality participating in the project which demonstrates the municipal consent and support for the application.

Q29: Is there a maximum or minimum State assistance request amount per application?

A29: As stated in the RFA, Section VII. Funding and Budget Guidance, State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible project cost. The maximum State Assistance request is as follows:

- For a Comprehensive Plan Grant: \$100,000
- For a Comprehensive Zoning Grant: \$100,000
- For an Area Plan Grant ONLY: \$100,000
- For an Area Zoning Grant ONLY: \$100,000
- For a combined Area Plan and Area Zoning Grant: \$200,000

There is no minimum State assistance request amount.

Q30: Are Smart Growth funds available to assist with updating subdivision, highway, and drainage regulations that would implement recommendations in the Town's recently adopted Comprehensive Plan/GEIS?

A30: No. Updating subdivision, highway, and drainage regulations are not eligible activities for this grant program.

Q31: Section 1, Page 3, third full paragraph regarding existing Comprehensive Plan: Requirement that municipalities have a comprehensive plan adopted by September 30, 2022.

- **How old can the adopted comprehensive plan be?**
- **What if municipalities are currently preparing/updating a comprehensive plan which will not be adopted by September 30, but is expected to be adopted by the Spring/Summer 2023?**

A31: A comprehensive plan can be outdated in 6 months, earlier or much later, it depends on conditions in the community. Therefore, whatever the age of a comprehensive plan, it should be reviewed to ensure it can validly form the constitutional basis for the zoning (and other land use) regulations adopted to implement the plan. See Town Law §272-a, Village Law §7-722, and General City Law §28-a which require comprehensive plans to be periodically reviewed.

The applicant must clearly show how the current comprehensive plan that is valid would also address and incorporate smart growth principles and how the zoning regulations will implement the plan and said principles.

The requirement to have an existing Comprehensive Plan duly adopted by the local government by September 30, 2022 only applies to applications to establish or update zoning regulations, either for an entire town, village, or city or for part of a town, village, or city. If the comprehensive plan update is not adopted by September 30, 2022, the applicant would not be eligible to apply to establish or update zoning regulations. Applicants with an existing comprehensive plan would still be eligible to apply to update the comprehensive plan to integrate smart growth principles.

Q32: Under Section 1, "Introduction" it states:

"Applications to establish or update zoning regulations for an entire town, village or city must be in accordance with a comprehensive plan duly adopted by the local government (town, village or city) by September 20, 2022. Likewise, applications to establish or update zoning regulations for part of a town, village or city must be in accordance with an area plan duly adopted by the local government (town, village or city) by September 30, 2022."

Question: We would be looking for this grant money to help us draft the changes/updates to our zoning, so does this mean that our comprehensive plan and area plan would need to be approved by those dates? We are confused by the timing there. Any clarification would be very helpful.

A32: For applications seeking funding to update or establish municipal-wide zoning or area zoning, the comprehensive plan or area plan on which zoning regulations are based must be adopted by September 30, 2022. The application must clearly show how the current comprehensive plan addresses and incorporates smart growth principles and how the zoning regulations will implement the plan and said principles.

Q33: Under Section VI, "Requirements for Smart Growth Principles": We fulfill some of the principles but not all. In some cases they wouldn't be applicable to us as we have a separate village government, that, for example, would encompass things like "walkable/bikeable design" as our Town itself is very rural. Question: If we can only fulfill half of the criteria (simply because of the make-up of our town), is it worth us applying?

A33: The Department encourages all municipalities to incorporate Smart Growth Principles into local land use planning. Question 13018 in the CFA Application asks the applicant to describe, in detail, how Smart Growth Principles will be incorporated in the Comprehensive Plan and Planning process. It also states, if a particular principle is not relevant or feasible, the applicant should articulate the reasons for such irrelevance and infeasibility. Applicants are not required to fulfill all of the Smart Growth principles.

Q34: If a community already contracted with a firm and is undertaking a Comprehensive Plan, can they still apply for funding for that plan or a portion of that plan? Would that project also have to adhere to the WMBE requirements of the grant program even if the firm has already been selected and a contract signed?

A34: The community may apply for funding to complete the plan to incorporate Smart Growth Principles. However, costs must be eligible and essential to project completion and meet all NYS Contracting requirement including Minority- and Women-Owned Business Enterprise Goals. All work completed by the consultant must also follow all program requirements. MWBE Goals will be established through the contract execution process.