

NYS Department of State
Office of Planning, Development and Community Infrastructure
Smart Growth Community Planning and Zoning Program (SGCP)
2024 – 2025 Request for Applications
RFA #24-OPDSG-5

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 #24-OPDSG-5 issued on May 13, 2024. 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. July 8, 2024

Section X. Contract Requirements, Contract Period is hereby amended to read:

Subject to the continued availability of funds in the budget, the contract period shall not exceed three years from the start of the **contract**. The earliest start date of contracts is April 1, 2024. No extensions are anticipated, however special consideration for extensions due to extreme extenuating circumstances may be granted on a case-by-case basis.

Questions and Answers

Q1. Will slides from the live webinar be available for download?

A1. Yes, the slides and recorded webinar can be downloaded by navigating to the following address:
<https://dos.ny.gov/smart-growth-community-planning-and-zoning-grant-program-24-opdsg-5>.

Q2. Can you apply for a comp plan for an entire county that includes smart growth principles as well as smaller plans within it such as a local waterfront revitalization plans for villages and hamlets throughout the county, a countywide resiliency plan, as well as the standard comprehensive plan items like housing, goals and objectives transportation etc. Or are there limits to what a comprehensive plan can include? We should not do those plans within the comprehensive plan in our application?

A2. At a minimum, a countywide comprehensive plan must be completed in a manner consistent with New York State General Municipal Law §239-D. A countywide comprehensive plan could include elements related to hamlet revitalization, housing, natural resource protection and still be consistent with the statute listed above. A county may apply for a comprehensive plan grant which contains chapters or elements related to waterfront development, hamlet revitalization, housing, and/or natural resource protection among others. A Local Waterfront Revitalization Plan (LWRP) is a separate planning process. More information about the LWRP program can be accessed by navigating to: <https://dos.ny.gov/local-waterfront-revitalization-program-24-lwrp->

3. Communities may apply simultaneously for a comprehensive plan grant and an LWRP grant by selecting both programs in their CFA application.

Q3. Under the comprehensive plan grant slide on the webinar, there was a question related to the criteria. Is that information, and the whole RFA online?

A3. Yes, the Request for Applications may be accessed by navigating to: <https://dos.ny.gov/rfa-24-opdsg-5>.

Q4. In the final section of the webinar, the presenter noted that a community cannot apply for a smart growth community planning and zoning grant for both a comprehensive plan and the zoning code update, is that just within the same year?

A4. Correct, communities may not apply for a comprehensive plan grant and a zoning grant in the same year. Communities that are undertaking a comprehensive planning process may apply for a zoning code update in a future year provided that the comprehensive plan has advanced far enough to form the foundation of land use tools like zoning regulations (i.e., ordinance or local law) and the comprehensive plan will be completed prior to the desired start of the zoning code update.

Q5. If a community is applying for smart growth community planning and zoning award, does the governing body such as the city council, need to pass a resolution of the grant application or not?

A5. Cities and other applicants must follow whatever process and procedures are required under local regulations like a city charter to submit an application. DOS does not require a resolution from the applicant's governing body (i.e., city or common council) to submit an application. However, communities are strongly encouraged to demonstrate support from their leadership through letters of support, resolutions, and other means.

Q6. Can a county apply for both the pre-planning BOA and a countywide comprehensive plan?

A6. Yes, counties may apply in the same year for both the BOA Countywide Pre-Planning Grant and a countywide comprehensive plan in separate program applications within the CFA.

Q7. Are there specific requirements for letters of support and to whom should they be addressed?

A7. Applicants are strongly encouraged to demonstrate support from community leaders and residents through resolutions, letters of support, or other means. Instructions for submitting letters of support can be found on the first page of the Request for Applications which can be found by navigating to: <https://dos.ny.gov/rfa-24-opdsg-5>.

Q8. Presently we have a smart growth grant which has inadequate funding to acquire a consultant, can we submit for another smart growth grant to require consulting planning firms or is it better to cancel our existing grant and file for another smart growth grant with more funding.

A8. Yes, you may apply for a Smart Growth grant to request additional funding to complete any tasks that were not able to be completed under your contract. The scope of work in the application should clearly identify what project components would remain funded under the previously awarded contract and what components would be funded under the new contract, if awarded.

There are also other potential sources from which you could seek additional funding, including, the New York State Department of Environmental Conservation's (DEC) Climate Smart Communities (CSC) Program which provides funding for Comprehensive Plans with sustainability elements. More information about the CSC program can be found by navigating to: <https://climatesmart.ny.gov/>. You may contact your DOS project manager to discuss these potential sources of funding.

Q9. Can a school district apply for a smart growth community planning and zoning grant?

A9. School districts are not eligible to apply for smart growth community planning and zoning grants. However, school districts may partner with municipalities to engage in a comprehensive planning process with the municipality, a nonprofit or regional planning entity being the lead applicant.

Q10. If there was a downtown development plan that was completed prior to the adoption of or prior to the receipt of a comprehensive plan grant and the comprehensive planning process moved in a direction was not consistent with the downtown development plan, does that put either planning process in jeopardy?

A10. The comprehensive plan grant application should identify how prior adopted plans or other land use documents inform the implementation of smart growth principles. For example, the application should demonstrate if and how the community intends to align the two plans. The most important element with respect to the smart growth community planning and zoning program is that the comprehensive plan grant application clearly identifies how the community will approach the integration of smart growth principles into their overall planning process.

Q11. What is the recommended way to highlight one's application to the REDC?

A11. The REDC program is administered by Empire State development (ESD). The ESD regional offices may be able to offer guidance on how to highlight an application to the REDC. Contact information for each region is available on the ESD website here: <https://esd.ny.gov/regions>.

Q12. Would a housing survey be supported by this grant program?

A12. A housing survey, on its own, would not be an eligible activity. However, it is recommended that a housing survey be included as part of a comprehensive plan or an area plan.

Q13. We would like to apply for funds to complete a county-wide housing study and would like to know if we can apply for both of these through the OPDCI and can it be one application or do we need to complete two applications?

A13. A housing study, on its own, would not be an eligible activity. However, it is recommended that an analysis of housing conditions at a county-level be included as an element of a countywide comprehensive plan grant application.

Q14.

- **Regarding the Smart Growth Community Planning and Zoning Grant Program's 90/10 funding split, is our 10% portion required to be cash only, or are in-kind services allowed?**
- **Can the 10% required match be in-kind, or must it be cash in the project?**

A14. The applicant should submit a budget that reflects all costs necessary to undertake the project, which may include both personal and/or non-personal costs. Personal costs must be paid employees and cannot include volunteer or donated services.

Costs included in the budget must be adequately justified and directly support the project. State assistance paid through the SGCP shall not exceed 90% of each eligible cost; the applicant must demonstrate the ability to cover the remaining 10% of the project costs.

Q15. Is the minimum overall budget request \$75,000 meaning DOS would award \$67,500 and the match would be \$7,500.

OR

Is the minimum grant award \$75,000 meaning the minimum overall budget would be \$83,334. \$75,000 would come from DOS while \$8,334 would be the match.

A15. The latter example is correct. A community that is seeking \$75,000 in State Assistance would be required to provide a local share of \$8,334 for a total budget of \$83,334.

Q16. Is a Town eligible to submit two different applications within the same RFA?

A16. Within the Smart Growth Community Planning Program, it depends on the project type being proposed by the applicant. For example, an applicant may apply for an area planning grant and a zoning amendment grant to implement the area plan. However, communities may not apply for a comprehensive plan grant and a zoning grant in the same grant cycle. It is recommended that an applicant consider grouping projects with similar components into one application. For example, a city could apply for a comprehensive plan grant which contains an area plan focused on its waterfront as a component of the plan itself. If applying for different programs (e.g. BOA, LWRP), you may apply for multiple programs within your CFA application.

Q17. Would the Town's anticipated project at Deer Park qualify as a community-wide zoning regulation (Comprehensive Zoning Grant), a new or updated area plan for part of a town (Area Plan Grant) or a different category altogether.

- A17. A planning and/or zoning project focused on a specific area within a community would best be suited for an area planning or zoning amendment grant.
- Q18. Page 13/19 of the RFA states, “Contract Period Subject to the continued availability of funds in the budget, the contract period shall not exceed three years from the start of the project. The earliest start date of contracts is April 1, 2024.” Is this the correct date or is it 2025?**
- A18. The April 1, 2024 date is correct. That is the earliest date a contract term under this RFA could start.
- Q19. The Sample Work Plan for Zoning Projects posted at <https://dos.ny.gov/smart-growth-community-planning-and-zoning-grant-program-24-opdsg-5> (and attached) includes several tasks related to public outreach (Task 6: Public Participation Plan, Task 7: Community Tour and Stakeholder Interviews, Task 8: Public Information Sessions). The municipality where I work is nearing adoption of a full-scale Comprehensive Plan update. The Comprehensive Plan process has included extensive public outreach, including a public participation plan, community tour and stakeholder interviews, and many public meetings. The plan includes recommended Zoning Code amendments that are built on a foundation of community input. If we were to succeed in winning Smart Growth Community Planning and Zoning Grant Program funding to enable the City update our Zoning Code—based on recommendations in a very recently adopted Comprehensive Plan—could our Zoning Project Work Plan potentially include scaled-back public outreach relative to what is included in the sample? This would be helpful from a budgetary perspective.**
- A19. Applicants are required to demonstrate both an effective approach to public engagement during the planning process and describe how preliminary work, including prior public workshops, advanced the overall project. Upon award, successful applicants will work with their DOS project manager to refine elements of the Sample Work Plan for Zoning Projects in part based on preliminary work that has been completed and adequately demonstrated.
- Q20. Assuming more funds are requested than are available, will DOS make grant awards less than the requested amount or will DOS be looking to either approve or deny the amounts requested? In other words, if we apply for, say \$540,000 as part of a \$600,000 project, we understand this may take up too large a proportion of the available funds. Would DOS simply reduce the amount awarded based on demand for the funds, or would they deny that request outright?**
- A20. According to Section VII of the Smart Growth Community Planning and Zoning Program Request for Applications (RFA), eligible applications will be scored and funds will be awarded in rank order until available funds are fully distributed. The Department may offer partial funding to an applicant if its application cannot be fully funded with the funds remaining. The Department may offer partial funding if a particular phase of a project is not ready to move forward or the budget that is requested is not adequately justified and supported.
- Q21. Would an applicant be eligible to submit two different applications, one for townwide Comprehensive Planning and one for the development of an Overlay District, or would the Town need to submit either one or the other?**

A21. An applicant may not submit a grant application for a comprehensive planning grant and an area zoning grant in the same grant cycle.

Q22. Please confirm that a Village may apply for a Zoning Amendment grant with an almost complete Comprehensive Plan?

A22. An applicant may apply for a Zoning Amendment Grant, with an in-progress comprehensive plan provided that the planning process has advanced far enough to contemplate future land uses and that the comprehensive plan will be complete prior to the start of the Zoning Amendment Project.

Q23. Would we be competitive for grant funds under this program if we have already started the process of updating our zoning?

A23. Community-wide zoning updates are an eligible grant activity as per Section IV of the Smart Growth Community Planning and Zoning Program (SGCP) Request for Applications (RFA). Applicants will be required to demonstrate how their project conforms to the Application Evaluation Criteria listed in Section VIII of RFA. Only eligible costs incurred within the contract period are reimbursable. If a grant is awarded, the earliest start date would be April 1, 2024.

Q24. When will grant awards be announced?

A24. Typically, CFA grant awards are announced in the late fall.

Q25. Are they reimbursement grants?

A25. The Smart Growth Community Planning and Zoning program is reimbursement-based.

Q26. What is the grant period? 3 years from announcement or grant contract signed?

A26. Projects must be complete by the contract end date, which is generally three years after the contract start date. The start date will be determined in consultation with DOS as part of contract development.

Q27. Where can we get more information about the Smart Growth Comprehensive Plan grant program?

A27. The Request for Applications (RFA) and other information about the Smart Growth Community Planning and Zoning grant program is available on the Department of State's (DOS) [Funding and Bid Opportunities](#) webpage.

Q28. Can a municipality apply for both a Comprehensive Plan grant and an Area Plan grant at the same time?

A28. Communities are encouraged to submit a Comprehensive Plan grant, with an Area Plan (e.g., a Transit Oriented Development Plan) included as a plan element. Communities must submit a

detailed Scope of Work and an accurate, well justified budget which fully captures all necessary project asks.

Q29. Can a county apply for a grant to develop a county-wide comprehensive plan?

A29. Yes. A county can apply for a grant to develop a county-wide comprehensive plan. Non-profit organizations or regional planning entities may apply on behalf of a county, provided that the county government includes a letter or resolution indicating its consent and support for the project.

Q30. Can a Not for Profit submit an application for more than one comprehensive plan?

A30. Yes. Eligible not-for-profit organizations may submit separate applications for a town, village, city, or county comprehensive plan. Please be aware that each eligible municipality or county must provide a letter or resolution indicating its consent and support for the project.

Q31. Is there a maximum or minimum State assistance request amount per application?

A31. There is a minimum State assistance request of \$75,000 per application. There is no maximum State assistance request. However, applicants are encouraged to utilize the “Smart Growth Comprehensive Plan Project Scope Worksheet,” or the “Smart Growth Zoning Code Project Scope Worksheet,” to develop robust and accurate budgets.

Q32. My community applied for and received a Smart Growth Comprehensive Planning Grant in FY 2022. Can we apply for a Smart Growth Zoning Grant this year?

A32. Comprehensive Plans provide the legal foundation for the development of zoning regulations (i.e., local laws or ordinances). Communities that are currently undertaking a comprehensive planning process may apply for a Smart Growth Zoning grant provided that the comprehensive plan has advanced far enough to form the foundation of land use tools like zoning regulations (i.e., ordinance or local law) and the comprehensive plan will be completed prior to the desired start of the zoning code update.