

BROWNFIELD OPPORTUNITY AREA DESIGNATION GUIDANCE



Department of State
Planning, Development
& Community Infrastructure

Guidance for applying to the Secretary of State for a BOA Designation

Background

The Brownfield Opportunity Area (BOA) program was established to provide assistance to municipalities and/or community-based organizations to revitalize neighborhoods affected by the presence of abandoned, vacant, and blighted properties. The planning and implementation strategies developed by communities participating in the BOA program lay the framework to spur revitalization of distressed areas by establishing clear priorities for redevelopment and other actions for community renewal and improved quality of life.

Communities with a BOA Plan (also known as a Nomination) may request designation of that BOA by the Secretary of State. The process and requirements to apply for BOA designation are described below. Designation is contingent on a plan that appropriately reflects community priorities, presents an attainable and realistic plan to promote redevelopment, and is consistent with the applicable provisions of the General Municipal Law, Article 18 - C, Section 970-r.



The former Endicott Johnson Shoe Corporation Victory Building (above), located in the Endicott-Johnson Industrial Spine BOA, has been transformed into a residential apartment complex (below).

Designation Application Process

To request designation of a Brownfield Opportunity Area, a municipality or community-based organization must submit the following materials:

- **Letter of request:** A cover letter from a BOA Program applicant requesting consideration by the Secretary of State for a determination to designate a Brownfield Opportunity Area. In circumstances when the area proposed for designation is located within a town, city, and/or village, a letter of request must be submitted by each such town, city, and village wherein the BOA will be designated.
- **Public Notice and Presentation of Supporting Documentation:** Documentation demonstrating required public participation has been completed, including the following activities:
 - Identification of the interested public and preparation of a contact list.
 - Provision of access to Brownfield Opportunity Area Plan and other designation supporting documents in a manner convenient to the public.
 - Two types of notice: (i) public notice in a conspicuous place like flyers posted throughout municipal buildings (town, village, city halls) and postings on applicant website; and (ii) notice published in a legal newspaper (commonly called legal notice or newspaper notice).

Each type of notice must notify the public of the intent of the municipality (and community-based organization if a partner) to apply for designation of a Brownfield Opportunity Area, and the availability of the Plan and any supporting documents at times and in places that are convenient to the public.

- Documentation showing that the BOA Plan has been available for public comment for at least 30 days at the time of submission for designation.
- **Complete BOA Plan:** A complete electronic version of BOA Plan document that presents a plan for the revitalization of the proposed BOA. Include a cover sheet to indicate the location of the following required elements within the Plan document:
 - **Brownfield Opportunity Area Boundary**
 - A Boundary Map that clearly shows and identifies the location and boundaries of the proposed brownfield opportunity area.
 - **Identified Known or Suspected Brownfield Sites**
 - A map showing each known or suspected brownfield site in the proposed brownfield opportunity area.
 - An inventory, with a summary and analysis of each relevant brownfield, abandoned, and vacant property, including at minimum, location, size and condition, ownership, current ground water conditions, potential contamination issues, existing infrastructure, proximity to existing transportation networks, natural and cultural resources or features, and environmental and land use history.
 - A description of individual known or suspected brownfield sites that, with the consent of the site owner, may be candidates for site assessment funding.
 - **Potential Development**
 - A listing of potential developments anticipated for sites within the BOA proposed by either the current or the prospective owners of such sites;
 - Profiles of strategic sites within the proposed BOA accompanied by thorough descriptions of the associated properties and potential development options. A map identifying these properties shall also be included;
 - A list of local legislative or regulatory actions which may be required to facilitate the redevelopment of the proposed brownfield opportunity area;
 - An analysis, accompanied by a map, that identifies current and anticipated future land uses, including residential, commercial, industrial, recreational or cultural;
 - A map showing the publicly controlled and other developable lands and buildings within the proposed brownfield opportunity area; and
 - Descriptions of reuse opportunities, brownfield redevelopment, necessary infrastructure improvements and other public or private measures (including descriptions of possible remediation strategies), needed to stimulate investment, promote revitalization, support job growth, reduce greenhouse gas emissions, increase climate resilience, enhance community health and environmental conditions, and achieve environmental justice
 - **Community Support**
 - Documentation of community and public outreach methods and techniques used to ensure public participation throughout the course of preparing the BOA Plan and the partners and other interests that have been consulted about the plan.
 - A vision statement and the specific goals and objectives to be achieved, both short term and long term, relative to community redevelopment and revitalization as shaped and expressed by the community.

BOA Submission Instructions

Submit one electronic copy of all materials listed above to:

DOS Brownfield Opportunity Area

BOA@dos.ny.gov

Subject Line: BOA Plan Submission for (BOA name)

