

MEMORANDUM

To: The Town Board of Copake

From: The Comprehensive Planning Committee

Date: July 17, 2008

Re: Comprehensive Planning: Next steps

The Town Board appointed the Comprehensive Planning Committee with the task of creating a Comprehensive Plan for the Town of Copake.¹ The Committee has been meeting twice a month since March 5, 2008.

At the May 29, 2008 meeting of the Committee, a motion was made by Harvey Weber, and seconded by Dr. George Beneke, which proposed that the Committee take steps to hire a consultant to assist the committee with the task of writing a Comprehensive Plan. This motion was passed unanimously by the committee.

The purpose of this memorandum is first, to explain the process by which the Committee reached its conclusion that a consultant is necessary to fulfill the mandate of the Board and second, to request that the Board commit funds for the hiring of a consultant.

The work of the Committee

Early in the existence of the Committee, we realized that before we could commence our work it was imperative that we educate ourselves as to the process of Comprehensive Planning. Accordingly we embarked on our own “training” which included hearing from the following speakers:

- Katherine Daniels— Senior Planner, New York State Planning Federation
- Art Bassin, Chair, Ancram Comprehensive Planning Committee
- Stuart Carduner, Chair, Conservation Resources Committee
- Charles Dodson, Chair, Economic Advisory Board
- Rudy Eschbach, Chair, Amenia Comprehensive Planning Committee

¹ As the Board knows, some of the original members have resigned. The current membership of the committee is: Chair Jeanne E. Mettler, Dr. George Beneke, John Brusie, Stuart Carduner, Hugh Davis, Charles Dodson, Fiona Hutchinson, William F. Kiernan, Jr., Frank Peteroy, Edwin “Skip” Pilch, Roberta Roll and Harvey Weber. Larry Proper is a member who does not attend regular meetings but is available for consultation.

- Larry Brody, Chair, Gallatin Comprehensive Planning Committee
- Marcia Becker, Chair, Copake Planning Board, member Town of Copake Strategic Planning Committee
- Chris Grant, Member, Copake Planning Board; member, Town of Copake Strategic Planning Committee
- Frank Peteroy, Member, Town of Copake Zoning Board of Appeals
- Harvey Weber, Chair, Town of Copake Environmental Committee

Additionally, Harvey Weber, Jeanne Mettler and Roberta Roll, as well as Town Board Liaison Robert Sacks attended four day seminars given by the Land Use Law Center of Pace Law School.² Edwin “Skip” Pilch also attended a one day training and certification course on Land Use presented by the Land Use Law Center. William F. Kiernan, Jr. attended a three day program entitled "Community Wind Energy 2008."³ Frank Peteroy has attended the Kinderhook Watershed meetings on behalf of the Committee and has reported back regarding resources for the preservation of streams and lakes.

The importance of a Comprehensive Plan to Copake

As this Board has already recognized, it is imperative for Copake to develop a new Comprehensive Plan. The Town’s last plan, then called a “Development Plan” was written in 1972.⁴ Though far sighted at the time, it is of course, woefully out of date.

A comprehensive plan, as has been recognized by the highest court in New York State, “is the essence of zoning. Without it, there can be no rational allocation of land use.” Udall v. Haas 21 NY2d 463, 469 (1968). The Court of Appeals further observed:

Where a community, after a careful and deliberate review of ‘the present and reasonably foreseeable needs of the community’, adopts a general developmental policy for the community as a whole and amends its zoning law in accordance with that plan, courts can have some confidence that the public interest is being served. Udall at 470.

Although the law of New York State does not require a town to have a Comprehensive Plan, if there is a plan, ‘all land use regulations must be in accordance with a comprehensive plan’. Town Law §272-a (11). “If a local land use regulation is

² These four day seminars dealt with land use issues including the importance and significance of comprehensive plans. The Land Use Center is a highly respected entity in Land Use education. Harvey Weber, Roberta Roll and Robert Sacks attended a four day seminar given a Columbia Greene Community College which focused on housing issues. Jeanne Mettler attended a seminar given at Norrie Point State Park which focused on the preservation of natural resources.

³ This program focused on bringing economic development, agriculture and wind energy together. Mr. Kiernan attended this program at the Empire State Plaza in Albany and also visited a community owned wind project in Massachusetts.

⁴ The 1972 plan was prepared by Murphy & Kren Planning Associates, Inc.

challenged, a written, up to date comprehensive plan provides the court with the necessary information on which to base its decision.”⁵

A comprehensive plan, therefore, will not only give Copake a roadmap for the future, but will have far reaching legal ramifications. The Plan must be carefully prepared; it must reflect the desires and opinions of the people in Copake, but it will also be the measuring stick against which a Court will judge the validity of our zoning laws.

A properly created and written comprehensive plan is also a prerequisite to most of the grant allocations the Town of Copake should be seeking as it plans for its future – grants for such initiatives as downtown revitalization, farmland preservation, revitalization and revisioning of agriculture, and natural resources protection.

The need for a professional consultant

A comprehensive plan is of little use to a town unless it includes strategies which will insure that its visions will be achieved. A comprehensive plan must be a roadmap for future growth, and a blueprint for meaningful zoning revision. If the zoning laws of a town are challenged in court, the Court will look to the comprehensive plan in decide if the zoning laws are valid. If the Court sees that the local zoning laws are consistent with the Comprehensive Plan, the Court is more apt to uphold the zoning law.

After meeting with representatives from other nearby towns which are at various stages of the comprehensive planning process and after studying the comprehensive plans of many New York towns of comparable size, the committee has unanimously concluded that in order to achieve a plan which is both effective and reliable, it is imperative to engage the services of a professional planner.

A comprehensive plan is typically fifty to eighty pages long⁶. Although the State does not mandate the adoption of a plan, if a plan is adopted, **Section 272-a, subdivision three of** the Town Law suggests the inclusion of fifteen elements, i.e.:

- (a) General statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range enhancement, growth and development of the town are based.
- (b) Consideration of regional needs and the official plans of other government units and agencies within the region.
- (c) The existing and proposed location and intensity of land uses.

⁵ “Gaining Ground: a Training Book for Land Use Leaders” Starting Ground Series, Land Use Law Center, Pace Law School, page 15

⁶ For instance, the Amenia Plan is 87 pages, Germantown’s plan is 73 pages, and the Tivoli plan is 50 pages exclusive of the bibliography.

- (d) Consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas.
- (e) Consideration of population, demographic and socio-economic trends and future projections.
- (f) The location and types of transportation facilities.
- (g) Existing and proposed general location of public and private utilities and infrastructure.
- (h) Existing housing resources and future housing needs, including affordable housing.
- (i) The present and future general location of educational and cultural facilities, historic sites, health facilities and facilities for emergency services.
- (j) Existing and proposed recreation facilities and parkland.
- (k) The present and potential future general location of commercial and industrial facilities.
- (l) Specific policies and strategies for improving the local economy in coordination with other plan topics.
- (m) Proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the comprehensive plan.
- (n) All or part of the plan of another public agency.
- (o) Any and all other items which are consistent with the orderly growth and development of the town.⁷

The experience of other towns

All of the towns we contacted or studied used the services of a professional.⁸ We learned that even with a consultant, the entire process can take anywhere from two

⁷ The language quoted above, items “a” through “o”, are taken verbatim from Town Law §272-a (3).

⁸ A wide range of plans can be read at our Committees website, which can be found at <http://copakecompplan.googlepages.com/home>. Ancram is currently using a consultant; Amenia and Tivoli use a consultant, Chatham and Gallatin used consultants; indeed we reached out to Patrice Perry of the Columbia County Planning Department who told us, at least anecdotally, that she could not think of a single town in Columbia County who had written a comprehensive plan without the assistance of a consultant.

years to four years.⁹ The representatives from comprehensive planning committees from neighboring towns advised us that they could not imagine having done this task without the experience and expertise of a consultant.

CONCLUSION

We have concluded the first phase of our work as a committee, which consisted of educating ourselves as to the process and substance of a comprehensive plan. We have concluded as a committee:

- 1) That it is critical to the future of Copake that an effective Comprehensive Plan be developed and adopted, and
- 2) It will be impossible to create such a plan without the assistance of a professional consultant.

Our research shows that we can expect the fees for a consultant to be in the range of \$60,000. (Of course, we will do everything we can to obtain the needed assistance for less; then again it may cost a bit more. We will also do everything we can to obtain grant assistance.)

Working with a consultant we can aim to complete the comprehensive plan in twenty four months. The following table demonstrates how the money would be expended over three years, i.e. 2008- 2010.

BUDGET YEAR	AMOUNT REQUESTED
2008	15,000 (Already allocated)
2009	30,000
2010	15,000

⁹ The Amenia Comprehensive Planning Committee took four years, even though they met once a week.

Grants to subsidize the expense for the town

We have created a subcommittee to explore the availability of grants to help with the expense of the Comprehensive plan. Our review of other towns indicates that all towns have secured at least some grant money. The grants we have identified should permit us to cover up to 50% of the cost. These grants require matching funds from the municipality. We will select a consultant who will help us to secure grants to finance this project.

We have developed an RFP, and are prepared to commence a search for a consultant. Accordingly, we are requesting that the Board approve the necessary funds to support the hiring of a consultant to assist this Committee in the preparation of a Comprehensive Plan.