



CAPITAL DISTRICT  
**Regional  
Planning  
Commission**



# CDRPC and NYPF Local Government Workshop

Wednesday, October 23, 2019  
HVCC Bulmer Telecommunications Center  
8:30 am – 4:30 pm

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- NYS Department of Environmental Conservation
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- Hudson Valley Community College
- Capital District Transportation Committee
- NYS Energy Research and Development Authority
- American Planning Association NY Upstate Chapter
- Whiteman Osterman & Hanna
- Barton and Loguidice
- Hudson River Estuary Program
- Municipal Electric & Gas Alliance
- NY Green Bank

## Workshop Agenda At-A-Glance

- 8:30 am Registration and Networking
- 9:00 am **Plenary: Mock Planning and Zoning Board (CM 1)**
- 10:15 am Coffee Break sponsored by Bergmann & Associates
- 10:30 am Concurrent Session #1

Auditorium	Meeting Room 1	Meeting Room 2	Meeting Room 3
Planning and Case Law Update (CM Law 1.5)	The Power of Aggregation: Group Residential Electricity Purchasing (CM 1.5)	New DEC Online Interactive Mappers (CM 1.5)	Active Transportation and Stormwater Management (CM 1.5)

12:00pm Lunch

1:00pm Concurrent Session #2

Auditorium	Meeting Room 1	Meeting Room 2	Meeting Room 3
Ethical Considerations in Planning and Zoning Decision-Making (CM 1.5)	NYSStretch Energy Code: A Tool for Meeting Your Community's Climate Goals (CM 1.5)	NYSDEC Drinking Water Source Water Protection Program (CM 1.5)	"You lost now what.... How to Make Your Grant Fundable!" (CM 1.5)

2:30 pm Break

3:00pm Concurrent Session #3

Auditorium	Meeting Room 1	Meeting Room 2	Meeting Room 3
State Environmental Quality Review (SEQRA) Overview (CM 1.5)	Electric Vehicle Readiness in the Capital District (CM 1.5)	MS4101 Clean Water Basics and all those Stormwater Permits - Where do YOU fit in? (CM 1.5)	Smart Growth & Infill Development Considerations and Strategies (CM 1.5)

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American Planning Association  
**New York Upstate Chapter**

*Creating Great Communities for All*



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## Session Details

9:00 am Plenary Session

**Mock Planning and Zoning Board Meetings Moderated by:** Judith Breselor, AICP, Executive Director, New York Planning Federation

CM | 1

10:30am Concurrent Session #1

**Planning Case Law Update:** This workshop will focus on recent judicial decisions that are relevant and useful to Planning and Zoning Boards and professional planners in deciding to approve or disapprove projects. In addition, it will provide up-to-date information on how the state and federal courts are ruling on land use issues. **Presented by:** Genevieve M. Trigg, Esq. and Charles J. Gottlieb, Esq., Whiteman Ostermann & Hana

CM | 1.5 | Law

**The Power of Aggregation: Group Residential Electricity Purchasing:** In April of 2016 New York State authorized Community Choice Aggregation (CCA), a program that allows municipal governments to facilitate the group purchase of energy for their constituents. With two large and two small existing CCA Programs, the CCA market in NYS continues to grow. Motivated by better rates, consumer protections and access to renewable electricity, a group of municipalities in the Capital Region are currently exploring CCA. Come and learn about the "Power of Aggregation" and what happens when CCA creates a community-wide conversation about electricity. **Presented by:** Louise Gava, CCA Project Leader, MEGA (Municipal Electric & Gas Alliance)

CM | 1.5

**New DEC Online Interactive Mappers:** This session will introduce two new online interactive mappers available from the NYS Department of Environmental Conservation (DEC): DECinfo Locator and the Hudson Valley Natural Resource Mapper. Launched to the public in July, DECinfo Locator is an interactive mapper with more than 50 interactive data layers, allowing users to download permits, view former industrial site cleanup plans, see water quality reports and much more, based on where they live, work, or play. The Hudson Valley Natural Resource Mapper was launched in 2018 and contains over 30 interactive data layers identifying important habitats, water resources, and scenic and recreation areas in the 10-county Hudson River Estuary watershed. Presenters will provide live demos of both mappers highlighting layout and functions, as well as applications for local planning. Come learn all the capabilities of these new tools and how DEC is increasing access to its public information. **Presented by:** Scott Donnelly, Public Information Specialist, NYSDEC Office of Communication Services and Ingrid Haeckel, Conservation and Land Use Specialist, NYSDEC Hudson River Estuary Program/Cornell

CM | 1.5

**Active Transportation and Stormwater Management:** This session will describe the importance of active transportation design as it relates to mobility, neighborhood safety, environmental conservation, economic development, and stormwater management among other topics. An overview of active transportation principles will be discussed followed by case studies in Brighton, NY and Albany, NY. The implementation of such principles allows local municipalities to achieve numerous societal, economic, and environmental outcomes simultaneously. **Presented by:** Thomas Robinson, RLA, LEED AP - Sr. Managing Landscape Architect - Barton & Loguidice, DPC and Robert J. Murphy, Jr., AICP - Project Land Use Planner - Barton & Loguidice, DPC

CM | 1.5

1:00 pm Concurrent Session #2

**Ethical Considerations in Planning and Zoning Decision-Making:** An interactive discussion of the legal and ethical issues involved in the decision-making process of planning boards and ZBAs. **Presented by:** Mark Schachner Esq., Miller, Mannix, Schachner and Hafner, LLC

CM | 1.5 | Ethics

**NYStretch Energy Code: A Tool for Meeting Your Community's Climate Goals:** NYStretch is a model code for New York jurisdictions to use to meet their energy and climate goals by accelerating the savings obtained through their local building energy codes. Learn about this readily adoptable local energy code, its benefits and economics, and the tools and resources available to support your community through the adoption process. NY Green Bank is a State-sponsored, specialized financial entity working with the private sector to increase investments into New York's clean energy markets, creating a more efficient, reliable and sustainable energy system.

CM | 1.5

We will also discuss how the Green Bank is a cost-effective and complementary component of New York State's portfolio of clean energy programs. We work with clients and counterparties to address and alleviate specific gaps and barriers in current clean energy capital markets through a variety of approaches and transaction structures. Since inception, NY Green Bank has utilized innovative approaches to financing structures to mobilize clean energy activity and private capital in New York State, reducing the need for further ratepayer funding. **Presented by:** Marilyn Dare, Senior Project Manager, Energy Codes – NYSERDA and Caroline Dunn, NY Green Bank Associate, Investment & Portfolio Management Team

**NYSDEC Drinking Water Source Water Protection Program:** New York State is launching an initiative to provide municipalities with resources and tools to proactively protect their drinking water sources. The New York State Department of Environmental Conservation (DEC) and Department of Health (DOH), in consultation with the Department of State (DOS) and Department of Agriculture and Markets (DAM), are building a comprehensive, statewide, sustainable Drinking Water Source Protection Program (DWSP2). The goal is to help municipalities develop and implement a drinking water source protection plan for the source of their drinking water. The State will assist municipalities with understanding the risks to their drinking water sources and what protection actions might be appropriate. **Presented by:** Kristin Martinez, Environmental Program Specialist, Department of Environmental Conservation and Noreen Gallagher, Environmental Analyst Department of Health

CM | 1.5

**"You lost now what.... How to Make Your Grant Fundable!":** Did you LOSE your last grant application? Are you frustrated that your community's most pressing needs can't secure funding? This presentation is packed with concrete advice that can put your community in contention to win funding in the next round.

CM | 1.5

- Develop a project that both meets the needs of your community AND provides the funding agency with
- an investment opportunity that will help them meet THEIR goals,
- Demonstrate project readiness to set your community's application apart from the competition, and
- Thoroughly document project funding viability

**Presented by:** Ben Syden, VP, AICP, Vice President, Laberge Group, Nicole Allen, Planning Services Manager, AICP, Laberge Group

3:00 pm Concurrent Session #3

**State Environmental Quality Review (SEQRA) Substance and Procedure:** At this session we will discuss: classifying the action; lead agency determination; negative and positive declarations; EAs and EISs; significant adverse environmental impacts, and mitigation; public hearings; and preparation of environmental findings. The session will also review recent SEQRA updates and best practices for municipal boards. **Presented by:** Aaron Werner, AICP, Nina Peek, AICP, and Peter Feroe, AICP of AKRF, Inc.

CM | 1.5

**Electric Vehicle Readiness in the Capital District:** This presentation will demonstrate how electric vehicle planning efforts have made the Capital District one of the most EV-Ready regions in New York State. CDCC and CDTC's 2019 Zero Emission Vehicle Plan will outline how communities and fleets can support existing and future EVs, what electrification of the transportation system could look like, and how the plan fits into the goals of the New York State Climate Leadership and Community Protection Act, as well as local greenhouse gas emission reduction goals. Also discussed will be available opportunities for communities to install EV infrastructure, including grants and technical assistance through NYSERDA's Clean Energy Communities Program. **Presented by:** Jennifer Ceponis, Coordinator/Sr Transportation Planner, Capital District Clean Communities/ Capital District Transportation Committee, Jacob Beeman, Co-Coordinator/Transportation Planner, Capital District Clean Communities / Capital District Transportation Committee, and Tara Donadio, NYSERDA Clean Energy Communities Outreach Coordinator, CDRPC

CM | 1.5

**MS4101 Clean Water Basics and all those Stormwater Permits - Where do YOU fit in?:** This session will explain the overall framework of the Clean Water Act as it relates to infrastructure and three Stormwater General SPDES Permits. The respective roles of municipal staff and officials, either elected or appointed will be explained along with suggested action steps MS4/municipalities can take to improve implementation. **Presented by:** Nancy Heinzen, Director, Stormwater Coalition of Albany County

CM | 1.5

**Smart Growth & Infill Development Considerations and Strategies:** Many Capital Region communities are exploring and embracing the concept of smart growth. From large to small, municipalities are seeking ways to revitalize existing downtowns and urban areas through infill development; allowing increased density to create community centers. This strategy requires robust community planning and in-depth analysis to examine potential impacts to residents, nearby business, transportation, and infrastructure systems. In addition to analysis and community input techniques, this program will explore a wide variety of land use and economic development tools that are required implement smart growth principles in your community. **Presented by:** Paul W. Cummings, AICP, LEED AP, Senior Planner, The Chazen Companies

**CM | 1.5**

## Speaker Bios

### **Nicole Allen, Planning Services Manager, AICP, Laberge Group**

Ms. Allen is a seasoned manager with 20 years of experience in developing and managing a wide range of planning projects and has overseen the successful procurement and administration of over \$65 million in grant funding for communities across New York State. In addition to overseeing the grant process from concept to completion, Ms. Allen is often looked upon for identifying funding sources and opportunities.

### **Jacob Beeman, Co-Coordinator/Transportation Planner, Capital District Clean Communities / Capital District Transportation Committee**

Jacob graduated from the University of Albany with a Masters in Regional Planning in 2016 and has been a Transportation Planner with the Capital District Transportation Committee since September 2017. Jacob manages CDTCs Performance Based Planning and Infrastructure programs and Co-Coordinates in Capital District Clean Communities Coalition activities.

### **Judith Breselor, AICP, Executive Director of the New York Planning Federation**

Judy serves on the boards of CDRPC, Hudson Valley Community College and the Commission on Economic Opportunity. She has been actively involved in planning and zoning education and was the previously the Chair of the Town of Sand Lake Zoning Board of Appeals. She had also served as the Rensselaer County Legislator representing the towns of Sand Lake, Schodack and Nassau.

### **Jennifer Ceponis, Coordinator/Sr Transportation Planner, Capital District Clean Communities/ Capital District Transportation Committee**

Jennifer is a Senior Transportation Planner with the Capital District Transportation Committee, where she has worked since 2008. Jen is also the Coordinator of Capital District Clean Communities (CDCC), a government/industry partnership through the U.S. Department of Energy's Clean Cities program whose mission is to support local decisions to reduce the use of petroleum fuels in transportation, and the Chair of the NYS MPO Climate Change Working Group. Most recently she has been involved in the development of the Capital District Trails Plan, the Capital District EV Charging Station Plan, developing travel demand and bicycle/pedestrian safety initiatives and managing CDTC's Smart Communities program.

### **Paul W. Cummings, AICP, LEED AP, Senior Planner, The Chazen Companies**

Mr. Cummings professional background focuses on community and environmental planning, public participation, and data analysis techniques. He has led and performed a wide variety of planning and development projects ranging from comprehensive, natural resources, and transportation planning, as well as community revitalization and economic development initiatives. Mr. Cummings is experienced with many funding programs and project implementation strategies. He is also well-versed in land use law and the environmental review process. He is skilled in public participation and using a number mapping, visualization, and data management technologies. Mr. Cummings is AICP and LEED AP certified and has trained at the National Charrette Institute (NCI).

### **Marilyn Dare, Senior Project Manager, Energy Codes - NYSERDA**

Marilyn Dare has worked at NYSERDA for 21 years promoting market transformation and energy efficiency in the commercial and industrial sectors. As a Senior Project Manager in the Codes team, Marilyn's responsibilities include program design and activities to encourage and facilitate the development and adoption of stretch energy and stretch-to-zero codes. She is a Certified Energy Manager and is Lighting Certified through the National Council on Qualifications for the Lighting Professions (NCQLP).

**Tara Donadio, NYSERDA Clean Energy Communities Outreach Coordinator, CDRPC**

Tara Donadio is a Sustainability Planner for the Capital District Regional Planning Commission. She is a coordinator for the Capital Region under the Clean Energy Communities Program (CECP) where she encourages local and regional adoption of energy efficiency and clean energy technologies and policy-making. Tara previously worked in the Southern Tier for the CECP, and as a program director at an environmental non-profit that helped businesses achieve their sustainability goals.

**Scott Donnelly, Public Information Specialist, NYSDEC Office of Communication Services**

Scott is a Public Information Specialist with the New York State Department of Environmental Conservation's Office of Communications. He was previously a journalist and came to the DEC in February, primarily to become project lead for DECinfo Locator.

**Caroline Dunn, NY Green Bank Associate, Investment & Portfolio Management Team**

Caroline supports the origination, evaluation, and execution of scalable clean energy and efficiency project investments across New York State. Previously, Ms. Dunn was a Process Design Engineer at ExxonMobil. Ms. Dunn holds a Master of Business Administration degree from Harvard University and a Bachelor of Science degree in Chemical Engineering from the University of Virginia.

**Peter Feroe, AICP, Senior Technical Director - AKRF, Inc.**

Mr. Feroe works for public and private clients on land-use planning, zoning, master planning, comprehensive planning, environmental reviews and GIS-based mapping. Peter manages some of the firm's most complex assignments involving multi-jurisdictional geographic boundaries, overseeing teams of consultants and multi-agency review. Through his diverse project portfolio, he has emerged as a skilled navigator of the SEQRA process from both the municipal and private sector perspectives. Peter is a member of the American Institute of Certified Planners (AICP) and serves as the Hudson Valley East representative for the American Planning Association's (APA) New York Metro Chapter.

**Louise Gava, CCA Project Leader, MEGA (Municipal Electric & Gas Alliance)**

Louise is the CCA Project Leader for the Municipal Electric & Gas Alliance (MEGA). In her four years with MEGA she has played a critical role in the development of New York State's Community Choice Aggregation (CCA) regulations and CCA Program implementation. Louise has experience educating and supporting municipalities, public and private educational institutions and residents in decisions related to energy procurement and renewable energy development. Before joining MEGA, Louise was the Sustainability Coordinator for St. Lawrence University for eight years.

**Noreen Gallagher, Environmental Analyst Department of Health**

Noreen Gallagher works at the Department of Health in the Bureau of Water Supply Protection. She joined the Department in June 2019. Noreen coordinates with regional DOH staff, LHDs and municipalities to develop source water protection strategies and implementation at the local level. She currently is working with staff from DOH and DEC to develop resources for the Drinking Water Source Protection Program.

**Charles J. Gottlieb, Esq.**

Charles Gottlieb is a member of Whiteman Osterman & Hanna's Real Estate Development, Zoning and Land Use; Environmental; Municipal; and Energy Telecommunications practice groups. His expertise is in representing residential and commercial developers, religious institutions, non-profit organizations and public utility infrastructure companies to

obtain needed land use and environmental permits. Prior to joining the Firm, Charles was an associate attorney at Cuddy & Feder, LLP in Westchester County and previously served as a legal intern for the New York State Department of Environmental Conservation.

**Ingrid Haeckel, Conservation and Land Use Specialist, NYSDEC Hudson River Estuary Program/Cornell**

Ingrid is a Conservation and Land Use Specialist at the New York State Department of Environmental Conservation's Hudson River Estuary Program through a partnership with Cornell University Department of Natural Resources. Since 2013, she has provided training programs, tools, and technical assistance to Hudson Valley community leaders to promote conservation of important natural areas and habitat. She is project lead for the Hudson Valley Natural Resource Mapper.

**Nancy Heinzen, Director, Stormwater Coalition of Albany County**

The Stormwater Coalition of Albany County was formed in 2008 via an intermunicipal - memorandum of understanding signed by 12 regulated MS4/municipalities. Nancy has guided Coalition-type work for thirteen years and helped implement a variety of collaborative projects related to public education, public participation, outfall inspections, system mapping, Construction Activity Permit oversight, and facility self-audits. She has participated in 10 NYSDEC and 4 EPA MS4 Permit Audits, plus applied for and managed multiple NYSDEC WQIP stormwater related grants. She has a Masters in Secondary Education and a Masters in Geography, both from the University at Albany-SUNY and an undergraduate Biology degree from Reed College in Portland, Oregon.

**Kristin Martinez, Environmental Program Specialist, Department of Environmental Conservation**

Kristin joined the Department in June 2018. Her responsibilities include assisting with: Development of the State's Drinking Water Source Protection Program (DWSPP); and Managing land acquisition grants for source water protection under DEC's Water Quality Improvement Project (WQIP) program.

**Robert J. Murphy, Jr., AICP - Project Land Use Planner - Barton & Loguidice, DPC**

Robert J. Murphy, Jr. AICP Project Land Use Planner with Barton & Loguidice, DPC. Mr. Murphy specializes in municipal grant writing, comprehensive planning, neighborhood and corridor master planning, focusing on economic and community development. Currently in his 7th year with B&L, Mr. Murphy received a B. S. in Management from Rensselaer Polytechnic Institute in Troy, NY in 2009 and a M. A. in Urban and Regional Planning from the University of Florida in Gainesville, FL in 2011.

**Nina Peek, AICP, Vice President, Hudson Valley Office Director - AKRF, Inc.**

Nina is a land use and environmental consultant specializing in community planning and public engagement. As a Vice President in AKRF's Environmental Services Group and Director of AKRF's Hudson Valley Office, Nina works with public and private sector clients, leading public engagement and community participation initiatives, preparing Master Plans and Comprehensive Plans; Recreation Plans and Farmland Protection Plans, and leading environmental impact review processes for small and large development, rehabilitation and reuse assignments. Over the course of her 25 year career, Ms. Peek has managed land planning, design, permitting, infrastructure and construction projects, which support the sustainable development of the Hudson Valley. Ms. Peek currently serves as the Immediate Past President of the New York Planning Federation, a non-for profit organization that promotes sound planning, land use and zoning practice in New York State and is a former Chairperson of the Town of Amenia Planning Board.

**Thomas Robinson, RLA, LEED AP - Sr. Managing Landscape Architect - Barton & Loguidice, DPC**

Tom has over 20 years of professional project experience in landscape architecture, community planning, and project management. Areas of focus include active transportation systems, innovative applications of green infrastructure and sustainable site design. Tom's projects emphasize the integration of natural systems into the built environment with the aim of providing measurable positive outcomes. Through an extensive network of community partnerships, Tom's work advances the philosophy that even small projects can address big issues.

### **Mark Schachner Esq., Miller, Mannix, Schachner and Hafner, LLC**

Mark Schachner, Esq. is the Senior Principal Attorney of Miller, Mannix, Schachner & Hafner, LLC in Glens Falls and Round Lake. While the firm maintains a general practice of law, Mr. Schachner's efforts are concentrated in the areas of municipal, environmental, land use and planning/zoning law. Mr. Schachner and his colleagues represent numerous municipalities in Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington Counties. He also serves as Counsel to the Saratoga County Water Authority, the Gloversville-Johnstown Joint Sewer Board, the Adirondack Association of Towns and Villages and Glens Falls Open Door Mission. His practice includes extensive participation in regulatory proceedings before the New York State Department of Environmental Conservation, Adirondack Park Agency and Lake George Park Commission.

### **Ben Syden, VP, AICP, Laberge Group**

Mr. Syden has 25 years of experience with New York State municipalities in the areas of economic and community development, agri-business development and financing, government efficiency, land use regulations, downtown revitalization, comprehensive planning, corridor management, program development, and grant writing and management. Mr. Syden has overseen the development of over 140 community planning projects and has assisted clients in securing over \$240 million in funding.

### **Genevieve M. Trigg, Esq.**

Ms. Trigg has been with Whiteman Osterman & Hanna since 2013. Since then, she has significant experience advising municipal boards on a variety of land use applications and procedure, procurement issues, SEQRA compliance, real estate transactions and board governance, among other matters. Ms. Trigg routinely assists clients in obtaining governmental permits and approvals from State and federal agencies and counsels clients subject to State and federal enforcement actions. In addition, she assists private sector clients on land use, real estate and environmental matters including, without limitation, zoning analysis, real property transactions, and preparing environmental institutional controls and negotiating enforcement proceedings with the NYSDEC.

### **Aaron Werner, AICP, Technical Director - AKRF, Inc.**

Mr. Werner has more than 15 years of experience preparing and critically reviewing various planning documents, Environmental Impact Statements, Phase I Environmental Site Assessments for real estate transactions, and Phase II subsurface investigations. As a former Director of Environmental Planning at the NYC Department of Housing Preservation and Development (HPD), Aaron was responsible for ensuring compliance with city, state and federal environmental requirements for New York City's ambitious affordable housing pipeline. In addition to City and State Environmental Quality Review (CEQR/SEQRA), he has a thorough understanding of the U.S. Department of Housing and Urban Development's (HUD) environmental standards and requirements as they relate to both the rehabilitation and new construction of housing.



**HeatSmart Capital Region is a grassroots community initiative that supports residents and businesses in exploring ways to improve how they heat and cool their buildings.**

For more information see: [www.heatsmartcapitalregion.com](http://www.heatsmartcapitalregion.com)