



January 9, 2007

The Honorable Eliot L. Spitzer
Governor of New York State
State Capitol
Albany, NY 12224

Dear Governor Spitzer:

The NY Metro Chapter of the American Planning Association is pleased to offer our congratulations and support for your new administration, and we look forward to assisting you in confronting the challenges now facing New York State.

Our Chapter represents 1,200 practicing planners and policy makers involved in the planning and design of the region's communities and is part of the American Planning Association with a national membership of 41,000. Our members work on myriad issues and projects related to the physical, social and economic environment in the New York City metropolitan region which includes New York City, Long Island (Nassau and Suffolk Counties) and the Hudson Valley (Rockland, Westchester, Putnam, Orange, Dutchess, Ulster and Sullivan Counties).

As a professional, educational, and advocacy organization, we offer the following recommendations on selected planning, infrastructure and redevelopment issues and we urge that these become part of your agenda. The Chapter and its members also offer our assistance and participation to your administration on your Smart Growth Advisory Panel and in any other area where our expertise could be useful.

Environment

- After decades of mounting scientific evidence demonstrating the environmental crisis we all face, promoting environmental sustainability must be high on any planning agenda. Although terms such as “environmental sustainability,” “green design,” “high performance,” and others are often discussed, several barriers remain that prevent the implementation of sustainable practices and projects. Your administration should give top priority to programs and pilot projects that show how to promote environmental sustainability. New environmentally sustainable practices are often in conflict with conventional engineering standards and regulations. Too many state regulations still appear to favor older and often outmoded development practices, and it is difficult to obtain

The Honorable Eliot L. Spitzer
Governor of New York State
January 9, 2007
Page 2 of 5



approvals for new, innovative approaches. The Governor can seek to change this old-line thinking by establishing programs within the Department of Environmental Conservation, Department of State, and the Department of Transportation to encourage pilot projects that demonstrate environmental sustainability that would foster new methods of planning, design and construction. Furthermore, post-construction testing and monitoring of these developments would show how sustainable developments can be feasible, efficient and cost effective.

- With so many large, important projects either in the planning and design stage or beginning construction, your administration should set a policy that requires all major capital projects that receive funding through a state agency, such as the Empire State Development Corporation, to meet or exceed the US Green Building Council's Leadership in Energy and Environmental Design (LEED) certification or equivalent standards for environmental sustainability.
- We recommend that you increase support to alternative energy production within New York State by streamlining the environmental approval process for such projects. This may be achieved by creating a state control board that is solely responsible for overseeing the planning and development of renewable, sustainable energy sources.
- Despite the comprehensive revision of the Brownfields Program in 2003, New York remains one of the most difficult states to perform site remediation and redevelopment. Your administration, particularly through DEC, can take the lead in effecting flexible use-based standards, liability relief for innocent parties in the chain-of-title and ensuring that financial assistance programs, such as the Revolving Loan Fund, remain fully staffed.

Parklands

- While public/private park partnerships have been successful in improving open spaces in the metro area, there simply is not enough public money set aside to adequately fund the maintenance and operation of all parks, and not enough private funding to make up the difference. We believe additional state funding should be allocated for the long-term maintenance and operations of public parklands.

The Honorable Eliot L. Spitzer
Governor of New York State
January 9, 2007
Page 3 of 5



- Your administration should seek to increase funding to create regional parklands. For example, the Hudson River Greenway, extending for the entire length of the Hudson River, would provide a great opportunity for regional recreation.
- The Hudson River Park is experiencing damage to its infrastructure due to significant wakes generated by ferry traffic along the river. The Park has already eliminated certain waterfront improvements due to wake damage. We recommend that your administration explore methods of wave attenuation in order for the park to fully accommodate present and future maritime functions.
- We further suggest proposing an amendment to the Hudson River Park Act to allow dredging within the park boundary to create a significant marina for historic or leisure boating/sailing along most of the Hudson River Park. Current depths prohibit even small boats from utilizing the facility.

Transportation

- We recommend your administration consider implementing congestion-based pricing of the regional roadway network, with funds dedicated to maintaining existing roads, but also expanding public transit and non-motorized modes.
- Your administration should implement state-wide “Complete Street” policies that give equal prominence to alternate modes of transportation. These policies should be mandated for all roadways under state jurisdiction and recommended for all other roadways. New York State could follow the example of the State of Massachusetts Highway Department, and their recent publication, “Project Development and Design Guide” (2006). These policies should be implemented with the completion of the Verrazano-Narrows Bridge pedestrian and bicycle path, among others.
- Policies for the allocation of transportation funds should offer incentives for programs that reduce the number of Vehicles Miles Traveled and decrease the proportion of single occupancy vehicle trips.

The Honorable Eliot L. Spitzer
Governor of New York State
January 9, 2007
Page 4 of 5



- We believe that recurring expenditures of state-owned transportation systems should only be paid from annual operating budgets. Additional debt should only be incurred to finance capital improvements or system expansion.
- In consultation with regional planning organizations, such as the New York Metropolitan Transportation Council, emphasis should be placed on those policies and programs that benefit the full Tri-State region, regardless of state boundaries. The mechanisms that support regional planning should be strengthened.
- We recommend the regionalization of the transit network so that riders may travel throughout the Tri-State Area with a consistent fare structure and a minimum of transfers. A unified fare card or pass that could be used on all MTA and New Jersey Transit routes would further this goal. A possible pilot project could be operating Long Island Rail Road dual-mode locomotives through Penn Station to destinations in New Jersey and running NJ Transit electrically-powered rolling stock to points in Westchester and Connecticut.

Rebuilding and Development of the World Trade Center Site

- For the last six years, the APA NYMetro Chapter has been an active participant in all the civic efforts to contribute to the rebuilding of Ground Zero and for the growth of Lower Manhattan. We are founding members of the coalition organizations, New York New Visions and Civic Alliance. We offer some site-specific recommendations here:
 - consider working with the Port Authority on the amount of floor area on the site by eliminating the questionable Freedom Tower, or at a minimum, consider delaying construction of the Freedom Tower to a later phase of development, after some of the lower buildings are established and the market is determined;
 - adopt design guidelines that ensure the highest architectural quality and a coordinated urban design approach with emphasis on the public realm;
 - consider prohibiting charter and tour busses from the immediate vicinity of the site and encouraging the use of clean transportation options;

The Honorable Eliot L. Spitzer
Governor of New York State
January 9, 2007
Page 5 of 5



- reconsider the current proposal for the performing arts center and, instead, explore the option of placing a theater within one of the commercial buildings;
- build the Memorial as quickly as possible;
- ensure that there is adequate funding for the construction and operation of the Memorial Museum and that the “Survivor’s Staircase” on Vesey Street be preserved.

Eminent Domain and the “Kelo” Decision

- Opposition to the Supreme Court’s decision on *Kelo v. City of New London* has inspired a number of reactive legislative proposals in at least 38 states, including New York. We would support revisions to the Eminent Domain Procedure Law that would require greater public participation, earlier notice to affected property owners and a means of dispute resolution regarding the amount of compensation. However, we would ask that you reject legislation that categorically forbids the use of eminent domain (or the use of specific funds for that purpose) for broadly defined “economic development.”

We reiterate that we greatly look forward to working with you and members of your staff in implementing what we believe will be a bold and exciting administration. We will make ourselves available to help you and your administration in every way that we can to provide technical assistance and support on policy issues.

Very truly yours,

Ethel Sheffer, AICP
Chapter President

cc: Peter Pope, Policy Director
Office of the Secretary to the Governor
State Capitol, Albany

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