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New York Land Use System Opinion Survey

Alistair M. Hanna*

I. A National Context for the New York Land Use Opinion Survey

Not long after the upheaval in South Central Los Angeles, McKinsey & Company¹ was contacted by the Land Use Law Center of Pace University School of Law to discuss conducting an analysis of the land use system in New York State. At that time, McKinsey was working with Peter Ueberroth, co-chair of the Rebuild L.A. Consortium, to develop a strategy for rebuilding the South Central Los Angeles inner-city area.² These places — New York and Los Angeles — and these subjects — land use law and inner-city riots — sound unrelated, but they are not.

The land use system in California is partly responsible for the conditions in South Central Los Angeles. Like many urbanizing areas, the Los Angeles metropolitan region is experiencing urban sprawl, "the sporadic pattern of growth by which close-in, more expensive land surrounding the urban core is withheld from development, while less expensive land — often scattered in isolated locations on the urban fringe — is developed."³ This phenomenon is clearly demonstrated by the following statistics: in the Los Angeles area, between 1970 and 1990, while the population increased only by twenty-five percent, the

* Director of McKinsey & Company in Stamford, Connecticut; B.S., Ph.D., Queens University (Belfast, Northern Ireland); M.B.A., Harvard Business School.

1. Internationally known management consulting firm dedicated to helping the leaders of major institutions achieve lasting and beneficial change in their organization's performance.

2. "What we witnessed in Los Angeles was the consequence of a lethal linkage of economic decline, cultural decay, and political lethargy in American life. Race was the visible catalyst, not the underlying cause." CORNEL WEST, *RACE MATTERS* 1 (1993).

3. *HOUSING FOR ALL UNDER LAW 9* (Richard P. Fishman ed., 1978.) (footnote omitted).

land dedicated to development increased by 200%.⁴ Similarly, in the New York metropolitan area, during that same period, the population increased by eight percent, while land development increased by sixty-five percent.⁵

In these metropolitan areas, jobs and housing are being created in places far removed from central cities. So, while economic opportunity, tax ratables and affluent households are accommodated in the suburbs, little remains in the center.⁶ The poverty and hopelessness engendered by this economic disinvestment fueled the riots that took place in South Central Los Angeles following the verdict in the Rodney King trial.⁷

The land use system is also implicated in the problems of rural and suburban communities. In these areas, low density development spread over large land masses contributes to the disappearance of farmland and wetlands, threatens natural resources, and frustrates the development of cost-effective public transportation systems. These conditions, as well as those experienced in inner cities, are by-products of land use policies and other government initiatives that allow, if not encourage, urban sprawl.

McKinsey agreed to conduct an opinion survey, seeking from those involved with land use in New York State an overall

4. Eighteen of the nation's twenty-five largest cities in 1950 suffered a net loss of population over the next three decades, a circumstance which many observers have taken as the most compelling evidence that our cities are dying. By contrast, during the same years the independent suburbs of the United States gained more than 60 million persons.

KENNETH T. JACKSON, *CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES* 283 (1985).

5. Henry R. Richmond, *Saving Our Cities*, DEVELOPMENTS, THE NATIONAL GROWTH MGMT. LEADERSHIP PROJECT NEWSL. (Nat'l Growth Mgmt. Leadership Project, Portland, Or.), Sept. 1992, at 10-14.

6. It is "estimated that an investment of about \$6 billion and the creation of 75,000 to 94,000 jobs are needed to heal inner-city" Los Angeles. Calvin Sims, *Corporate Vows to Aid Poor Produce Little in Los Angeles*, N.Y. TIMES, Apr. 19, 1993, at A1, B11.

7. Dr. Cynthia Hamilton, Associate Professor of Pan African Studies at California State University, Los Angeles, shortly before the riots, described South Central Los Angeles in her essay *Apartheid in the American City - The Case of the Black Community in Los Angeles*: "A sort of emptiness and starkness [pervades South Central Los Angeles], one caused by what appears to be a systematic pattern of displacement and removal of all the things that contribute to a liveable environment and viable community." Cynthia Hamilton, *Apartheid in the American City—The Case of the Black Community in Los Angeles* (unpublished manuscript), quoted in Richmond, *supra* note 5, at 10.

evaluation of the effectiveness of the system. How is it working? What are its objectives? Is it fulfilling these objectives? How can the system be improved? This article discusses the survey, the methodology employed, who was contacted and who responded, reports on how the system is working and, in the opinion of those who responded, how it can be improved.

II. Survey Approach And Methodology

A. *Survey Approach*

The strategy of the study was to identify and contact those individuals who have enough direct experience with New York's land use system to evaluate it competently. The groups contacted included public officials: local, county, regional and state officials, and their advisors, whose jobs involve land use regulation. Also included were persons whose businesses are regulated or affected by the system: developers and builders, mortgagees and landowners, retailers and chambers of commerce, and their advisors. Other targeted groups included environmentalists, non-profit developers, public interest groups, civic associations, and unaffiliated private citizens.

Two focus groups representing these various interests were assembled at Pace and Albany Law Schools to discuss the New York land use system⁸ and to help develop a survey instrument. In conjunction with these meetings, a questionnaire was drafted. It asked: what should the objectives of the land use system be; do those involved in the system believe these objectives are being achieved, and, if not, what can be done to improve the system.

The questionnaire was completed by the focus group participants, evaluated and redrafted. This process continued through four drafts of the survey. The final draft of the survey, which is reproduced in Exhibit 1, was sent to 9538 names provided by various associations and organizations who are connected with, or interested in, the land use system in New York.

8. The author expresses his thanks to John Nolon, Director of the Land Use Law Center at Pace Law School and Patricia Salkin, Director of the Government Law Center at Albany Law School, for assisting with the legal aspects of the land use system, assembling the focus groups and compiling the mailing list of the individuals who ultimately participated in this survey.

A list of the types of individuals who were mailed the survey is provided in Exhibit 2.

B. *Methodology and Who Responded*

McKinsey received 2027 completed surveys, a response rate of twenty-one percent.⁹ This is an exceptionally high response rate for a survey that canvasses all of the individuals interested in a subject. The survey was mailed to as many individuals as possible, with the knowledge that those who responded would be people who are serious enough about the land use system to reply without prompting.

The surveys were sent to individuals who were thought to have some experience with land use and who would be competent to evaluate the system. According to the experience, age and education of those who responded, this goal was achieved:

- ** eighty percent of the respondents have more than six years of experience with the land use system;

- ** the respondents' median level of experience is twelve years;

- ** eighty percent of the respondents have a college degree and over thirty percent have an advanced degree;

- ** seventy percent of those returning surveys are over thirty-one years of age and more than forty percent are over fifty-one years of age.

These respondents are not only experienced, well educated and older, but they represent all geographical areas of the state.

- ** 21.8% of the respondents are from urban areas;

- ** 39.5% from suburban areas; and

- ** 38.7% from rural areas.

- ** 16% of the respondents are from high density areas;

- ** 44.6% from medium density areas; and

- ** 39.4% from low density areas.

For tabulation and evaluation of the results of the survey, the respondents were divided into six response groups.

1. **Local:** local elected and appointed officials and the professionals who advise them; this group returned approximately one half of the surveys received.

9. 2027/9538 = 21.25%

2. **Higher Government:** representing county, regional or state officials and the professionals who advise them; they returned approximately ten percent of the completed surveys.

3. **Private Sector:** builders, developers, and private sector business leaders accounted for approximately seventeen percent of the surveys returned.

4. **Environmentalists:** only two percent of the surveys returned were completed by this group.¹⁰

5. **Others:** representing all other groups, including civic associations, public interest groups, nonprofit housing corporations, poverty agencies, and unaffiliated private citizens, accounted for fifteen percent of the surveys returned.

6. **Not-Applicable:** sixteen surveys were returned without any interest group designation.

The recipients of the survey were asked to evaluate how well the land use system fulfills its goals and objectives. They were given seven choices from which to rate the system. Those choices were:

- | | |
|---------------|-------------------|
| 1. Very Poor; | 5. Very Good; |
| 2. Poor; | 6. Excellent; and |
| 3. Fair; | 7. Outstanding |
| 4. Good; | |

C. *Evaluation Standard*

Prior to evaluating the survey's results, a standard was needed upon which to base that evaluation. In analyzing survey results of private market products or services, the ratings of Fair, Good and Very Good are considered neutral and discounted. The results are based on a fairly rigorous comparison of

10. While this number of environmentalists may not be sufficient to accurately reflect the views of all environmentalists on these issues, responses were received from over ten percent of the environmentalists surveyed. Surveys were not sent to the full list of 1,950 individuals and groups received from the Environmental Planning Lobby. Many of those on that list were not involved in, or experienced with, land use issues. Their interests ranged across a variety of unrelated matters such as peace, lawn care, landscaping, religious issues and occupational health. From this larger list were selected those who represent environmental management councils, conservation advisory councils, and preservation and environmental organizations experienced with land use issues. In all, about 350 surveys were sent to environmentalists and 40 were returned, for a return rate of 11%.

the two most favorable ratings (Excellent and Outstanding) with the two most negative (Very Poor and Poor). A ratio of favorable responses to negative responses of 3:1 or 4:1 is sought before a competing product or service is deemed acceptable.

This rigorous private sector standard, however, was not appropriate for the Land Use Opinion Survey because land use regulation is a public service, rather than a highly competitive product. Therefore, the key issue here was to determine how high a standard to apply to the performance of a public service. The results of recent elections have shown that taxpayers and voters are applying stricter standards to the delivery of governmental services. The survey respondents corroborated this by stating clearly that they regard the land use system as very important in accomplishing a number of critical public objectives. The premise was adopted that the land use system should meet the standard of efficiency that the public in today's political environment applies to essential public services such as refuse collection, snow removal, tax assessment, traffic enforcement, fire fighting and building inspection, to name a few. This reasoning led to the conclusion that a public service is being performed adequately if its "consumers" rate its performance as Very Good, Excellent or Outstanding. Conversely, that service is inadequate if rated Very Poor, Poor or Fair. In this context, a rating of Good is neutral and therefore, discounted.

III. Survey Results

A. *In General*

The results of the survey were surprisingly consistent across all groups of respondents, whether they represent the private or public sector, local or higher levels of government, or come from rural, suburban or urban areas. This indicates that many of the respondents share the same opinions about how well the system is working and how it can be improved, regardless of their background. Overall, the respondents showed a strong interest in making the land use system more orderly and logical, and making land use planning more central to land regulation.

There was also a strong interest among all respondents that land use planning precede regulation, that local governments be required to plan, that regional and state-wide land use policies

be adopted, and that land use and infrastructure planning be integrated. Additionally, there was agreement that certain land should be designated for conservation and regulations strengthened in those areas. Other land, it was agreed, should be designated for growth and development and the regulatory process streamlined to accommodate that development. The results of the survey are discussed in greater detail in the remainder of the article.

B. *How Well Is The Land Use System Fulfilling Its Goals?*

The responses to the general evaluative question, "how well do you think the land use system fulfills its goal of deciding when, where and how development should occur?" were dramatic.¹¹ Using the less rigorous standard, which counts the top three favorable responses (Very Good, Excellent and Outstanding) as acceptable, and the three most negative responses (Very Poor, Poor and Fair) as unacceptable, the results were as follows:

- ** 57.7% of all respondents rated the performance of the land use system as unacceptable;
- ** 16.3% rated it acceptable; and
- ** 26% were neutral.¹²

These results are contrary to the response hoped for when conducting a competitive market survey, where products and services remain in the marketplace only if they achieve a favorable ratio of at least 3:1. Here, the results show the reverse: those individuals rating the system unacceptable outnumber those who find it acceptable by more than 3:1.¹³ With a rating this negative, the survey results show that the land use system is performing very poorly. If this system were a private market ser-

11. See Exhibit 3.

12. Even if the neutral category ("Good") is added to the acceptable group, only 42.3% of the respondents rate the system's performance as acceptable. Using McKinsey's more traditional approach, of comparing the two most favorable ratings with the two most negative, the results are: 21.3% of all respondents rated the system unacceptable; and 3.1% rated it acceptable. Of great relevance, only 0.3%, an insignificant number of respondents, rated the system's performance outstanding.

13. See Exhibit 3.1. Exhibits 3, 3.1, 4, 5, 6, 6.1, 7, 7.1, 8, 8.1 and 9, provide graphic and/or statistical information on the responses that allow the reader to use other standards to analyze the answers to the survey.

vice, McKinsey's recommendation would be to invest heavily in improving it, or to consider adopting another system altogether. Although this analogy of the land use system to a private market service is not exact, it is clear that a negative rating in excess of 3:1 for an important public service is cause for considerable concern.

This negative rating appears consistently in the responses of all four response groups.¹⁴

1. **Local:** only 22.23% rated the land use system's performance acceptable, compared to 46.99% who rated it unacceptable: a negative rating of 2.1:1. This is the *least* negative rating the system received, but still far removed from the positive rating of 3:1 that is desired.
2. **Higher Government:** only 10.10% rated the land use system acceptable, with 67.89% finding it unacceptable: a negative rating of 6.7:1.
3. **Private Sector:** only 8.62% rated the system acceptable, with 75.57% rating the system unacceptable, a negative rating of 8.7:1.
4. **Environmental:** only 5.13% rated the system acceptable, with 84.62% rating it unacceptable, a negative rating of 16.4:1.

Since the land use system delegates primary legal authority to local governments, local officials might be expected to rate it positively, particularly in low density and rural areas where less development activity occurs. However, the responses received from local elected officials in rural and low density areas, and from local elected officials in all areas, prove this belief in error.¹⁵

** Locally elected officials from rural and low density areas rated the land use system unacceptable at a ratio of 1.8:1;

** All locally elected officials, from all areas of the state, rated the system unacceptable at a ratio of 1.4:1.

Therefore, against any standard used for ranking these re-

14. See Exhibit 4. Recall that the respondents were organized, by their own designation, into six response groups. The first four represent relatively homogeneous interests. However, the diversity of interests represented in the fifth response group was too great to use it for evaluative purposes. The sixth group represents those who failed to designate an interest group. Therefore, the responses of only four groups are used in the ensuing evaluations in the text of this article.

15. See Exhibit 5.

sponses and among all response groups participating in the survey, the performance of the New York land use system is unacceptable.¹⁶

C. How Important Is The Land Use System To The Accomplishment Of Particular Objectives?

In a series of questions, the survey respondents were asked to decide how important it is that the land use system accomplish certain public objectives.¹⁷ For this purpose, respondents were given five choices: Not Important, Slightly Important, Important, Very Important and Critical. Each objective was then ranked by the percentage of the respondents that thought it was a Very Important or Critical objective. Using this technique, the objectives were ranked in the following order of importance:

1. Protect the natural environment — 66.39%¹⁸
2. Use infrastructure dollars efficiently — 63.44%
3. Protect community character — 60.35%
4. Locate and support business activity — 53%
5. Protect agricultural lands — 42.67%
6. Protect existing property values — 41.68%
7. Provide affordable housing — 36.77%
8. Protect developers' rights — 21.07%

Again, all four response groups rated these objectives in relatively the same order, if with differing intensity. Note the following comparison: Exhibit 6.1 shows that only 5.26% of environmentalists feel that protecting developers' rights is a very important or critical objective compared, not unexpectedly, with 41.36% of the private sector respondents. On the other hand, 97.44% of environmentalists believe that protecting the natural environment is a key objective compared with 53.26% of the private sector representatives. Both groups, however, ranked protecting the natural environment above protecting developers' rights and a majority of both ranked protecting the environment

16. See Exhibit 4.

17. See Exhibit 1, survey question 9.

18. See Exhibits 6 and 6.1. To illustrate how these calculations were done: 66.39% of all respondents believe that protecting the natural environment is either a very important or a critical objective of the land use system. See Exhibit 6.1. To see how each group of respondents rated each separate objective, see Exhibit 6.1.

as a very important or critical objective of the system.

D. How Well Is The Land Use System Fulfilling Particular Public Objectives?

The survey participants were asked to decide how well the land use system fulfills its mission with regard to each of these same eight objectives.¹⁹ The respondents were given seven choices: Very Poor, Poor, Fair, Good, Very Good, Excellent and Outstanding. In general, the respondents were highly critical of the ability of the land use system to fulfill these individual missions.²⁰ Again, the choices Very Poor, Poor, and Fair were grouped as the index of unacceptable performance. The respondents rated the land use system's ability to accomplish the following objectives in this order of unacceptability:

1. Provide affordable housing — 79.76%²¹
2. Use infrastructure dollars efficiently — 74.24%
3. Locate and support business activity — 65.45%
4. Protect agricultural lands — 64.94%
5. Protect community character — 50.25%
6. Protect the natural environment — 49.96%
7. Protect developers' rights — 46.20%
8. Protect existing property values — 41.66%

Exhibit 7.1 illustrates that there is remarkable similarity in the responses of the various groups regarding the relative inability of the system to fulfill these missions.

By comparing the responses to question 9 of the survey (the importance of each individual land use objective) with responses to question 10 (how well the system fulfills each objective), some measure of the respondents' priorities for improving the land use system can be taken. The juxtaposition of the answers to these questions can be seen in Exhibit 8. Exhibit 8.1 illustrates the gap between the respondents' measure of the importance of each mission and how well the system is fulfilling that mission, determined by that percentage of respondents rating the per-

19. See Exhibit 1, survey question 10.

20. See Exhibits 7 and 7.1.

21. To illustrate how these calculations were done: 79.76% of all respondents believe that the land use system does a very poor, poor or fair job of providing affordable housing.

formance as Very Good, Excellent or Outstanding. For example, the most important objective of the land use system, according to the respondents, is to protect the natural environment; 66.39% believe that this mission is critical or very important. Meanwhile, only twenty-two percent of the respondents believe that the system is doing a very good, excellent or outstanding job of fulfilling that mission; a gap of 44.39% occurs when the two ratings are compared. Applying this technique to all eight missions, the gaps between importance and acceptability of performance, in descending order, are as follows:

Objective	Gap
Spend Infrastructure Dollars Efficiently	56.39%
Protect the Natural Environment	44.39%
Locate and Support Business	41.69%
Protect Community Character	40.12%
Provide Affordable Housing	31.50%
Protect Agricultural Lands	30.67%
Protect Developers' Rights	1.07%

In other words, there is considerable evidence of support in the survey results for improving the land use system to accomplish the purposes of spending infrastructure dollars more wisely, protecting the environment, supporting economic development, providing affordable housing and protecting agricultural lands.

IV. What Should Be Done About The System?

The second half of the survey instrument solicited opinions from the respondents as to what should be done to improve the land use system.²² The same number of respondents answered this series of questions as answered the evaluative section of the survey, ratifying the observation that the respondents were not motivated by a desire to simply complain about, or defend, the existing system, but are committed to the efficient operation of that system.

To answer these questions, those completing the survey were given seven numerical responses from which to choose, ranging from "1" to "7". A choice of "1" indicated the respon-

22. See Exhibit 1, questions 11(c) - 11(II).

dent completely disagreed with a suggested improvement, a "7" indicated they completely agreed. Column 4 was labeled "Neither Agree nor Disagree." Therefore, selecting columns 1, 2 or 3 indicated disagreement and selecting 5, 6, or 7 indicated agreement.

The framework for the questions asked in this part of the survey was borrowed from land use reforms adopted by nine states throughout the nation.²³ In very general terms, these states tend to require or greatly encourage local governments to adopt land use plans before regulating land, to relate their regulations to the accomplishment of objectives of those plans, and to coordinate local land use plans and regulations with a regional and state-wide land use system. In most of these states, local governments still control the system, however, a framework is in place that guides and encourages localities to further regional and state-wide interests, as well as those of the locality, in undertaking their land use activities.

In general, the survey respondents agree that similar reforms should be adopted in New York.²⁴ For example:

** 88.36% of the respondents agree that land use planning should precede land use regulation. This is often not the case under the New York system.

** 90.69% of the respondents agree that land use regulations should accomplish one or more objectives of a land use plan.

** 89.67% agree that local governments should adopt specific land use plans and 60.81% agree that localities should be *required* to adopt local land use plans.²⁵

** As to whether the state legislature should define specifically what a land use plan is, our respondents were evenly divided: 43.2% agreed and 43.59% disagreed.

When asked if there should be any relationship between local land use planning and regional or state-wide land use policy, 70.42% of the respondents agree that local plans should have to

23. The nine states are: Florida, Georgia, Maine, Maryland, New Jersey, Oregon, Rhode Island, Vermont and Washington. See Douglas R. Porter, *State Growth Management: The Intergovernmental Experiment*, 13 PACE L. REV. 481, 481 (1993).

24. See Exhibit 9.

25. Of the local response group, 56.48% of the respondents agree that localities should be required to adopt local land use plans.

respond to county or regional needs.²⁶ About sixty-five percent of the Local group agree with this requirement as well. Additionally, 76.85% of the respondents agree that county or regional plans should exist,²⁷ with 88.86% agreeing that such plans should reflect local interests.²⁸

When asked if local land use plans should be consistent with regional plans, known as the "consistency" requirement, 72.92% of the respondents ratified this concept.²⁹ However, according to the respondents, there is a limit to how far these reforms should go. Only 25.42% agree that local land use actions should be invalidated if they are found to be inconsistent with regional plans.³⁰

One of the salient features of state-wide land use statutes in other states is that they define areas where growth and development should be concentrated while designating other areas for environmental conservation. Of the respondents 80.73% agree that such areas should be delineated in New York.³¹ In addition, 69.13% would facilitate development in growth areas by streamlining regulations in such areas.³² Furthermore, 65.95% would strengthen regulation to discourage growth in conservation areas, for example, critical natural resource areas and rural areas where existing uses are to be protected.³³

When asked whether regional or county land use plans should fit into a state-wide land use policy framework, and whether state-wide land use objectives should be adopted, almost eighty percent of the respondents, including seventy-five percent from the local response group, support the idea that the state should clearly state its own land use objectives.³⁴ This framework of state objectives, locally sensitive regional plans, and conforming local plans would allow for greater coordination of inter-governmental programs and expenditures.

26. Exhibit 9, question 11(l).

27. *Id.*, question 11(m).

28. *Id.*, question 11(n).

29. *Id.*, question 11(o).

30. *Id.*, question 11(p).

31. *Id.*, question 11(q).

32. *Id.*, question 11(r).

33. *Id.*, question 11(s).

34. *Id.*, question 11(t).

Of the respondents, 81.71% agree that in New York the capital infrastructure budgets of the state, county and local governments should be coordinated.³⁵ This indicates some support for the state-wide system recently adopted in Florida which requires "concurrent" planning of infrastructure with development permitting. Additionally, 96.61% of those who responded agree that capital infrastructure budgeting should be coordinated with land use planning.³⁶ These responses correspond with the respondents' great concern for improving the land use system so that infrastructure dollars are used efficiently.³⁷

V. Conclusion

The survey results show that the respondents think the land use system is an important public service, bearing a close relationship to the accomplishment of critical public objectives. These respondents do not believe the system, as it is currently constituted, is doing an acceptable job of fulfilling its mission. The responses to questions regarding potential improvements in the land use system show an interest in the features of state-wide land use systems adopted in several other states in recent years. The survey results do not constitute an endorsement of any particular state's program; rather, they demonstrate an interest among experienced observers in studying and considering such reforms and their applicability to New York.

The respondents to this survey represent larger constituencies in New York. Of those who answered the survey, the key priority for reform is that capital infrastructure dollars be spent efficiently, and this parallels the concern of taxpayers across the state for greater efficiency in public spending programs. Another critical concern of the survey's respondents is the provision of affordable housing. Perhaps this also parallels the interests of New York's unprecedented number of homeless families and moderate income workers in search of affordable homes close to available employment, and senior citizens and young couples looking for suitable shelter. Perhaps ordinary citizens living in decent neighborhoods are not willing to accept the costs of

35. *Id.*, question 11(x).

36. *Id.*, question 11(w).

37. See Exhibits 8 and 8.1.

sprawling development: the disappearance of critical natural resources, the decline of urban cities and villages, and the state's drop in economic competitiveness.

While the demonstrable results of this survey are limited, they express the opinions of an informed and important group of New Yorkers regarding the need for land use law reform. The discernable parallels between the views of these respondents and the concerns of broader constituencies, however, suggest that the issues explored by the survey are of grave importance to the future welfare of New York State. This survey did not attempt to reach those who are unaware of the critical importance of the state's land use system. Those who are aware of that importance have said that this system must be improved. This is necessary to preserve the environment, provide affordable housing, create a competitive economy, and spend taxpayer's dollars wisely.

All of these goals are possible only if government land use policy strives to encourage an efficient pattern of land development throughout the state. In the opinion of the respondents, the state of New York has yet to adopt such a policy.

Exhibit 1

LAND USE SURVEY

DEFINITION: As is used in this survey, "Land Use System" means that system, controlled primarily by local governments, of zoning, site plan and subdivision approval, environmental review, variances, special permits, health and environmental approvals, procedures for judicial review, and related processes that proposals to develop land are required to follow.

INSTRUCTIONS: If your experience permits, please answer the questions below based on your overall perception of how the land use system works, not just how it operates in one particular community. You may feel that one or more of your answers needs to be clarified or prompts you to make a comment or recommendation. Please use the last page of this form for that purpose, affixing additional pages as needed. When you have completed your survey, please insert it into the stamped, addressed return envelope that is provided, and mail it to McKinsey & Company, Inc., Three Landmark Square, Suite 110, Stamford, Connecticut 06901.

PERSONAL QUESTIONS:

1. Which one of the following best describes the role in which you have learned the *most* about the land use system? (circle only one of the following):
 - a. local elected official
 - b. local planning board member
 - c. local zoning board member
 - d. attorney representing local government
 - e. planner representing local government
 - f. consultant representing local government
 - g. county government official
 - h. county government employee
 - i. consultant representing county government
 - j. regional agency official or employee
 - k. consultant representing regional agency
 - l. state government agency official or employee
 - m. consultant representing state government agency
 - n. builder or developer
 - o. employee or builder or developer
 - p. consultant representing builders or developers
 - q. landowner
 - r. provider of finance for development
 - s. private business person
 - t. member/executive of business association
 - u. member/executive of environmental group
 - v. member/executive of local civic association
 - w. member/executive of public interest group
 - x. member/executive of nonprofit housing or poverty group
 - y. unaffiliated private citizen
 - z. other (explain) _____
2. Your highest academic degree is:
 - a. high school diploma
 - b. college diploma
 - c. masters degree

- d. PhD.
e. other (explain) _____
3. Your highest academic degree is in:
a. architecture
b. business or finance
c. engineering
d. environmental science or ecology
e. government
f. landscape architecture
g. law
h. liberal arts
i. physical science
j. planning
k. social science
l. transportation
m. other (explain) _____
4. Your experience with the land use system comes *primarily* from your work in the following type of area (circle only one in each column, as applicable):
- | Level | Type of Area | Population Density |
|---------------|--------------|--------------------|
| a. Municipal | e. Urban | h. Low |
| b. County | f. Suburban | i. Medium |
| c. Regional | g. Rural | j. High |
| d. State-wide | | |
5. The zip code of my place of residence is: _____
6. How old are you?
- | | |
|-------------|---|
| a. Up to 30 | 1 |
| b. 31 to 40 | 2 |
| c. 41 to 50 | 3 |
| d. 51 to 60 | 4 |
| e. Over 60 | 5 |
7. How many years of experience with the land use system do you have?
- | | |
|------------------|---|
| a. Less than one | 1 |
| b. 1-5 | 2 |
| c. 6-10 | 3 |
| d. 11-20 | 4 |
| e. Over 20 | 5 |

OVERALL PERFORMANCE QUESTIONS

8. Overall, how well do you think the land use system fulfills its goal of deciding when, where and how development should occur?

Very Poor	Poor	Fair	Good	Very Good	Excellent	Outstanding
1	2	3	4	5	6	7

9. Overall, how important is it that the land use system help to accomplish the following objectives?

	Not Important	Slightly Important	Important	Very Important	Critical
a. Protecting the natural environment.	1	2	3	4	5
b. Protecting community character.	1	2	3	4	5
c. Protecting developer's rights.	1	2	3	4	5
d. Providing affordable housing.	1	2	3	4	5
e. Protecting existing property values.	1	2	3	4	5
f. Protecting agricultural land.	1	2	3	4	5
g. Using infrastructure dollars efficiently.	1	2	3	4	5
h. Locating and supporting business activity.	1	2	3	4	5

10. Overall, how well do you think the land use system fulfills its mission in . . .

	Very Poor				Very Good			
	Poor	Poor	Fair	Good	Good	Excellent	Outstanding	
a. Protecting the natural environment?	1	2	3	4	5	6	7	
b. Protecting community character?	1	2	3	4	5	6	7	
c. Protecting developer's rights?	1	2	3	4	5	6	7	
d. Providing affordable housing?	1	2	3	4	5	6	7	
e. Protecting existing property values?	1	2	3	4	5	6	7	
f. Protecting agricultural land?	1	2	3	4	5	6	7	
g. Using infrastructure dollars efficiently?	1	2	3	4	5	6	7	
h. Locating and supporting business activity?	1	2	3	4	5	6	7	

LAND USE PLANNING QUESTIONS

DEFINITION: A "Land Use Plan" is a written document that articulates specific objectives for the development, preservation and enhancement of the community, including elements to meet the needs of the people regarding the provision of public buildings and infrastructure, open space and recreation, housing and economic development, and natural resource, environmental and agricultural land preservation. Such a plan gives consideration to regional needs and the official plans of other public agencies within the region, and is prepared with full public participation.

11. Please indicate below how much you agree or disagree with the following statements about land use planning. If you completely agree, rate the statement as 7; if you completely disagree, rate it 1. You can give any rating between 1 and 7.

	Completely Disagree		Neither Agree nor Disagree		Completely Agree	
a. The above definition includes too much.	1	2	3	4	5	6 7
b. The above definition excludes important considerations.	1	2	3	4	5	6 7
c. The state legislature should define what a land use plan is.	1	2	3	4	5	6 7
d. Land use planning should precede the adoption of land use regulations.	1	2	3	4	5	6 7
e. Land use regulations should accomplish one or more objectives of a land use plan.	1	2	3	4	5	6 7
f. Local governments should adopt land use plans.	1	2	3	4	5	6 7
g. Local governments should be <i>required</i> to adopt land use plans.	1	2	3	4	5	6 7
h. The state should provide incentives for local governments to adopt land use plans.	1	2	3	4	5	6 7
i. The <i>local legislature</i> should be the body that adopts the local land use plan.	1	2	3	4	5	6 7
j. The <i>local planning board</i> should be the body that adopts the local land use plan.	1	2	3	4	5	6 7
k. The local land use plan should be adopted by <i>both</i> the local legislature and the planning board.	1	2	3	4	5	6 7
l. Local land use plans should have to respond to county or regional land use needs.	1	2	3	4	5	6 7
m. There should be county or regional land use plans.	1	2	3	4	5	6 7
n. Regional land use plans should have to reflect local interests.	1	2	3	4	5	6 7
o. Local land use plans should be consistent with regional land use plans.	1	2	3	4	5	6 7
p. Local land use actions that are inconsistent with regional plans should be presumed to be invalid.	1	2	3	4	5	6 7

- | | | | | | | | | |
|----|--|---|---|---|---|---|---|---|
| q. | Regional land use plans should designate some areas for growth and development and others for conservation and preservation. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| r. | Regulatory procedures in growth areas should be streamlined to encourage development. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| s. | In conservation and preservation areas, regulations need to be strengthened to discourage development. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| t. | State-wide land use objectives should be clearly stated. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| u. | Regional land use plans should have to be consistent with state-wide land use objectives. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

INFRASTRUCTURE QUESTIONS: ("Infrastructure" includes roads, highways, bridges, mass transit, water and sewer systems, and all other capital improvements needed to support and serve developed areas.)

- | | | | | | | | | |
|----|---|---|---|---|---|---|---|---|
| v. | The infrastructure needed to support development should be planned before development occurs. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| w. | Planning for infrastructure development should be coordinated with land use planning. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| x. | The infrastructure budgets of state, county and local governments should be coordinated with each other. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| y. | Coordination of infrastructure budgeting would be helped by the existence of state and regional land use plans. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

OTHER QUESTIONS

- | | | | | | | | | |
|-----|--|---|---|---|---|---|---|---|
| z. | It is hard for developers to know where development is desired by public policy. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| aa. | Development approvals generally occur in a timely fashion. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| bb. | The development approval process involves too many steps. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| cc. | The development approval process should be uniform throughout the state. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

dd.	Too many agencies are involved in the development approval process.	1	2	3	4	5	6	7
ee.	The development approval process would be improved by increased training of local officials.	1	2	3	4	5	6	7
ff.	The state should provide technical assistance to local planning and zoning officials.	1	2	3	4	5	6	7
gg.	The land use system encourages the production of affordable housing.	1	2	3	4	5	6	7
hh.	The land use system encourages the preservation of land for farming.	1	2	3	4	5	6	7
ii.	The land use system encourages the development of cost-effective transport systems.	1	2	3	4	5	6	7
jj.	The land use system encourages the preservation of the environment.	1	2	3	4	5	6	7
kk.	Most land use decisions are made with the interests of nearby communities in mind.	1	2	3	4	5	6	7
ll.	Better mechanisms are needed to protect natural resources such as ground water systems, watersheds and clean air.	1	2	3	4	5	6	7

Exhibit 2

SOURCES OF MAILING LIST FOR SURVEY

1. City, Town and Village	
Mayor Supervisors and Managers	1600
2. All Local Planning and Zoning Board Chairs	1620
3. Town Attorneys	250
4. Village Attorneys	52
5. American Planning Association -	
Upstate Members	635
6. American Planning Association -	
Downstate Members	810
7. American Planning Association -	
Local Chapter Members only	112
8. N.Y. Planning Federation - Consultants	420
9. County Planning Directors	55
10. Chief Elected Officials of Counties	62
11. New York State Homebuilders Association	1345
12. Business Affairs Council	
Private Sector Leaders	530
13. Community Bankers Association	
Mortgage & Real Estate Committee	65
14. Economic Development Agencies: IDAs, CDCs,	
JDAs, Regional Planning Associations	267
15. Environmental Planning Lobby	
Environmental Organizations	350
16. Neighborhood and Rural Preservation	
Companies	252
17. Community Housing and Development Groups	
Non-profits	768
18. Pace Law School - Lawyers, Planners &	
Public Officials	315
19. Miscellaneous: Regional Transportation	
Council Directors, Bankers, Engineers	30
Total Mailed:	9538

Exhibit 3

HOW WELL DO YOU THINK THE LAND USE SYSTEM
FULFILLS ITS GOAL OF DECIDING WHEN, WHERE AND
HOW DEVELOPMENT SHOULD OCCUR?

Percentage of Respondents

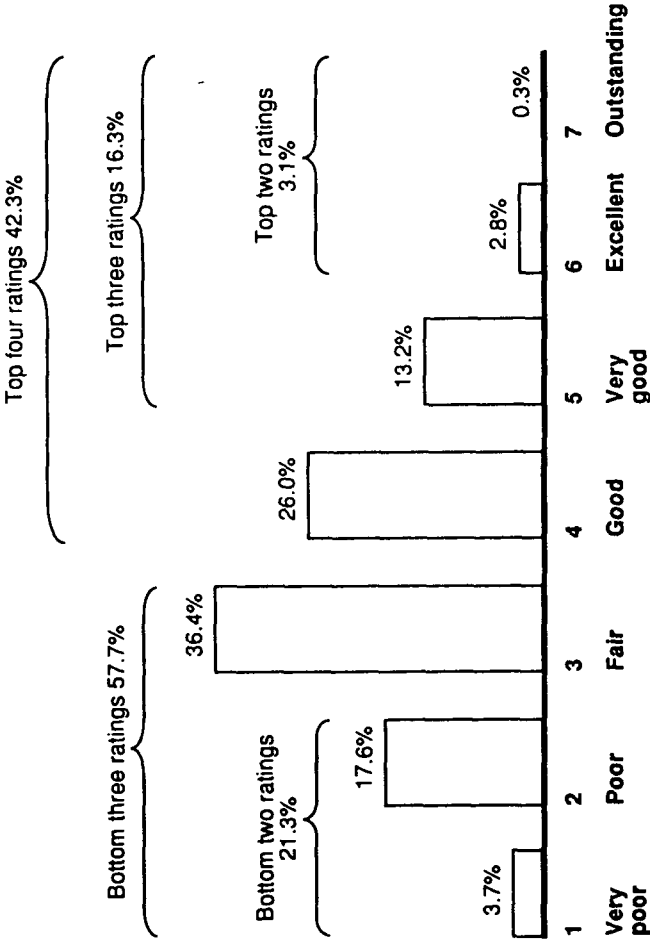


Exhibit 3.1
**RATIOS OF RESPONSES RATING THE
SYSTEM'S OVERALL PERFORMANCE**

Votes for	Unacceptable ratio	Acceptable ratio	Explanation
Bottom two ratings to top two ratings [Very poor, poor : Excellent, outstanding]	6.7:1		<p>If the private sector standard is used, the ratio of unacceptable rankings to acceptable is nearly 7:1. Using the less stringent standard discussed above, the ratio of unacceptable to acceptable ratings is 3.5:1. Characterizing "good" responses as acceptable, and comparing the three unacceptable categories with four categories including good, very good, excellent and outstanding, the overall ranking is still unacceptable, at a ratio of 1.4:1</p>
Bottom three ratings to top three ratings [Very poor, poor, fair : Very good, excellent, outstanding]	3.5:1		
Bottom three ratings to top four ratings [Very poor, poor, fair : Good, very good, excellent, outstanding]	1.4:1		

Exhibit 4
HOW WELL DOES THE SYSTEM FULFILL ITS GOAL OF DECIDING
WHEN, WHERE AND HOW DEVELOPMENT SHOULD OCCUR?
 Ratings by Response Group

	1	2	3	4	5	6	7	RATING RATIO		
Response group	Very poor	Poor	Fair	Good	Very good	Excel- lent	Out- standing	Total	Bottom 3 to top 3	Bottom 3 to top 4
Local	20 1.82 %	132 12.02 %	364 33.15 %	338 30.78 %	193 17.58 %	46 4.19 %	5 0.46 %	1,008 100 %	46.99/22.23 2.1:1	46.99/53.01 1:1.1
Higher government	7 3.21	47 21.56	94 43.12	48 22.02	19 8.72	3 1.38	0	218 100	67.89/10.1 6.7:1	67.89/32.12 2.1:1
Private sector	22 6.32	89 25.57	152 43.68	55 15.8	28 8.05	2 0.57	0	348 100	75.57/8.62 8.7:1	75.57/24.42 3:1
Environmentalists	7 17.95	16 41.03	10 25.64	4 10.26	2 5.13	0	0	39 100	84.26/5.13 16.4:1	84.26/15.39 5.5:1
Other	19 6.17	69 22.40	112 36.36	77 25.00	24 7.79	6 1.95	1 0.32	308 100	64.93/10.06 6.5:1	64.93/17.85 3.6:1
na	0 0	4 25.00	5 31.25	5 31.25	2 12.50	0	0	16 100	56.25/12.5 4.5:1	56.25/33.75 1.7:1
Total	75 3.70 %	357 17.6 %	737 36.36 %	527 26.00 %	268 13.22 %	57 2.81 %	6 0.30 %	2027 100 %		

Exhibit 6
DETERMINING THE IMPORTANCE THAT THE SYSTEM
ACHIEVE THE FOLLOWING OBJECTIVES:
 Rating Objectives as Critical or Very Important

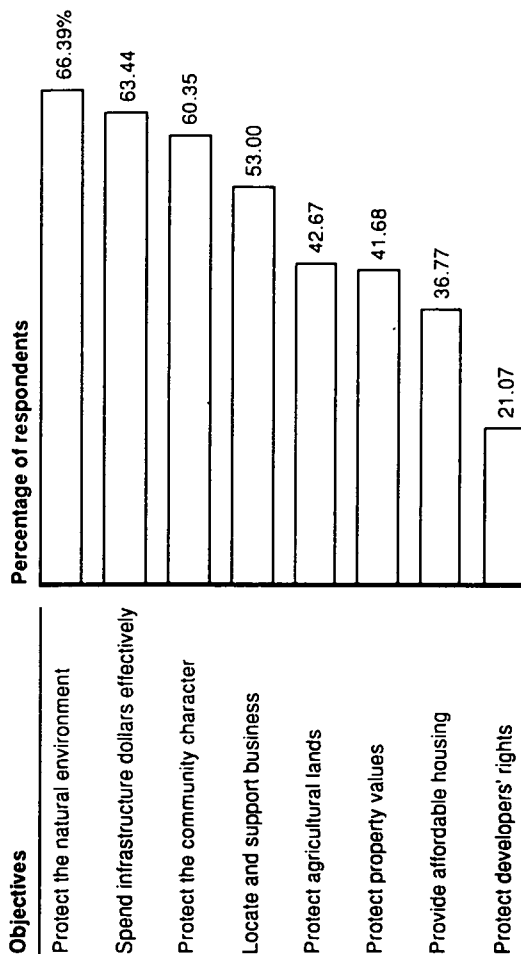
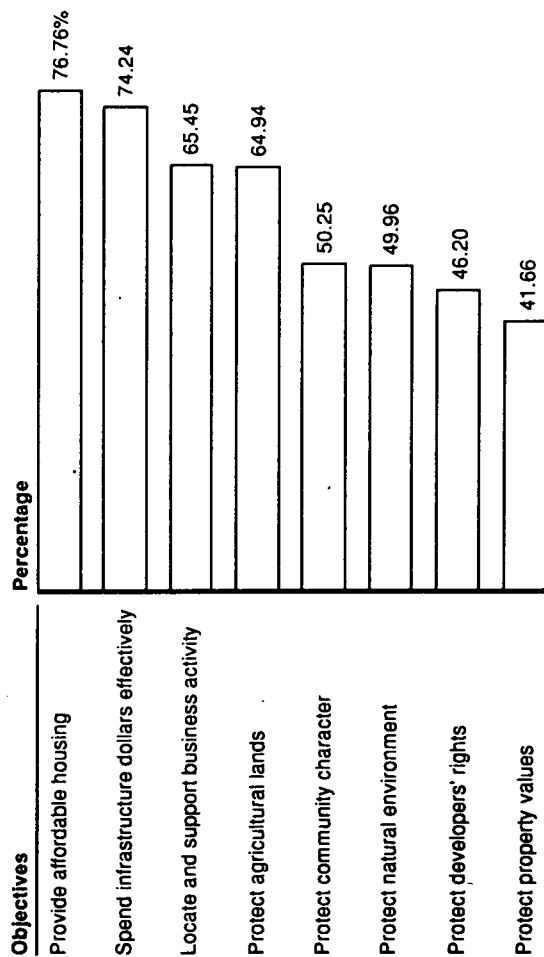


Exhibit 6.1
DETERMINING THE IMPORTANCE THAT THE
SYSTEM ACHIEVE THE FOLLOWING OBJECTIVES:
Rating of Objectives by Response Groups

Objective	Local	Higher gov't.	Private sector	Environ- mentalists	Other	Average
Protect the natural environment	66.87	73.64	53.26	97.44	70.16	66.39
Spend infrastructure dollars effectively	60.64	68.49	66.00	66.67	67.31	63.44
Protect the community character	65.47	62.72	39.94	73.69	62.42	60.35
Locate & support business activity	50.49	49.54	61.37	48.71	55.59	53.00
Protect agricultural lands	44.04	48.86	27.64	69.24	47.59	42.67
Protect property values	46.58	31.50	38.81	18.41	38.73	41.68
Provide affordable housing	29.67	38.18	48.16	43.59	46.81	36.77
Protect developers' rights	18.09	13.19	41.36	5.26	16.51	21.07

Exhibit 7
THE SYSTEM'S FULFILLMENT OF ITS OBJECTIVES
 Rating of Objectives as Very Poor, Poor, or Fair



Note: The higher the score, the more people are dissatisfied with the system's performance

Exhibit 7.1
RANKING OF LAND USE SYSTEM'S INABILITY
TO FULFILL ITS OBJECTIVES

Objective	Local	Higher gov't.	Private sector	Environ- mentalists	Other	Average
Provide affordable housing	73.81	88.48	89.43	92.30	82.56	79.76
Use infrastructure dollars effectively	67.41	79.16	85.26	94.74	80.00	74.24
Locate & support business activity	60.91	60.56	81.32	58.97	67.00	65.45
Protect agricultural lands	59.36	74.30	70.33	94.88	68.64	64.94
Protect community character	45.04	60.54	51.28	79.49	56.49	50.25
Protect the natural environment	45.72	58.26	47.71	92.31	55.88	49.96
Protect developers' rights	40.25	38.53	77.58	5.12	42.00	46.20
Protect property values	37.44	47.00	51.14	35.90	42.10	41.66

Exhibit 8
COMPARISON OF RESPONDENTS' ASSESSMENT OF THE
IMPORTANCE OF ITS OBJECTIVES AND THE SYSTEM'S
ABILITY TO FULFILL THOSE OBJECTIVES

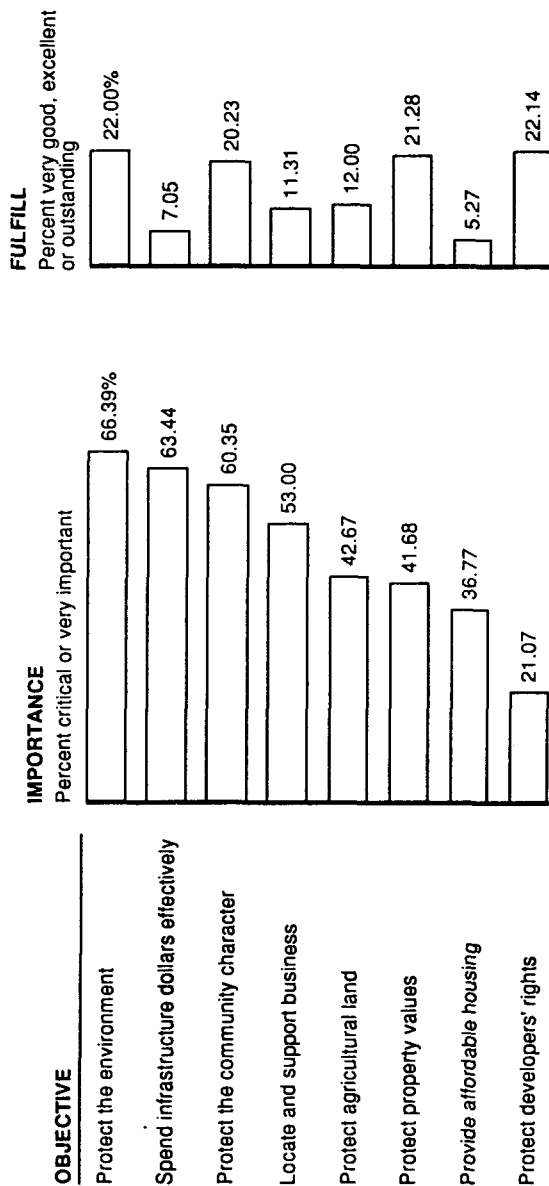


Exhibit 8.1
GAP BETWEEN RESPONDENTS' ASSESSMENT OF THE
IMPORTANCE OF AN ISSUE AND THE SYSTEM'S ABILITY TO
FULFILL THAT OBJECTIVE

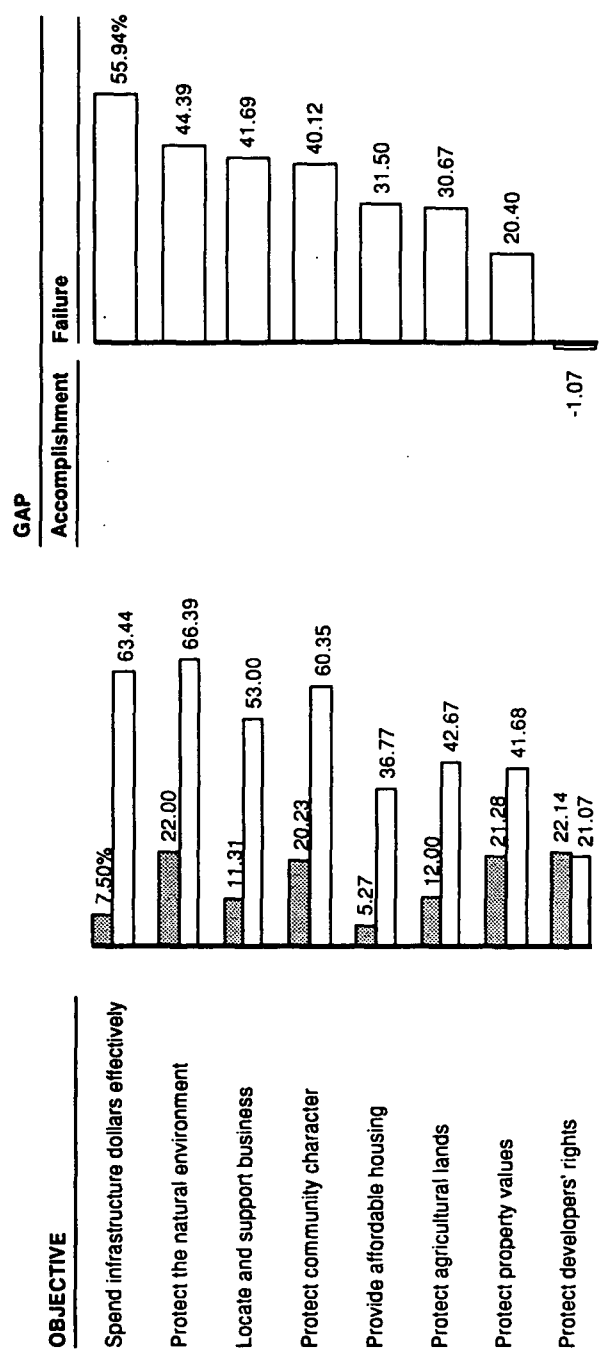


Exhibit 9

WHAT SHOULD BE DONE TO IMPROVE THE SYSTEM?

STATEMENT	PERCENTAGE OF RESPONDENTS		
	Disagree	Neutral	Agree
11c. The State Legislature should define what a land use plan is	43.59 %	13.21 %	43.20 %
11d. Land use planning should precede the adoption of land use regulations	5.99	5.65	88.36
11e. Land use regulations should accomplish one or more objectives of a land use plan	3.56	5.75	90.69
11f. Local governments should adopt land use plans	5.06	5.26	89.67
11g. Local governments should be required to adopt land use plans	26.95	12.23	60.81
11h. The state should provide incentives for local governments to adopt land use plans	17.56	12.18	70.27
11i. The local legislature should be the body that adopts the local land use plan	24.27	9.82	65.92
11j. The local planning board should be the body that adopts the local land use plan	40.53	13.02	46.46
11k. The local land use plan should be adopted by both the local legislature and the planning board	20.59	11.78	67.63
11l. Local land use plans should have to respond to county or regional land use needs	16.90	12.68	70.42
11m. There should be county or regional land use plans	11.63	11.53	76.85
11n. Regional land use plans should have to reflect local interests	5.68	5.47	88.86
11o. Local land use plans should be consistent with regional land use plans	14.28	12.81	72.92
11p. Local land use actions that are inconsistent with regional plans should be presumed to be invalid	59.66	14.94	25.42
11q. Regional land use plans should designate some areas for growth and development and others for conservation and preservation	8.66	10.61	80.73
11r. Regulatory procedures in growth areas should be streamlined to encourage development	18.47	12.40	69.13
11s. In conservation and preservation areas, regulations need to be strengthened to discourage development	21.07	12.98	65.95
11t. State-wide land use objectives should be clearly stated	10.34	10.68	78.98
11u. Regional land use plans should have to be consistent with state-wide land use objectives	25.50	18.67	55.83
11v. The infrastructure needed to support development should be planned before development occurs	5.84	6.71	87.45
11w. Planning for infrastructure development should be coordinated with land use planning	1.69	1.70	96.61
11x. The infrastructure budgets of state, county and local governments should be coordinated with each other	6.83	11.46	81.71
11y. Coordination of infrastructure budgeting would be helped by the existence of state and regional land use plans	8.19	13.82	77.99
11z. It is hard for developers to know where development is desired by public policy	28.40	17.54	54.05

Exhibit 9

WHAT SHOULD BE DONE TO IMPROVE THE SYSTEM?

STATEMENT	PERCENTAGE OF RESPONDENTS		
	Disagree	Neutral	Agree
11aa. Development approvals generally occur in a timely fashion	60.56 %	15.43 %	24.01 %
11bb. The development approval process involves too many steps	31.96	14.93	53.11
11cc. The development approval process should be uniform throughout the state	33.91	15.18	50.90
11dd. Too many agencies are involved in the development approval process	24.13	15.23	60.65
11ee. The development approval process would be improved by increased training of local officials	6.51	9.64	83.85
11ff. The state should provide technical assistance to local planning and zoning officials	9.85	9.70	80.45
11gg. The land use system encourages the production of affordable housing	62.69	22.12	15.18
11hh. The land use system encourages the preservation of land for farming	48.54	23.65	27.81
11ii. The land use system encourages the development of cost-effective transportation systems	63.89	20.85	15.26
11jj. The land use system encourages the preservation of the environment	35.18	18.20	46.62
11kk. Most land use decisions are made with the interests of nearby communities in mind	59.66	14.20	26.15
11ll. Better mechanisms are needed to protect natural resources such as ground water systems, watersheds and clean air	13.32	13.47	73.22