

**NYS Department of State
Office of Planning and Development
Request for Proposals #15-OPD-7
Questions and Answers**

Q1: Do you anticipate NYS enabling legislation will be needed to implement the program?

A1: Localities derive authority to enact a transfer of development rights program from both 1989 State statute (Town Law § 261-a; Village Law § 7-701; and General City Law § 20-f.) and general Home Rule authority. As a precautionary measure, however, in instances where development rights would be transferred across municipal boundaries, we would advise that these TDR statutes be amended to specifically authorize such transfers through inter-municipal agreements entered into between two or more local governments.

Q2: Typically a GEIS is based on a specific program, and here the program seems still to be in the development phase. To what degree will you be looking for the GEIS consultant to add to, fill in, and/or complete a TDR program?

A2: See Section 2.1 Purpose of Project on page 7 of the RFP. The consultant will not be adding to, filling in, or completing a TDR program, rather consultant will establish the rationale for agency and local government decision making for a TDR program area.

Q3: Is a TDR program for Nassau County anticipated to work separate from or integrate with one for Suffolk County?

A3: The selected consultant is expected to explore a variety of potential TDR scenarios – including a regional TDR program covering both Nassau and Suffolk Counties.

Q4: What is the total budget amount slated for the Contractor for this effort? Can DOS release any information on the total grant amount slated for the entire effort?

A4: While not capped at, the anticipated funding available is \$500,000. This is being awarded based on best value.

Q5: Can DOS confirm that the focus of the GEIS and TDR study includes portions of both the south and north shores of Nassau and Suffolk Counties located within the Extreme Risk Area?

A5: Yes, the scope of work identified in the RFP includes a thorough inventory and analysis of the potential Sending Areas - including the Extreme Risk Areas on both the north and south shores in Nassau and Suffolk Counties.

Q6: Is the Pine Barrens included in the study area?

A6: Yes. For completion of the tasks in the scope of work, including the preparation of a thorough inventory and analysis of the potential Sending and Receiving Areas and the preparation of an economic/market analysis, the selected contractor should consider the Pine Barrens and the Pine

Barrens TDR program in their analyses to ensure a potential regional TDR program works in concert with the existing Pine Barrens TDR program to guide development to appropriate and resilient locations.

Q7: Has any preliminary study of potential sending and receiving areas been conducted for Nassau County?

A7: No. A preliminary study of potential sending and receiving areas for purposes of a TDR program has not yet been conducted for Nassau County. However, many land use studies have been conducted for both Nassau and Suffolk Counties and the municipalities therein which should be considered by the selected consultant for the completion of a thorough inventory and analysis of the potential sending and receiving areas for purposes of this project.

Q8: Is the study more focused on redirecting future development from vacant sites in the Extreme Risk Area or rather more on providing a strategy for current property owners to retreat from the extreme risk area?

A8: Both. The intent of this project is to explore the ability to relocate development out of areas of extreme risk to more appropriate and resilient locations for purposes of community and economic revitalization. The inventory and analysis of potential sending areas should include both vacant and developed sites in the Extreme Risk Areas.

Q9: What is the specific action to be studied in the GEIS? Creation of framework for a TDR program and model zoning legislation that could be subsequently adopted by individual municipalities or is the purpose to also evaluate alternatives such as a, a county run TDR program or a bi-county run program?

A9: The GEIS would evaluate alternative TDR scenarios and associated zoning changes to implement these potential TDR programs. As stated in Section 2.1 Purpose of Project on page 7 of the RFP: "The GEIS would be used to assess potential environmental impacts of a TDR program and to establish the rationale for agency and local government decision-making related to the program."

Q10: Is it anticipated that the GEIS should provide enough site specific detail that participating municipalities could rely on the GEIS when adopting their own specific zoning changes necessary to implement TDR in their own municipalities?

A10: The GEIS will provide a general analysis of the potential impacts associated with the development of a TDR program. However, participating municipalities will likely need to do additional analyses to prepare a supplemental environmental impact statement to assess the potential impacts associated with specific zoning changes to enact the TDR program in their respective municipalities.