

Grow by Choice - Pre-Permitting Development Site

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Introduction

With the changing economy in New York and nationwide, communities are being further pressured to do everything within their power to be more inviting to new employers and new private investment. One of the issues that has historically been identified as an impediment to development in New York is the level of regulation and the time that is required to complete permit processes.

In an effort to address this specific issue, independent communities, counties and New York State have all made strides toward reducing the amount of "red tape" and compressing the permitting time frames. They have made progress through such programs as Empire State Development's Build Now - NY program and local, smaller scale efforts all aimed at creating turn-key building sites. The fact of the matter is, however, that every community should independently pursue a program of pre-permitting sites for new development.

The ultimate goal is to make a site or sites more attractive to private investment by compressing the timeframe required to secure permits, and removing as many unknowns from the site selection process as possible.

Formulating a Plan

What's your plan? What's your vision? Who are you trying to attract to your community? Is it a back-office call center or a traditional manufacturer? What are the core assets of your community to support a particular industry type? The process of finding and pre-permitting a site must start with an assessment of your community characteristics, assets and labor force. Users at vastly different ends of the employer spectrum may not be able to be pre-permitted for the same locations. Understanding the characteristics of different potential users allows you to seek out appropriate sites to research, permit, engineer and market.

Part of developing a plan of action for pre-permitting is taking stock of your existing business and industry base and understanding what trends, patterns and clusters of industry types might already exist. A growing body of research exists surrounding the idea of "industry clusters", or groups of allied industries geographically grouped together. In certain instances the clusters are horizontal, or more competitive in nature. In others, the clusters are more vertical, as in a supplier-consumer type of relationship. In yet another scenario, clusters of industries exist that have no apparent relationship to each other, save for geographic location. Perhaps they have grown in place as local start-ups, or because of a reliable labor pool. Whatever the reason, and whatever the type of cluster, it may point you in a tailor-made direction as to the kinds of businesses you are trying to market to and pre-permit for.

Defining Developable Sites

Hopefully, the code is a reasonably current document that reflects the wants and needs of the community as defined in a community Master Plan. These documents should be your strongest tools in establishing the appropriateness of both your sites and the intended uses.

Once general locations and appropriate zones have been identified to accommodate the pre-permitted sites, existing codes need to be carefully examined for compatibility with your intended uses and for consistency with area and bulk standards established by the underlying zoning districts. Is there a restriction that might limit the height of buildings, precluding certain types of users? Is the site configured to be able to satisfy open space, setback and buffering requirements? If the answer to any of these types of questions is restrictive, then either the site location needs to be re-evaluated or the zoning ordinance amended. Corporate real estate decision-makers tend to shy away from relying on variances, and you should too.

Once you have established that your intended uses are compatible with your site, take a careful look at the surrounding infrastructure quality and capacity. It certainly is not uncommon for the marketing of sites for development to be preceded by significant investment in infrastructure. What you may not want, or be able to afford, is to be able to start from scratch. Are the traditional components of infrastructure, water, sewer, gas, electricity and roads, in place? How about the new "must have" infrastructure requirement – high capacity telecommunications? Are there any specific system deficiencies that have been identified? How much investment will it take to bring the systems up to par? How long will it take? All good questions, and all questions that have to be answered before your sites go to market.

Last but certainly not least to consider in your site decisions is control of the subject property. Is the land privately held? If so, you might have a great opportunity for a public-private partnership. Options, outright acquisition and cooperative partnerships for the development and marketing of the site may all be able to be pursued with a willing private landowner or other public entity.

SEQR and Permits – Laying the Groundwork

Perhaps the single longest phase of a permit process in New York is the completion of statutory State Environmental Quality Review, or “SEQR”, requirements. The detailed review of a project, even if limited to a Long Environmental Assessment Form, will take a detailed snapshot of your site and the intended uses of the property. Soils, land use, utility, traffic and historic information represent just a few of the categories that should be addressed as part of the detailed and comprehensive review of a proposed project. Generating and researching the data all takes time, and it is exactly that timetable that you can compress.

Having already identified a site and the types of intended users, the collection of SEQR data can, at a minimum, commence to build a file with which to complete the detailed SEQR process later. A community need not wait for an application for site plan approval to collect data pertaining to plants and animals on the site. Areas known to have particular sensitivity for archaeological resources can address them by completing investigations early on, alleviating yet another unknown for a potential user.

If the characteristics of potential users, such as traffic generation or wastewater discharge, can be accurately defined, communities may even want to take the next step of completing a more formal SEQR process, including a draft Environmental Impact Statement. Even without a specific user, thresholds can be established and a detailed review can be completed based on the potentially significant impacts of those thresholds. After the completion of the review, a user that applies and designs their project in such a manner as to fall at or below those thresholds should not have to re-visit the already complete review process.

This same process can be undertaken with local site plan processes. By defining building pads and “envelopes”, and reviewing theoretical projects at established thresholds to further compress the development timetable. Imagine the reaction of a prospect when told that if their building can fit within a defined envelope and not break certain thresholds, they are already approved!

Conclusion

Location decisions are complex by nature, and invariably sensitive to the time it takes from point of decision to “plant output”. Market cycles, decision-makers with short tenures and fluctuating capital markets all compel companies to make a location choice and have a new facility fully operational in little more time than that required to physically construct a building. Adding months to that process is often simply not an option.

By identifying those components of the development timetable that are within their control, such as zoning, environmental reviews and local permits, New York communities can level the playing field with other states. Doing so allows decisions to be made on the assets of a community, such as labor force and infrastructure, not on red tape. Grow by choice – not by chance. Make a plan and do your homework. Market your community to business and industry. Most of all, you won’t have to build regulatory processes that private investment cannot afford into your timetable.

Telecommunications - The New Critical Infrastructure

For years, communities have worried about the pipes to supply water to business and industry and to carry waste away for treatment. Roads had to be designed to accommodate the heavy loads and wide turning radii of truck traffic. So, what happens in the evolving new economy? Telecommunications capacity, “bandwidth”, is the new infrastructure critical to a wide array of business and industry types. Whether a tool and die company transmits detailed plans and specifications electronically or a 400 station order processing call center adapts an obsolete strip mall to their needs, the questions are the same: What is the line capacity near our site? Where is the nearest fiber optic line?

The only way to gather up-to-date information regarding telecommunications facilities in your community is to develop a relationship with the local telephone company, or “Incumbent Local Exchange Carrier” (“ILEC”). They represent an extremely valuable resource in your infrastructure development and marketing efforts, and should be a key member of your development team.