

New York Department of State, Local Government Training Program Courses for Members of Planning Boards and Zoning Boards of Appeals

Adaptive Reuses for White Elephants

1 Hour

Are you herding white elephants in your community? What's to be done with those vacant or underused architectural gems like churches, armories, and depots? This course examines the socio-economic reasons for their vacancies, and land use tools that can help restore their rightful places as revitalizing neighborhood anchors. Before you issue that demolition permit, take note of these creative examples of adaptive re-uses.

Adopting and Amending Zoning

1.5 Hours

An examination of the origins of zoning and the purposes for adopting regulations; the role of the municipal comprehensive plan; specific steps a municipality must take to prepare their first set of zoning regulations; procedures for the adoption and amendment of zoning laws and ordinances, including referral to the county planning board, public hearings, and filing requirements.

Affordable Housing

1.5 Hours

Affordable housing is a topic shrouded in misconceptions and strong biases. One thing is certain: it cannot be ignored. Public interest and case law require municipalities to address the affordable housing needs of their regions. This course examines the history and evolution of laws, policies and programs pertaining to affordable housing. Exclusionary zoning case law is highlighted, as well as the benefits of using land use tools such as inclusionary zoning regulations and accessory apartments to provide affordable housing. Strategies to preserve existing affordable housing, the process of developing affordable housing, and affordable housing design are also discussed.

Aging in Place

1 Hour

Is your community ready for its aging Baby Boomers? With our growing population of older residents, are local steps being taken to ensure that they can live independently for as long as possible? What makes a community livable for older citizens benefits people of all ages and physical abilities? This presentation provides land use planning and regulatory tools to help people in your community to age in place. Topics include a variety of housing choices, accessory dwelling units, Golden Zones, and senior friendly sidewalk and street designs.

Building Community Resilience: A DOS OPDCI Perspective

1 Hour

What is community resilience, why does it matter, and what steps are needed to move towards improved resilience? This session will provide an overview of resilience

planning steps and provide examples of resilience techniques as well as information on how DOS programs can provide support for community resilience.

Case Law Update for Planning and Zoning

1 Hour

Recent cases that pertain to land use will be summarized and the implications of them on land use regulation at the local level explored. Opinions by the New York State Attorney General, Office of State Comptroller, and Committee on Open Government that pertain to land use and local governance will also be reviewed.

Cemeteries 101

1 Hour

This course is an overview of the role of public, not-for-profit cemetery associations, including membership, meeting requirements, cemetery responsibilities, lot owner rights and financial obligations. Information about regulation of cemeteries and crematories will also be provided, along with a look at audits, inspections, vandalism, hazardous monuments and abandonment. Town responsibilities and strategies for avoiding abandonment will also be discussed.

Challenges for Local Government Reorganization

1 Hour

This course is a review of recent lessons of the Department of State's dissolution and consolidation projects, with discussion on how best to prepare if a consolidation or dissolution petition is filed in your municipality. As a foundation for that discussion, the requirements of Article 17-A of the General Municipal Law, the enabling legislation for the reorganization of local government and reasons for the enactment of the new law, will be summarized at the outset of the course.

Change in Article 21-B of New York State Executive Law, which regulates

manufactured homes: Article 21-B was recently amended in 2015 by adding a new Title 2 to provide that any building that falls within the Title 1 definition for manufactured home, which is affixed to a permanent foundation and conforms with certain development specifications and standards, must be considered a single-family home for zoning purposes. There are implications for local governments as a result of this change, and this course explores the law's changes and impact.

The Code: What Every Local Official Should Know about the Uniform Fire Prevention and Building Code

1.5 Hours

In 1984, the New York State Legislature enacted and initiated enforcement of a State Uniform Fire Prevention and Building Code for the health, safety and welfare of its citizens. This course provides an overview of the law, its historical background, and how it has evolved to include modern-day ideals of safety and energy conservation.

Community Design Tools

1.5 Hours

Municipal officials have a variety of tools available to them to help shape the appearance of their community. At this session tools ranging from simple design guidelines to landscape ordinances and architectural review boards are discussed. We'll look at some practical approaches that can be applied to both public and private development, and explain some basic design concepts.

Comprehensive Planning

1.5 Hours

This session will include a discussion of the practical and legal benefits of adopting a comprehensive plan. Included are the importance of involving the public in the development of the plan—early on; strategies for compiling essential data to set the direction of the plan; plan contents; and steps leading to the adoption of a comprehensive plan. There will be a review of the comprehensive plan statutes as well.

County Referral

1 Hour

Many applications before local boards require referral to the county planning agency before action can be taken on them. This course reviews the requirements of General Municipal Law 239-l, -m, and -n and the law's impact on local decision making. It includes discussion of the benefits of county referral, the effect of recommendations from the county planning agency, and the consequences of failing to make a required referral to the county planning agency.

Downtown Revitalization

1.5 Hours

Nearly every vibrant downtown owes some of its success to people living in or very close to the central business district. Recent changes in New York State's Uniform Fire Prevention and Building Code made it easier to rehabilitate upper floors of buildings downtown for residential use, which is good news for New York's downtowns. But challenges remain. This course touches on some of the building code changes and provides information local officials can utilize to encourage and support downtown retail through land use regulation and other resources.

Enforcement of Zoning and Other Local Laws

1.5 Hours

Municipalities have various regulations that are an extension of their police power that aren't necessarily enforced by the police—zoning, property maintenance, and noise regulations, for example. This session reviews how these regulations are enforced, with discussion of the relationship between the enforcement officer and the review boards, the effect of an appeal of an enforcement action to the zoning board of appeals, and judicial enforcement of violations.

Ethical Standards for Planning and Zoning Boards – Available Online Only

1 Hour

The public interest requires that municipal officers be of good moral character and integrity. Municipal officers should be protected from unwarranted assault on their integrity. This presentation will help members of planning boards and zoning boards of appeals determine if a conflict of interest exists in certain municipal transactions. Discussion topics will include Article 18 of the General Municipal Law and its disclosure requirements, common law conflicts and the legal repercussions that follow.

Farmland Protection and Agricultural Viability

2 Hours

Farming communities face many challenges that threaten both the rural landscape and New York's rich agricultural heritage. Development pressures to convert farmland and changes in the agricultural industry have resulted in a staggering loss of family farms and farmland, as well as agricultural support businesses. This course offers a two-tiered approach to farmland preservation: first, an overview of land use tools that can help protect farmland and preserve rural landscapes; second, a look at strategies that support the local agricultural economy.

Financial Analysis of Shared Services and Intermunicipal Cooperation

1 Hour

Working cooperatively with neighboring communities can help local governments implement shared solutions to common problems and generate new service delivery capacities. Cooperation enables local governments to reduce the cost of services without compromising the quality of service delivery. This course will examine the benefits of cooperation through case studies and analysis of the financial implications of actual cooperative projects funded by the New York State Department of State's Local Government Efficiency Program.

Floodplain Regulation for Local Review Boards

1.5 Hours

The essence of good planning is to develop areas most suitable to the environment and existing infrastructure, avoiding sensitive areas such as steep slopes, wetlands, and floodplains. With increased storm intensity and years of building in flood prone areas, natural floodplains have been disrupted, resulting in severe damage to flood prone areas. This course is an overview of regulating development around flood plains, with a discussion of the National Flood Insurance Program, and trends in resiliency planning.

Form-Based Zoning

1.5 Hours

This course is an overview of an alternative approach to zoning that considers design over use. It is based on many of the principles of Smart Growth and New Urbanism. Form-based zoning is helping to establish mixed use, neighborhood structure, and walkability as the new standard for development. The advantages of form-based zoning, how it differs from conventional zoning from development to administration, and some of

the challenges local officials might encounter in implementing form-based zoning will be discussed.

Freedom of Information Law/Open Meetings Law

2 Hours

A representative of the Committee on Open Government will provide an overview and answer questions about the Freedom of Information Law (FOIL), which governs the rights of access to government records. They will also provide an explanation of the Open Meetings Law, which concerns the conduct of meetings of public bodies and the right to attend those meetings. A discussion of the principles underlying the FOIL and the Open Meetings Law would put both laws in context.

Historic Preservation

1.5 Hours

Historic buildings define the character of cities, villages, and towns in New York and many other places. This course attempts to explain why, details what it means to preserve a place's older and historic building, and distinguishes the difference between listing a property on the National Register of Historic Places and local landmark and historic district regulation. Other perspectives that most people don't consider when they think "historic preservation" will also be discussed, such as the environmental and economic benefits of historic preservation.

Hot Button Land Uses

2 Hours

Local governments are not able to regulate all uses the same way: some uses have special statutory protection or rules established through case law and require special consideration, such as religious uses, mining, and telecommunications facilities. Other uses might be new to the local officials attempting to regulate them, such as solar energy facilities, barn weddings, and short-term rentals. This course is an overview of some of the land uses that many local officials find challenging, along with the statutory rules and case law associated with them and options for regulating them.

Intermunicipal Agreements

1 Hour

Municipalities can achieve many benefits by entering into intermunicipal agreements. This presentation looks at the participants, opportunities, benefits, types, and contents of intermunicipal agreements. We will also discuss civil service considerations, liability, adoption procedures, and strategies for success.

Intermunicipal Cooperation: Building Code Enforcement

1 Hour

Local governments are required to enforce the New York State Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code. By working together, neighboring municipalities may easily provide effective Building Code Enforcement while controlling costs. This program provides an overview of what is

required for Intermunicipal Building Code Enforcement is provided and a few successful examples of countywide code enforcement and multiple municipality enforcement.

Intermunicipal Planning for Government Efficiency

1 Hour

Sharing the cost of a planning project with a neighboring community that shares common problems or goals can ensure a high quality planning project that is useful for all involved communities at a lower cost to taxpayers. Intermunicipal planning projects bring together different stakeholders with unique perspectives, leading to more comprehensive solutions and often a unifying vision. This program provides an overview of the statutory abilities of local communities, case studies from across New York and an opportunity to exchange ideas for planning at an intermunicipal level.

Land Use Moratoria

1 Hour

A land use moratorium is a local enactment that suspends a landowner's right to obtain development approvals while the local government considers changes to its comprehensive plan and/or land use regulations. But there are some legal constraints local officials should be aware of when thinking about enacting a moratorium. This course provides some examples of how municipalities have used moratoria successfully as well as a few cases in which courts invalidated a municipality's moratorium law. The course is designed to help local officials decide when to adopt moratoria and for how long, what development to suspend, and what uses should get exceptions.

Local Regulation: Enactment Procedure

1.5 Hours

This session addresses the process a municipality must go through in order to adopt a resolution, ordinance or local law, as well as the merits of using each procedure. Topics will include notice provisions and posting; aging of legislation prior to action; required hearings; required referrals; SEQRA compliance; post-adoption publication; certification; filing requirements and effective dates. Compliance with SEQRA and post-adoption procedures will round out the discussion.

Minute Taking and Other Duties of Planning Board and ZBA Secretaries

1 Hour

The responsibilities of secretaries of local planning boards and zoning boards of appeals range from accepting applications, to maintaining and archiving records—and everything in between, including issuing notices and transmitting communications on behalf of their boards. The more effective the board secretary at these tasks, the more efficient local development review and approval will be. In addition, the more complete the record, the better prepared the local government will be to address challenges to decisions. This course explores the essential duties of secretaries to planning boards and zoning boards of appeals, as well as best practices.

The Office of Planning and Development's (OPD) Geographic Information Gateway: An Introduction

1 Hour

A brief exploration of OPD's online tool, which identifies New York's diverse land and offshore assets so residents, local governments, educators, businesses and others can use this information when making planning and development decisions. The website provides public access to free and reliable geographic data, real-time information, interactive tools, and expert knowledge on New York's resources, including climate change and community resilience activities.

Open Space Planning

1.5 Hours

"They aren't creating more land," as the old saying goes. Open spaces—in the form of parks and preserves and farms and other rural landscapes—provide a wide variety of environmental, economic, and quality of life social and cultural benefits to communities that extend beyond the obvious aesthetic beauty of undeveloped land. This session addresses the importance and benefits of preserving open space and the tools to maintain rural character or conserve important parcels of land, depending on the needs of the municipality. Strategies for how communities might prioritize what open spaces to protect are also discussed.

Planned Unit Developments

1.5 Hours

A Planned Unit Development (PUD) is a flexible zoning tool that can allow for a variety of housing types, retail, office, and recreation options in a new development. This course outlines what shapes planned unit developments can take, how to review a PUD, and some of the benefits of the planned unit development tool, as well as some of the potential challenges they can present for planning boards and local governing boards.

Planning and Zoning: An Introduction

2 Hours

The most elementary of the Training Unit's course offerings, **Planning and Zoning: An Introduction** is designed for new members of both planning boards and zoning boards of appeals. The course provides a basic overview of the functions of planning boards and zoning boards of appeals and the land use tools they work with, the role of the comprehensive plan, procedures for holding meetings and hearings, and the enforcement of the boards' decisions.

Planning Board Overview

2 Hours

This basic course addresses the powers and duties of town, village, and city planning boards and commissions. The administrative and regulatory roles of the planning board, including its review of site plans, special use permits, and subdivision plats are discussed, along with the planning board's role in the municipal comprehensive plan.

The importance of board procedures, referral to the county planning agency, and making findings are also covered.

Public Meetings and Hearings

1 Hour

This session addresses the goals and requirements associated with holding meetings, in contrast to the purposes and legal requirements surrounding a public hearing. It explores the role of the chairperson in conducting effective meetings and hearings, and includes a discussion of how to manage the public and the media in the context of a hearing or meeting. Also addressed are aspects of the Open Meetings Law, including executive sessions, quorums, minutes, and public notices.

Local Government in New York

1.5 Hours

Members of city councils, town boards, and village boards of trustees have an assortment of powers and responsibilities. This course reviews the organization of local government—towns, cities, villages, counties, and several other special units of government. The various roles of the three branches of government examined include their legislative powers; the executive/administrative duties of elected officials, the many day-to-day operations, such as making appointments, supervision, budgetary, and review of land use applications. The course also touches on topics all public officers should know about—qualifications for office, oaths of office, undertaking, code of ethics, financial disclosure statements, defense and indemnification, and incompatibilities of office.

Record Keeping

1.5 Hours

Napoleon Bonaparte once said, "History is the version of past events that people have decided to agree upon." The same is true of minutes, findings, and the decisions that are issued by planning boards and zoning boards of appeals. Department of State presenters will discuss why board members and support staff should strive to make records that are of value to enforcement personnel, applicants, municipal attorneys, and current and future boards. The course then turns its focus to the components of the record: minutes, findings, and the decision document.

Revising Zoning

1.5 Hours

This course asks when it is appropriate to update a municipality's zoning regulations, and what you should be looking at when you review them; the importance of the comprehensive plan; and procedures for the amendment of zoning laws and ordinances, including referral to the county planning board, public hearings, and filing requirements.

Rural Planning

2 Hours

Rural communities face challenges—both in the form of development and lack of it—that threaten the natural and cultural resources that define their character. This course offers an overview of how comprehensive planning and a variety of land use tools can help preserve rural landscapes and revitalize established village and hamlet centers. Local officials are encouraged to take a proactive approach to meeting such challenges with easy-to-understand and administer zoning regulations, conservation subdivision regulations, the use of conservation easements, and more.

Short Term Rentals

1 Hour

Short-term rentals have been around for years, but the availability of online booking sites and the growth of local management companies has had dramatic effects on neighborhoods big and small across the state (and around the world). A number of cities, towns, and villages in New York have come up with a variety of means to permit or restrict short-term rentals consistent with the character of the respective communities. This session looks at the problems short-term rentals posed for several of those municipalities and summarizes the regulations with which they responded to the challenge.

Sign Regulation

1.5 Hours

The regulation of signs isn't just a zoning issue— when regulating signage, municipalities must be careful not to violate free speech. This course reveals what municipalities may and may not regulate in commercial or non-commercial signage and explores how signage can be regulated for community aesthetics. The session also addresses the drafting of a sign control law; the content of local sign control regulations; regulating billboards and other off-premises signs; and eliminating nonconforming or undesirable signs.

Site Plan Review

1 Hour

This course is an overview of the statutory authority local governments have to review site plans. It will address the scope and content of a site plan and the role of the site plan in municipal review of development projects. A discussion of design and the reasons some approaches might be preferable to others is included in the course.

Skills that Make Great Board Members

1.5 Hours

What makes a great land use board member? This course examines some of the necessary skills needed for new members and should serve as a refresher for more seasoned members alike. Topics include board procedures and applicable laws to more practical matters, including conducting site visits, working with consultants, avoiding ex parte communications, and working with the public. How to build your technical

knowledge and find assistance when needed, as well as utilizing the comprehensive plan for your decisions, will also be discussed.

Solar Energy Regulation

1.5 Hours

This course addresses the authority of local governments to regulate photovoltaic solar energy systems—from modest residential and agricultural systems to large-scale institutional and commercial solar arrays and sun farms. Environmental and economic benefits and aesthetic challenges are discussed, and tools to allow for the installation solar arrays, such as the New York State Unified Solar Permit, and regulate their impacts on surroundings, are provided.

Solar PILOTS and Community Benefits

1 Hour

This course hopes to shed some light on municipal options for regulating a utility scale solar project. In addition to reviewing the importance of having a comprehensive plan that addresses goals for environmental protection, agricultural and economic development, and renewable energies, we will discuss Article 10 and how it affects the local review process. We will also discuss some of the mechanisms for removal or decommissioning as well as payment-in-lieu-of-tax (PILOT) programs for solar facilities and host community agreements.

Smart Growth

1.5 Hours

This course defines Smart Growth and illustrates its key principles. Examples of county efforts that encourage intermunicipal cooperation and regional planning are also profiled, along with the provisions of the Smart Growth Infrastructure Policy Act. A review of several innovative local land use tools should enable local officials to consider both regulatory and incentive options to implementing Smart Growth strategies: performance and incentive zoning, cluster and conservation subdivision, sliding-scale zoning, form-based zoning, and transfer of development rights are among those approaches discussed.

Special Use Permits

1 Hour

Some uses require additional review and should be granted permission only if the application meets certain conditions. These special uses include gas stations, dog kennels, and uses with drive-through windows. The special use permit is also used for development in environmentally sensitive zones with overlays such as for wetlands, steep slopes, and along scenic ridgelines. Scenarios in which the special use permit tool is most helpful will be discussed, along with rules local boards must follow for reviewing and approving applications for special use permits.

Spot Zone or Grant the Illegal Use Variance

1 Hour

Neither, we hope. The title of this course is to catch your attention and aspires to help avoid both spot zoning and the granting of illegal use variances. This course explores how situations in which a proposed use different from those around it (which local officials agree would not be a detriment to the community) might best be handled—with a review of the use variance test, the definition of spot zoning, and a few cases that will help local officials make sure their zoning works for their municipality.

State Environmental Quality Review Act (SEQRA) Basics

2 Hours

This introduction to the State Environmental Quality Review Act includes an overview of the environmental assessment form (EAF), Type I, Type II, and Unlisted actions and the sequence of making a positive or negative declaration on a project's potential to have an adverse impact on the environment. The relationship between the administration of local regulations and SEQR will also be discussed.

SEQR: A Project Profile

1 Hour

The State Environmental Quality Review process is one that many local officials--and others--find confusing. To help illustrate the process, this course follows a hypothetical project through the review, complete with the planning board's hypothetical responses to the content of the Environmental Assessment Forms and the applicant's stance on modifying the project to mitigate its potential effects.

SEQR: The Short EAF

1 Hour

The State Environmental Quality Review process is one about which there are wide misconceptions. To help clarify the role of SEQR for local review boards, this course takes a hypothetical site plan for a relatively small project through Parts 2 and 3 of the Short Environmental Assessment Form. A variety of scenarios that could result in a different outcome for the SEQR process will be discussed in the context of mitigating the potential impact of the project to the environment.

Stormwater Regulation for Local Review Boards

2 Hours

Nearly every project that comes before a board for review has stormwater impacts to consider. This course examines the relationship between different types of development and the potential for environmental damage from increased runoff, on-site best management practices, and the specific role of project review boards to mitigate stormwater impacts from new development with local, state, and federal regulations.

Subdivision Review

2 Hours

An overview of the statutory authority for municipalities to review subdivisions.

Discussion will focus on the elements of a subdivision plat—layout of lots and infrastructure—along with concepts such as deep lot development and clustering. Review procedures are also addressed, including State Environmental Quality Review (SEQR), county referral, public hearings, decision-making, and the possibility of default approvals.

Tips for Regulating Telecommunications Facilities

1 Hour

Changes to federal law have placed restrictions on the extent to which local governments can regulate both large telecommunications facilities and the small cell components of a growing 5G network. But that doesn't mean the abilities of local officials to influence telecommunications towers and small cell systems are entirely pre-empted. This course aims to dispel misperceptions and answer questions about the application process for structures that nearly all of us utilize but few of us wish to have right outside our windows.

Transit-Oriented Development

1.5 Hours

This course introduces the municipal official to the concept of transit-oriented development. Transit-oriented development (or design) uses smart growth principles built on the availability of a variety of transportation choices to promote aesthetically-pleasing, vibrant communities. Examples transit-oriented development are profiled and suggestions for solutions to overcome challenges to planning and implementation will be discussed.

Using the Model Local Laws to Increase Resilience

1 Hour

The New York Department of State has prepared a collection of model local laws with the New York State Department of Environmental Conservation (NYSDEC) and other stakeholders, as fulfillment of the Community Risk and Resiliency Act, to help the state's local governments prepare for risk due to sea-level rise, storm surge and/or flooding. Nearly every local government in the state should be able to increase its resilience with a range of measures that implementation of these local laws would provide—from the protections of basic zoning and subdivision approaches to floodplain and stormwater management and wetland and watercourse conservation. This session will include a summary of the model laws and a discussion of the circumstances they are intended to mitigate.

Vacancy: Strategies and Tools for Local Governments

1.5 Hours

Vacancy and blight can wreak havoc on our neighborhoods and local government finances. This course examines the economic, environmental, social, and public health implications of blight, with the goal of offering local officials the tools, strategies and funding opportunities to reduce blight in their own communities. The course includes case studies and strategies that local governments in New York State have been using

to combat blight, including the use of land banks.

Walkable Communities

1 Hour

Increasing the availability and attractiveness of pedestrian facilities can help revitalize downtowns, provide an alternative means of transportation, and encourage a healthier lifestyle. This session provides an overview of several common municipal land use tools (zoning, site plan review, subdivision regulations, and special use permit). The program then explores how these tools can be tailored to improve pedestrian conditions by the requirement of sidewalks, pathways and other pedestrian facilities, as well as through the encouragement of better site design.

Wind Energy Regulation

1.5 Hours

This session addresses the adoption of local laws to regulate wind energy systems—from modest residential and agricultural systems to large-scale commercial wind farms. Environmental, aesthetic, and other issues of interest to local governments are also discussed, along with applicable state and federal regulations relating to wind energy systems.

Zoning: An Introduction

1.5 Hours

Zoning is among the most far reaching legislative actions a local government can take. All cities in New York and the majority of villages and towns in the state have zoning, which is typically used to separate incompatible uses. Zoning can also be used to channel development and preserve natural resources and community character—contrary to what many think, protection of a great deal of these resources is left to local governments. This course takes a very basic look at zoning and how it can be used to address some of the challenges local governments have encountered in recent years.

Zoning Board of Appeals Overview

2 Hours

This introductory course to the zoning board of appeals focuses on the statutory tests boards must follow to grant use and area variances and proper handling of zoning interpretations. Meeting procedures and notice requirements will also be discussed, along with the ZBA's relationship with enforcement officials and the planning board, and the importance of making good findings.