

New York Department of State, Local Government Training Program Courses for Local Officials – Summer/Fall 2024

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.

Area Variances: A Deep Dive

1.25 Hours

Area variances are the most frequent appeal before most zoning boards of appeals. This course is a thorough exploration of each factor of the area variance test with examples and discussion of details often missed and concepts often misunderstood. Tips and best practices for review, decision-making, and documentation, with several court case examples that address key legal considerations and challenges will also be highlighted.

Cemeteries 101

1.5 Hours

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.

Cemeteries and Cemetery Abandonment

1 Hour

How can you help cemeteries in your Town? How can you identify and encourage volunteers to serve as cemetery officers and directors? This course explains the role of the Division of Cemeteries in regulating and providing technical support to cemeteries

other than religious and family cemeteries, the status and struggles of these cemeteries, and things towns can do to help keep these cemeteries afloat. We will also cover the process of cemetery abandonment and the availability of State funds to Towns that become responsible for abandoned cemeteries.

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.

Joint Boards: Options for Intermunicipal Review Boards

1 Hour

Some local governments across the state have been challenged to find citizens able to serve on their planning boards and zoning boards of appeals. One option is to reduce the number of board members; another is for villages and towns to form joint village-town planning boards and sometimes village-town zoning boards of appeals. This course discusses these and other innovative approaches to maintaining planning boards and zoning boards of appeals when there isn't a waiting list of applicants for those posts.

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.

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.

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.

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.

Short Term Rental Regulation

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.

Site Plan Review

1.5 Hours

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.

Special Use Permits

1-1.25 Hours

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: The Short Environmental Assessment Form (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.

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.

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.

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.