



**Department  
of State**

**Division of  
Local Government**

## **James A. Coon Local Government Technical Series Publication Order Form**

Please visit the publications section of the Division of Local Government website for downloadable versions of these publications and more: <https://dos.ny.gov/publications>

### **General Local Government:**

#### **\_\_\_\_\_ *Adopting Local Laws in New York State***

Plain language, step-by-step requirements to draft and adopt a local law, with information on the scope of the home-rule power.

#### **\_\_\_\_\_ *Adopting and Amending County Charters***

Explores why counties might choose to adopt charters; what the county charter must do, may do, and may not do; and the process of implementing a county charter or changes to an existing charter.

#### **\_\_\_\_\_ *Conducting Public Meetings and Public Hearings***

A review of the procedures governing public meetings and hearings.

#### **\_\_\_\_\_ *New York State Local Government Handbook***

An authoritative source of information about the origins and operations of the government of the Empire State.

#### **\_\_\_\_\_ *Revising City Charters***

Describes in detail the legal methods and requirements of revising a city charter and provides statistical data and technical guidance for charter committee members and staff.

#### **\_\_\_\_\_ *Role of Findings in Local Government Decisions***

Some "rules of thumb" that will help guide local boards to make defensible findings which justify a final determination, whatever it may be. <https://dos.ny.gov/legal-memorandum-lg02-role-findings-local-government-decisions>

#### **\_\_\_\_\_ *Your Right to Know: New York State's Open Government Laws***

Produced by the Committee on Open Government, this publication provides information about the Freedom of Information Law and Open Meetings Law.

### **Planning and Land Use Regulation:**

#### **\_\_\_\_\_ *Adopting Zoning for the First Time***

Explains the procedure for establishing a municipality's first zoning regulations, from the creation of a zoning commission to the publication of a summary of the zoning ordinance or filing of the zoning law with the Secretary of State.

### **Alternate Members of County and Local Planning Boards and Zoning Boards of Appeals**

Conflicts of interest and absences may make it difficult to obtain a majority of the board to move the action forward, or to take final action on it. This problem can be resolved through the appointment of alternate members to serve in such circumstances.

<https://dos.ny.gov/legal-memorandum-lu06-alternate-members-county-and-local-planning-boards-and-zoning-boards-appeals>

### **Can Local Boards Regulate the Hours of Operation of a Business?**

The courts have held that municipalities are prohibited from using their zoning powers to regulate the internal operations or the details of a business. The question of whether or not the hours of operation of a business is a component of its "internal operation" is answered. <https://dos.ny.gov/legal-memorandum-lu15-regulating-hours-operation>

### **Creating the Community You Want: Municipal Options for Land Use Control**

Summarizes the various land use management tools which New York State municipalities can use to help deal with issues of community character and change.

### **Definition of "Family" in Zoning Laws and Building Codes**

An appropriate definition of "family" is basic to density and use prescriptions of zoning laws and to the applicability of building code laws. This memorandum discusses the definition in the context of such laws. <https://dos.ny.gov/legal-memorandum-lu05-definition-family-zoning-law-and-building-codes>

### **Governmental Immunity from Zoning**

Presents the nine factors that must be examined to determine whether it is in the public interest to subject a particular action of a governmental unit to local land use regulations. [https://dos.ny.gov/system/files/documents/2021/05/lu14-governmental-immunity-from-zoning-and-other-legislation\\_january2020.pdf](https://dos.ny.gov/system/files/documents/2021/05/lu14-governmental-immunity-from-zoning-and-other-legislation_january2020.pdf)

### **Guide to Planning and Zoning Laws of New York State**

Essential for municipal officials, attorneys, and planning boards, the *Guide* has the complete text of relevant laws, including statutory changes from the 2020 Legislative Session.

### **Guidelines for Applicants to the Zoning Board of Appeals**

Explains the rules and standards under which appeals may be taken to the Zoning Board of Appeals (ZBA) and decisions made by the ZBA.

### **Land Use Moratoria**

Describes the moratorium, which temporarily suspends development approvals, the case law surrounding moratoria, and the drafting of a moratorium law.

### **Local Laws and Agricultural Districts: How Do They Relate?**

Provides guidance to municipalities in the preparation of local laws or ordinances so that they do not impact farming activities that are conducted within agricultural districts.

### **Municipal Control of Signs**

Examines the legal aspects of sign regulations by covering significant court cases involving signs and constitutional rights, focusing on legitimate exercises of municipal sign control and reviews the processes of planning and adopting a local law to regulate signs—with sample local law language.

### **Municipal Regulation of Adult Uses**

A discussion of municipal authority to regulate adult uses. <https://dos.ny.gov/legal-memorandum-lu03-municipal-regulation-adult-uses>

### **Municipal Regulation of Manufactured Homes**

An overview of municipal authority to regulate the placement of manufactured homes.

### **Questions for the Analysis and Evaluation of Existing Zoning Regulations**

A list of questions intended to assist you in determining whether your existing zoning regulations are out of date or otherwise inadequate to meet the demands of present conditions in your community.

### **Record Keeping Tips for Zoning Administration**

Tips on managing zoning-related paperwork with model review procedure forms.

### **Site Plan Review**

Discusses submission requirements, review standards, and development considerations, with illustrative plan regulations, a sample application, and design review methodology.

### **Subdivision Review in New York State**

Explores our statutory process of subdivision review, including infrastructure and open spaces within the subdivision, various options for subdivision design, and the effects those design approaches have on the function of the subdivision and surrounding community.

### **Zoning Board of Appeals**

The legal framework for understanding the powers and duties of the Zoning Board of Appeals. Includes all statutory changes through the 2005 Legislative Session.

### **Zoning and the Comprehensive Plan**

Explains the legal relationship between the comprehensive plan and municipal zoning regulations.

### **Zoning Enforcement**

Explains the zoning enforcement process with options for enforcement and sample forms.

## **Resource Protection:**

### **Legal Aspects of Municipal Historic Preservation**

An overview of municipal regulatory authority under state and federal statutes to preserve local historic resources.

### **Local Open Space Planning Guide**

A collaborative project of the Departments of State and Environmental Conservation, this publication assists citizens and local officials who want help and advice to conduct local open space planning by setting forth simple, step-by-step processes for preparing a local open space conservation plan and recommending specific strategies and techniques for conserving open space.

### **Stormwater Management Design Manual**

A general overview on how to size, design, select, and locate stormwater management practices at a development site to comply with State stormwater performance standards. **Available for download on the website of the New York State Department of Environmental Conservation or for purchase from the DEC. <http://www.dec.ny.gov/chemical/29072.html>**

### **Transfer of Development Rights**

This publication discusses the process and benefits for municipalities to implement Transfer of Development Rights (TDR), an effective and flexible land use tool. Commonly used for open space and farmland preservation, TDR can also be used to protect other natural and environmental resources, as well as historic, recreational, and cultural resources.

**Shared Services and Consolidation:**

**\_\_\_\_\_ *The New N.Y. Government Reorganization and Citizen Empowerment Act:  
A Summary of the Process for Consolidation and Dissolution***

This publication summarizes the uniform procedures for the consolidation or dissolution of local government that must be followed, with relevant sections of the General Municipal Law referenced in brackets.

**\_\_\_\_\_ *Implications of a Village Dissolution***

Assesses the financial feasibility of dissolving the Village of Cherry Creek into the Town of Cherry Creek.

**\_\_\_\_\_ *Intergovernmental Cooperation***

Provides practical suggestions, ideas, and information for the sharing of services between municipalities.

**Building Code and Property Maintenance:**

**\_\_\_\_\_ *Administration and Enforcement of the Uniform Fire Prevention and Building Code and the Energy Conservation Construction Code***

An overview of the designation of responsibility of enforcement of the Uniform Fire Prevention and Building code with a sample local law.

**\_\_\_\_\_ *Controlling Junk***

This manual contains municipal options for controlling junk motor vehicles as well as other household debris. Includes a discussion of state laws regulating junk, as well as sample language for the adoption of local junkyard and junk storage laws. Published in cooperation with the Tug Hill Commission.

To order publications:

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