

**PATRICIA ELLEN SALKIN**

Jacob D. Fuschberg Touro Law Center  
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**PROFESSIONAL EXPERIENCE:**

**Touro College Jacob D. Fuchsberg Law Center**, July 2012 – Present  
Dean and Professor of Law

**Albany Law School of Union University**, April 1990-July 2012  
Raymond & Ella Smith Distinguished Professor of Law, July 2008-July 2012  
Professor of Law, February 2004-July 2008  
Professor of Government Law, Feb. 2000-Feb. 2004  
Interim Director, Science & Technology Law Center, Oct. 2003-Dec. 2004  
Associate Dean, April 1998-Present  
Director, Government Law Center, June 1992-July 2012  
Acting Director, Government Law Center, Jan. 1992-June 1992  
Assistant Director, Government Law Center, April 1990-Dec. 1991

**Teaching Experience**

Albany Law School, June 1992-July 2012  
(Government Ethics [on-line course], Land Use Law, Current Legal Issues in Government, Introduction to Chinese Law, Housing Law & Policy, New York State Administrative Law, Public Policy Field Placement Program, Semester in Government)

Rutgers University, Edward J. Bloustein School of Planning and Public Policy,  
Faculty, Jan. 2009-2010  
On-Line Courses for Professionals (Land Use Law, Planning Ethics)

University of Pennsylvania, School of Design, Lecturer, Spring 2007  
(Land Use Law)

University at Albany, Department of Geography & Planning, Sept. 1993-2012  
(Planning Law, Planning Ethics)

Rensselaer Polytechnic Institute, Center for Urban & Environmental Studies,  
Sept. 1990-1992 (Urban Law, Housing Policy)

Sage-Junior College of Albany, Spring 1989 (Legal Survey and Contracts II)

## **Government Employment**

NYS Office of Rural Affairs, Assistant Counsel, Albany, NY, Aug. 1988-April 1990

NYS Department of State, Office of Local Government Services and Coastal Zone Management Program, Legal Aide, Albany, NY, May 1986-Feb. 1987

NYS Senate, Session Assistant, Senator Charles D. Cook, Albany, NY, 1984

U.S. House of Representatives, Congressional Intern, Representative Benjamin A. Gilman, Washington, D.C., June 1983-Aug. 1983

## **PROFESSIONAL ACTIVITIES:**

Member, City Bar Task Force on New Lawyers in a Changing Professions, 2012-present

Co-Chair, Town of Bethlehem Governance Options Study Committee, 2012

Consultant, National Park Service, Fire Island Land Use and Development Work Session, 2011

Member, Transition Team, Attorney General-Elect Eric Schneiderman, 2010

Fellow, Center for Governmental Research, 2010 - present

Elected Member, American Law Institute, March 2010

\*Appointed as Adviser for drafting of Principles of the Law on Government Ethics (2010-2013)

Elected Fellow, American College of Real Estate Lawyers, March 2009

Member, Advisory Board, Land Use Law Center, Vermont Law School, 2008-Present

Member, University Council, Empire State College, 2008-Present

Member, National Environmental Justice Advisory Council, U.S. Environmental Protection Agency, 2007-2010

Member, Standing Panel on Social Equity in Governance, National Academy of Public Administration, 2007-Present

Member, Local Government Study Group, NYS Commission on Local Government Efficiency and Competitiveness, 2007

Faculty Advisor, Albany Government Law Review, 2007-Present

Member, Transition Team, Governor-Elect Eliot Spitzer, 2006-2007  
(Procurement Team)

Member, Transition Team, Attorney General-Elect Andrew Cuomo, 2006-2007  
(Public Integrity Committee)

Member, Local Government Research Advisory Group, NYS Comptroller, 2006-Present

Executive Committee, American Association of Law Schools, State & Local Government  
Law Section, 2006-Present

Consultant, City of Oneonta, zoning update, 2011; City of Ithaca, zoning update; Village  
of Geneseo, NY, zoning update, 2007; Town of Hopewell, NY, zoning update, 2006;  
Town of Amherst, NY, zoning ordinance update, 2005; City of Cohoes, NY, zoning  
update, 2005; Town of Fleming, NY, zoning update, 2004; Town of Paris, NY, zoning  
update, 2001-2002; City of Peekskill, NY, watershed legislative project; City of  
Rochester, NY, zoning update, 1999-2001

Vice Chair, Commission to Promote Public Confidence in Judicial Elections  
(appointed by Chief Judge Kaye), 2003-2005

Senior Consultant, National Academy of Public Administration, 2003

Consultant, American Institute of Certified Planners, Ethics Assessment, 2001-2002

Consultant, City of Schenectady, Police Review Task Force, Summer 2001

Consultant, American Planning Association, smart growth state assessment, 1991 and  
2001-02

Editorial Board, The Urban Lawyer, University of Missouri-Kansas City School of Law,  
1996-98, 2002-Present

Staff Director (via the Government Law Center), City of Albany Citizen's Police Review  
Board, 2000-2002; ongoing oversight to present

Amicus Curiae Committee, Chair, American Planning Association, 1999-Present

Transition Team Member, Eliot Spitzer, New York State Attorney General, 1998-99

Consultant, NYS Governor's Office of Regulatory Reform, Build NY Now, model zoning  
ordinances for shovel-ready sites, 1999 and 2003

Faculty Associate, Lincoln Institute of Land Policy, Cambridge, MA, 1997

Steering Committee Member, Council on Government Ethics Laws, 1997-2000

Fellow, State Academy for Public Administration, 1997-present

#### Grant Reviewer

International Research and Exchanges Board, 2001

U.S. HUD, Office of University Partnerships and Community Development Work Study Program, 1995-1997

U.S. Department of Education, FIPSE, 1995, 1997

U.S. Administration on Aging, Discretionary Grant Program, 1994

#### American Bar Association

Standing Committee on Governmental Affairs, 2012 - present

Commission on Women in the Profession, Member

House of Delegates, State and Local Government Law Section Delegate, 2005-Present

Nominating Committee, House of Delegates, 2005-2007

Standing Committee on Membership, 2006-2009

Fellow, American Bar Association, 2003-Present

#### State and Local Government Law Section

Immediate-Past Chair, 2004

Chair, 2003

Chair-Elect, 2002-03

Vice Chair, 2001-02

Secretary, 2000-01

Officer, Executive Committee Member, 1999-Present

Publications Director, 1996-Aug. 1999

The Urban Lawyer Editorial Advisory Board, 2002-Present

Communications Director, 1999-2000

Government Operations Committee Chair, 1992-1994

Housing Law Subcommittee Chair, 1992-1998

Ethics Committee Co-Chair, 1998-2000, 2011-present

Liaison to the National Conference of State Legislatures, 1992-1993

Liaison to the National Association of County Officers, 2001-2004

Liaison to the ABA Journal, 1996-2000

Liaison to the Standing Committee on Professionalism, 1996-1999

Liaison to the Standing Committee on Ethics and Professional Responsibility, 1999-2000

Ethics & Land Use Planning Subcommittee Chair, 2001-present

Membership Task Force, Vice-Chair, 2002-2003

Task Force on Publishing, Vice-Chair, 2001-2003

#### Government & Public Sector Lawyers Division

Ethics Committee Chair, 1996-1998

Administrative Law Section

Co-Chair, State Administrative Law Committee, 1993-1998  
Task Force to Create Center(s) on State Administrative Law

Center for Eastern European Law Initiatives (ABA), reviewer

Draft charter of the Sverdlovsk Oblast  
Draft charter of the Gagauz Region of Moldova  
Draft law on local self-government for the Republic of Macedonia  
Draft law on the principles of local self-government for the Republic of Georgia

State Commission on the Capital Region, Land Use Committee, Consultant, 1995

New York State Bar Association

Executive Committee, Municipal Law Section, 1993-Present  
Secretary, 2003-2005  
Second Vice Chair, 2005-2007  
Vice Chair, 2007-2009  
Chair, 2009-2011  
Special Committee on Pro Bono for Government Lawyers, 1996-1997  
Standing Committee on Attorneys in Public Service  
Founding Member, 1999  
Vice Chair, 2004  
Chair, 2006-2008  
Fellow, New York Bar Foundation, Elected November 2005  
Chair, Task Force on Eminent Domain, 2005-2007  
Member, Special Committee on Court Structure and Judicial Selection, 2004-Present  
Committee on Legislative Policy, 2005-Present  
Chair, Task Force on Town and Village Justice Courts, 2007-2008  
House of Delegates, 2007-Present  
Member, Committee to Review Judicial Nominations, 2008  
Member, Task Force on Climate Change, 2008  
Co-Chair, Task Force on Government Ethics, 2010-2011  
Member, Committee on Legal Education and Admission to the Bar, 2012-present

Capital District Women's Bar Association

Co-Chair, Task Force/Committee on Women in Government, 2005-2010  
Nominations Committee, 2005-2006

Albany County Bar Association, member

Albany Law School Kate Stoneman Committee, Founding Member, through 2012

Planning & Environmental Law, American Planning Association, Reporter, 1992-Present (formerly called Land Use Law & Zoning Digest)

New York Planning Federation

Legislative Committee Chair (1991-1993)

Board of Directors 1996-2006

Member, Amicus Curiae Committee, 1996-Present

NYS Land Use Advisory Committee, Legislative Commission on Rural Resources, 1990-2003

Presentations to national, state and local professional associations, governmental Entities and other groups, 1991-Present, including:

- American Planning Association Annual Meetings, Special Programs, and Chapter Programs
- American Bar Association (ABA) Annual Meetings and Special Programs
- ALI-ABA Annual Land Use Institute, Core Faculty Member
- ALI-ABA Ethics and Land Use Teleconferences
- NYS Bar Association Annual Meetings and Special Programs
- NYS Association of Architects Annual Meeting
- NY Planning Federation Annual Meetings
- Association of Towns of the State of New York Annual Meetings
- NY Conference of Mayors and Other Municipal Officials, Special Meetings
- NYS Assoc. of Counties and County Attorneys Assoc. of the State of NY
- NYS Government Finance Officers Association
- International Municipal Lawyers Association
- NYS Legislature, Testimony before various Committees
- State of Hawaii Planning Department, Consultant and Lecture
- Southern Nevada Regional Planning Council, Consultant
- Lincoln Institute of Land Policy, Annual David Fulmer Lecture
- New York State Agencies, Various Courses on Government Ethics
- Tennessee Bar Association
- New Jersey Bar Association
- Center for American and International Law
- University of Connecticut School of Law, Gallivan Lecture
- Widener University School of Law, Law & Government Institute
- Denver Law School, Rocky Mountain Land Use Institute
- Pace University School of Law, Land Use Law Center, Pace Environmental Law Review, Kheel Center
- University of Missouri-Kansas City School of Law, Urban Lawyer Symposium
- St. John's University School of Law, Law Review Symposium
- Temple Law School, Environmental Law Journal Symposium
- Vermont Law School, Environmental Law Journal Symposium
- William & Mary School of Law, Environmental Law Review Symposium
- Indiana University School of Law, Indianapolis, Government Law Program
- Howard University School of Law, National EJ Conference
- Rutgers Law School, Annual Land Use Institute
- Brandeis School of Law, University of Louisville, Law, Ethics and Life Sciences Conference
- Princeton University, Public Policy Research Institute

- Case Western Reserve School of Law, Law Review Symposium
- Brooklyn Law School, Sparer Symposium; Trager Symposium
- Hofstra Law School, Law Review Symposium
- University of Colorado School of Law, Elevate '09 Symposium
- University of Houston School of Law, Environmental & Energy Law Symposium
- University of Florida, Levin School of Law
- Georgetown Law School, Faculty Workshop
- Georgia State College of Law, Juergensmeyer Symposium
- Florida Atlantic University, Annual Government Ethics Conference
- Florida State University College of Law
- Fordham Law School, Environmental Law Review Symposium; Cooper-Walsh Colloquium

### **HONORS/AWARDS:**

2011	Innovative Educator Award, Center for Excellence in Law Teaching, Albany Law School
2008	Distinguished Educator for Excellence in Scholarship, Albany Law School
2007	Distinguished Member Award, Capital District Women's Bar Association
2006	Citizen of the Year, Town of Bethlehem Chamber of Commerce
2004	Distinguished Alumna Award, Rockefeller College, University at Albany
2004	Excellence in Alumni Service, University at Albany Alumni Association
2003	Community Service Award, Hudson-Mohawk Association of Colleges and Universities
2002	Award for Excellence in Public Service, New York State Bar Association, Committee on Attorneys in Public Service
2001	Leadership Award, Multiple Sclerosis Society, Northeastern New York Chapter
2000	Bernard E. Harvith Award for Environmental Law, Albany Law School Environmental Alumni
2000	Forty Under Forty, Capital District Business Review
1999	Lawrence F. Klepper Community Builder Award, NYS Council of Community Services
1998	Jefferson B. Fordham Award for "Up & Comers" in State and Local Government Law, American Bar Association
1997	Hugh R. Pomeroy Award for Zoning Law Achievement, New York Planning Federation
1996	Outstanding Young Alumna Award, Albany Law School
1995	Tribute to Women Award, YWCA of Albany

*Author of two FIPSE grants received from the U.S. Department of Education (highly competitive grants awarded to Government Law Center of Albany Law School in 1994 and 1998)*

### **COMMUNITY ACTIVITIES:**

- Board of Directors, Jewish Federation of NENY, 2011-2102
- Board of Directors, Daughters of Sarah Foundation, 2009-2012

- Member, Bethlehem 20/20 Committee, 2008-2009
- Member, Comprehensive Plan Oversight Committee, Town of Bethlehem, 2007
- Advisory Board Member, State Court Watch Program, Russell Sage College, 2004-2006
- Chapel House Interfaith Center, University at Albany, Board Member, 2006-2008
- Member, Comprehensive Plan Review Committee, Town of Bethlehem, March 2004-September 2005
- Board of Directors, Empire State Venture Group, 2004-2005
- Board of Directors, Senior Services of Albany, 2004-2005
- Board of Directors, State Academy for Public Administration, 2001-2007
- Board of Directors, Temple Israel, 2002-2006
- Member, North Albany Community Task Force, 1999-2002
- Board of Directors, Albany Jewish Community Center, 1999-2001
- 1996 Capital Leadership, Albany-Colonie Chamber of Commerce
- 1998, 1999 Capital Leadership, Steering Committee Member
- Board of Directors, Capital Area Consortium on Aging and Disability
- Board of Directors, New York Planning Federation, 1998-2006
- Board of Directors, Homeless & Travelers Aid Society (former)
- Member, Albany Civic Forum (former)
- Member, Community Development Council, CEG (former)
- Past-President, Board of Directors, SUNYA Alumni Association
- Alumni Representative, University Council, University at Albany

## **EDUCATION & PROFESSIONAL CREDENTIALS**

Albany Law School of Union University, JD, *cum laude*  
 University at Albany, BA, *cum laude*

Member of the Bars of: New York and New Jersey  
 Admitted: U.S. Supreme Court

## **PUBLICATIONS:**

### **Textbooks:**

**LAND USE AND SUSTAINABLE DEVELOPMENT: CASES AND MATERIALS, 8<sup>TH</sup> ED.** (w/ J. Nolon)  
(Thomson-West, 2012)

**BORDERING ON MADNESS: AN AMERICAN LAND USE TALE, COMPANION READER**  
(w/ A. Popper and D. Avitabile) (Carolina Academic Press, 2008)

**LAND USE AND COMMUNITY DEVELOPMENT: CASES AND MATERIALS, 7<sup>TH</sup> ED.**  
(w/ J. Nolon and M. Gitelman) (Thomson West, January 2008)

**LAND USE: CASES, MATERIALS AND PROBLEMS, 6<sup>TH</sup> ED.** (w/ M. Gitelman, J. Nolon and R.  
Wright) (Thomson West, January 2004)

### **Treatises:**

**AMERICAN LAW OF ZONING, 5<sup>TH</sup> ED., 5 vols.** (Thomson West, 2008 and updated semi-  
annually)

**NEW YORK ZONING LAW & PRACTICE, 4<sup>TH</sup> ED., 4 vols.** (West Group, 1999 and updated  
annually)

*\*New York Zoning Law & Practice Report*, editor, bi-monthly newsletter primarily  
intended as a regular supplement for treatise subscribers (West Group, 2000-  
Present)

**ANDERSON'S AMERICAN LAW OF ZONING, 4<sup>TH</sup> ED.**, assumed responsibility for semi-annual  
update of the treatise (Thomson West, 2006-2008)

### **Books:**

**ETHICAL STANDARDS IN THE PUBLIC SECTOR, THIRD EDITION**, Editor (American Bar  
Association Press, forthcoming 2013)

**TOWN AND GOWN: HOST COMMUNITIES AND HIGHER EDUCATION**, Co-editor (w/C.Baker)  
(American Bar Association Press, forthcoming 2013)

**Navigating the New Public Square: Social Media and Local Governments**,  
(w/J.Tappendorf) (American Bar Association Press, 2013)

**2012 ZONING AND PLANNING LAW HANDBOOK**, Editor (Thomson-West, 2012)

**THE GREENING OF LOCAL GOVERNMENT**, Co-Editor (w/K.Hirokawa) (American Bar  
Association Press, 2012)

**ACTING AS IF TOMORROW MATTERS**, Contributing Author (J. Dernbach, ed.)(Environmental Law Institute, forthcoming 2012)

**2011 ZONING AND PLANNING LAW HANDBOOK**, Editor (Thomson-West, 2011)

**CLIMATE CHANGE AND SUSTAINABLE DEVELOPMENT LAW IN A NUTSHELL** (with Nolon) (Thomson-West, 2011)

**2010 ZONING AND PLANNING LAW HANDBOOK**, Editor (Thomson-West, 2010)

**2009 ZONING AND PLANNING LAW HANDBOOK**, Editor (Thomson-West, 2009)

**PIONEERING WOMEN LAWYERS: FROM KATE STONEMAN TO PRESENT**, Editor (American Bar Association Press, 2008)

**ETHICAL STANDARDS IN THE PUBLIC SECTOR, SECOND EDITION**, Editor (American Bar Association Press, 2008)

**2008 ZONING AND PLANNING LAW HANDBOOK**, Editor (Thomson-West, 2008)

**LAND USE LAW IN A NUTSHELL** (w/ Nolon) (Thomson-West, 2006)

**2007 ZONING AND PLANNING LAW HANDBOOK**, Editor (Thomson-West, 2007)

**2006 ZONING AND PLANNING LAW HANDBOOK**, Editor (Thomson-West, 2006)

**2005 ZONING AND PLANNING LAW HANDBOOK**, Editor (West Group, 2005)

**CURRENT TRENDS AND PRACTICAL STRATEGIES IN LAND USE LAW AND ZONING**, Editor (American Bar Association, December 2004)

**2004 ZONING AND PLANNING LAW HANDBOOK**, Editor (West Group, June 2004)

**2003 ZONING AND PLANNING LAW HANDBOOK**, Editor (West Group, June 2003)

**THE PUBLIC TRUST: A TWO WAY STREET**, Co-Editor (New York State Bar Association, December 2002)

**2002 ZONING AND PLANNING LAW HANDBOOK**, Editor (West Group, June 2002)

**2001 ZONING AND PLANNING LAW HANDBOOK**, Editor (West Group, June 2001)

**TRENDS IN LAND USE LAW FROM A TO Z: ADULT USES TO ZONING**, Editor (American Bar Association, ABA Press, June 2001)

**HOT TOPICS IN LAND USE LAW**, Co-Editor (w/ R. Freilich) (American Bar Association, ABA Press, January 2000)

**ETHICAL STANDARDS IN THE PUBLIC SECTOR**, Editor (American Bar Association, ABA Press, June 1999)

**LEGAL CAREERS IN NEW YORK STATE GOVERNMENT** (w/ M. Monforte) (New York State Bar Association, 8<sup>th</sup> Edition 1999 & 7<sup>th</sup> Edition 1996); (w/ A. Lavine & M. Monforte) (New York State Bar Association, 9<sup>th</sup> Edition 2008); (10<sup>th</sup> ed. 2012 w/D. Gross and D. Koelling)

**EVERYTHING YOU WANTED TO KNOW ABOUT ZONING**, 2d ed., Editor (authors Coon & Damsky) (New York Planning Federation, 1993); contributor to 3rd ed. (1998)

#### **Law Review Articles:**

**“Sustainability as a Means of Improving Environmental Justice,”** (w/J. Dernbach and D. Brown) 19 J. of Sustainability and Env'tl. Law.1 (2012)

**“International Comparative Property Rights: A Cross-Cultural Discipline Comes of Age,”**(w/ D. Gross) 1 The Brigham-Kanner Property Rights Conference J. 41(2012)

**Foreward**, 5 Alb. Gov. L. Rev. vii (2012)

**“Engaging Deliberative Democracy at the Grassroots: Prioritizing the Effects of the Fiscal Crisis at the Local Government Level,”**(w/C. Gottlieb) 39 Fordham Urb. L.J.727 (2012)

**“The Quiet Revolution and Federalism: Into the Future,”** 45 John Marshall L. Rev.253 (2012)

**“The Key to Unlocking the Power of Small Scale Renewable Energy: Local Land Use Regulation,”** 27 Univ. Fla. J. Land Use & Env't'l Law 339 (2012)

**“Honey, It's All the Buzz: Regulating Neighborhood Bee Hives,”** 39 Boston College Environmental Affairs L. Rev. 55 (2012).

**“Ensuring the Public Trust at the Municipal Level: Inspectors General Enter the Mix,”**(w/ Z. Kansler) 75 Alb. L. Rev.95 (2011/2012)

**“Medical Marijuana Zoned Out: Local Regulation Meets State Acceptance and Federal Quiet Acquiescence,”** (w/ Z. Kansler) 16 Drake J. Agri. L 295 (2011)

**“Failure to Articulate Clear Ethics Rules and Standards and the Local Level Continues to Haunt Local Land Use Decision Makers,”** 43 The Urban Lawyer 757 (Summer 2011) reprinted in Merriam, ed., **AT THE CUTTING EDGE 2011** (American Bar Association Press 2011)

**“Regional Foodsheds: Are Our Local Land Use and Zoning Regulations Healthy?”** (w/ A. Lavine) 22 Fordham Envtl L. Rev. 599 (2011)

**“They Do Teach That in Law School: Incorporating Best Practices in Land Use Law,”** 2 Pace Envtl L. Rev. On-Line Companion 102 (2011)

**“From Bricks and Mortar to Mega-Bytes and Mega-Pixels: The Changing Landscape of The Impact of Technology and Innovation on Urban Development,”** 42/43 The Urban Lawyer 11 (Fall 2010/Winter 2011)

**“Practically Grounded: Convergence of Land Use Law Pedagogy and Best Practices,”** (w/ J. Nolon) 60 J. of Legal Educ. 519 (2011)

**“Social Networking and Land Use Planning and Regulation: Practical Benefits, Pitfalls and Ethical Considerations,”** 31 Pace L. Rev. 54 (2011); reprinted as Chapter 3 in **PLANNING, ZONING & EMINENT DOMAIN** (LexisNexis 2011)

**“No Protectable Property Interest in Making Land Use Decisions and Other 2010 Ethics in Land Use Issues,”** 42 The Urban Lawyer 649 (2010)

**“Urban University Expansion and Sustainable Development: Can the Two Co-Exist? : A Case Study in Progress on Columbia University,”** (w/ K. Hirokawa) 37 Fordham Urb. L. J.637 (2010)

**“Community Benefits Agreements and Comprehensive Planning: Balancing Community Empowerment and the Police Power,”** (w/ A. Lavine) 18 Brooklyn L. Rev. 157 (2009)

**“Cooperative Federalism and Wind: A New Framework for Achieving Sustainability,”** (w/ A. Ostrow) 37 Hofstra L. Rev.1049 (2009)

**“New York Climate Change Report Card: Improvement Needed for More Effective Leadership and Overall Coordination with Local Government,”** 80 Univ. of Colorado L. Rev. 921 (2009)

**“Can You Hear Me Up There? Giving Voice to Local Communities Imperative for Achieving Sustainability,”** 4 Houston Envtl Energy Law & Policy J 256 (2009)

**“Sustainability and Land Use Planning: Greening State and Local Land Use Plans and Regulations to Address Climate Change Challenges and Preserve Resources for Future Generations,”** 34 William and Mary Environmental Law and Policy Review 121 (2009) reprinted in Tarlock and Callies, **LAND USE & ENVIRONMENTAL LAW REVIEW**, vol. 42 (forthcoming 2011)

- “2009 Ethical Considerations in Land Use,”** 41 The Urban Lawyer 527 (Summer 2009) reprinted in Merriam, ed., **AT THE CUTTING EDGE 2009** (American Bar Association 2010)
- “God and the Land: A Holy War Between Religious Exercise and Community Planning and Development,”** (w/ A. Lavine) 2 Albany Gov’t L. Rev. 355 (2009)
- “A Quiet Crisis in America: Meeting the Affordable Housing Needs of the Invisible Low-Income Seniors,”** 16 Georgetown J. on Poverty L. & Pol’y 285 (2009)
- “Modernization of New York’s Land Use Laws Continues to Meet Growing Challenges of Sustainability,”** (w/ J. Bacher) 29 Pace L. Rev. 563 (Spring 2009)
- “Municipal Regulation of Formula Businesses: Creating and Protecting Communities,”** 58 Case Western L. Rev. 1251 (2008)
- “Crime Doesn’t Pay and Neither Do Conflicts of Interest in Land Use Decisionmaking,”** 40 The Urb. Lawyer 561 (Summer 2008); reprinted in Merriam, ed., **AT THE CUTTING EDGE 2008** (American Bar Association 2008)
- “Negotiating for Social Justice and the Promise of Community Benefit Agreements: Case Studies of Current and Developing Agreements,”** (w/ A. Lavine) 17 J. Affordable Housing & Community Dev. L. 113 (Fall 2007/Winter 2008)
- “The Genesis of RLUIPA and Federalism: Evaluating the Creation of a Federal Statutory Right and its Impact on Local Government,”** (w/ A. Lavine) 40 The Urb. Lawyer 195 (Spring 2008)
- “Land Use Law and Active Living: Opportunities for States to Assume a Leadership Role in Promoting and Incentivizing Local Options,”** (w/ A. Lavine) 5 Rutgers J. of Law & Policy 317 (Spring 2008)
- “Understanding Community Benefit Agreements: Equitable Development, Social Justice and Other Considerations for Developers, Municipalities and Community Organizations,”** (w/ A. Lavine) 26 UCLA J. of Env’t’l L & Pol’y 291 (2008)
- “Squaring the Circle on Sprawl: What More Can We Do? Progress Toward Sustainable Land Use in Other States,”** 16 Widener L.J. 787 (2007)
- “Measure 37 and a Spoonful of Kelo,”** (w/ A. Lavine) 38 The Urban Lawyer 1065 (Fall 2006)
- “Ethical Considerations in Land Use Decisionmaking: 2006 Annual Review of Cases and Opinions,”** 38 The Urban Lawyer 669 (Summer 2006)

**“Eminent Domain Legislation Post *Kelo*: A State of the States,”** 36 *Envtl. L. Rep.* 10864 (November 2006)

**“New York at a Crossroads: Sustaining a Government Reform Agenda on the Frontlines with Executive, Legislative and Judicial Reform Initiatives,”** (short Introduction to Symposium) 69 *Alb. L. Rev.* 827 (2006)

**“Eliminating Political Maneuvering: A Light in the Tunnel for the Government Attorney-Client Privilege,”** (w/ A. Phillips) 39 *Indiana L. Rev.* 561 (2006)

**“Integrating Local Waterfront Revitalization Planning into Local Comprehensive Planning and Zoning,”** 22 *Pace Env'tl. L. Rev.* 207 (2005)

**“GIS in an Age of Homeland Security: Accessing [Public] Information to Ensure a Sustainable Environment,”** 30 *Wm & Mary Env'tl. L. Rev.* 55 (2005)

**“Supersizing Small Town America: Using Regionalism to Right-Size Big Box Retail,”** *Vt. J. Env'tl. L.* 48 (Symposium 2005)

**“Community Redevelopment, Public Use, and Eminent Domain,”** 37 *The Urban Lawyer* 201 (w/ L. Lucero) (Spring 2005)

**“Smart Ethics: Ethical Considerations in Promoting Smart Growth Principles,”** 23 *Temple Env'tl. L. & Tech. J.* 63 (Fall 2004)

**“Teaching Government Law & Policy in Law School: Reflections on 25 Years of Experience,”** 66 *Alb. L. Rev.* 993 (2003)

**“Beware: What You Say to Your [Government] Lawyer May Be Held Against You: The Erosion of Government Attorney-Client Confidentiality,”** 35 *The Urban Lawyer* 283 (Spring 2003)

**“From Euclid to Growing Smart: The Transformation of The American Local Land Use Ethic Into Local Land Use and Environmental Controls,”** 20 *Pace Env'tl. L. Rev.* 109 (Spring 2002)

**“Sorting Out New York’s Smart Growth Initiatives: More Proposals and More Recommendations,”** 8 *Alb. L. Environmental Outlook* 1 (2002)

**“Smart Growth and Sustainable Development: Threads of a National Land Use Policy,”** 36 *Valpraiso L. Rev.* 381 (Spring 2002)

**“Judging Ethics for Administrative Law Judges Adoption of a Uniform Code of Conduct for the Administrative Judiciary,”** 7 *Widener J. Pub. L.* 7 (2002)

- "The Smart Growth Agenda: A Snapshot of State Activity at the Turn of the Century,"** 21 St. Louis Pub. L. Rev. 271 (Spring 2002)
- "SEQRA's Silver Anniversary: An Opportunity to Review the Past, Consider the Present and Chart the Future,"** 65 Albany L. Rev. 577 (2001)
- "Compact Planning Offers a Fresh Approach for Regional Planning and Smart Growth,"** (w/ Paul Bray) 30 Real Estate L. J. 121 (Fall 2001)
- "Litigating Ethics Issues in Land Use: 2000 Trends and Decisions,"** 33 The Urban Lawyer 687 (Summer 2001); reprinted in Zoning and Planning Law Report, Vol. 24 No. 4 (April 2001)
- "Municipal Ethics Remain a Hot Topic in Litigation: A 1999 Survey of Issues in Ethics for Municipal Lawyers,"** 14 BYU J. of Pub. L. 209 (2000)
- "The Politics of Land Use Reform in New York: Challenges and Opportunities,"** 73 St. John's L. Rev. 101(1999)
- "1998 Survey of Ethics in Land Use Planning,"** 26 Fordham Urb. L.J. 1393 (1999); reprinted in 22 Zoning & Planning Law Report 1 (April 1999)
- "Smart Growth at Century's End: The State of the States,"** 31 The Urban Lawyer 601 (Summer 1999)
- "Affordable Housing: Update on Federal and State Activities,"** (w/ C. Coan and R. James) 26 The Urban Lawyer 859 (1994)
- "The Use of the Public Trust Doctrine as a Management Tool Over Public and Private Lands: Introduction,"** 4 Alb. L. J. of Sci. & Tech. 1 (1994)
- "National Performance Review: A Renewed Commitment to Strengthening the Intergovernmental Partnership,"** 26 The Urban Lawyer 51 (1994)
- "The Fair Housing Act, Zoning, and Affordable Housing,"** (w/ J. Armentano) 25 The Urban Lawyer 893 No. 4 (Fall 1993)
- "Regional Planning in New York: A State Rich in National Models Yet Weak In Overall Coordination,"** 13 Pace Law Review 505 (No. 2, Fall 1993)
- "Introduction: Symposium on Municipal Liability,"** 44 Syracuse L. Rev. 829 (1993)

#### **Law Journal Columns:**

- "Government 'Green' Requirements and 'LEEDigation'"** (w/ G. Grady, N. Mueller, and S. Herendeen) 40 Real Estate L.J. 496 (Spring 2012)

- “Regulating Controversial Land Uses,”** 39 Real Estate L.J.526 (Spring 2011)
- “Relationships, the Rules of Professional Conduct and Land Use: Ethical Quagmires for Land Use Attorneys,”** 39 Real Estate L.J. 367 (Winter 2010)
- “Abandonment, Discontinuance and Amortization of Nonconforming Uses: Lessons for Drafters of Zoning Regulations,”** 38 Real Estate L.J. 482 (Spring 2010)
- “Linking Land Use with Climate Change and Sustainability Topped State Legislative Land Use Reform Agenda in 2008,”** 37 Real Estate L.J. 336 (Spring 2009)
- “Law of the Land – Year in Review,”** 36 Real Estate L.J. 484 (Spring 2008)
- “Ensuring Continuing Community Amenities Through Golf Course Redevelopment,”** 35 Real Estate L.J. 628 (Spring 2007)
- “States Beginning to Recognize that Training is Essential for Members of Planning and Zoning Boards and Local Legislative Bodies,”** 35 Real Estate L.J. 315 (Fall 2006)
- “Zoning for Home Occupations: Modernizing Zoning Codes to Accommodate Growth in Home-Based Businesses,”** 35 Real Estate L.J. 181 (Summer 2006)
- “Examining Land Use Planning and Zoning Ethics from a Planner’s Perspective: Lessons for All Stakeholders in the Real Estate Game,”** 34 Real Estate L.J. 508 (Spring 2006)
- “Irresponsible Legislating: Reeling in the Aftermath of Kelo,”** (w/ M. Lavery) 34 Real Estate L. J. (Winter 2005)
- “U.S. Supreme Court’s 2004 Term Includes Significant Land Use Decisions with a Trilogy of Takings Cases,”** 34 Real Estate L.J. 244 (Fall 2005)
- “Effective Disaster Mitigation Depends Upon Well-Coordinated Local Land Use Planning and Zoning,”** 34 Real Estate L.J. 109 (Summer 2005)
- “Michigan Supreme Court Overturns Landmark Eminent Domain Case,”** 33 Real Estate L. J. 478 (Spring 2005)
- “Implementation of the APA Growing Smart Legislative Guidebook: Beginning to Benchmark Success,”** 33 Real Estate L.J. 339 (Winter 2004)

**“The Green Development Movement: Smart Growth With a Green Label,”** 33 Real Estate L.J. 214 (Fall 2004)

**“Ethics in Land Use: Using Ethical Allegations as a Sword Rather Than a Shield,”** 33 Real Estate L.J. 100 (Summer 2004)

**“Environmental Justice and Land Use Planning and Zoning,”** 32 Real Estate L.J. 429 (Spring 2004)

**“Where Will the Aging Baby Boomers Go? Planning and Zoning for an Aging Population,”** 32 Real Estate L. J. 181 (Fall 2003)

**“2002 U.S. Supreme Court Term Includes Zoning Referendum Case,”** 32 Real Estate L. J. 90 (Summer 2003)

**“Planning for Conflicts of Interest in Land Use Decisionmaking: The Use of Alternate Members of Planning and Zoning Boards,”** 31 Real Estate L. J. 375 (Spring 2003)

**“Congress Misses Twice With the Community Character Act: Will Three Times Be A Charm?”** 31 Real Estate L.J. 167 (Fall 2002)

**“U.S. Supreme Court Hands Two Big Wins to Municipal Governments in 2001-2002 Term,”** 31 Real Estate L.J. 83 (Summer 2002)

**“The Next Generation of Planning & Zoning Enabling Acts Is on the Horizon: 2002 Growing Smart Legislative Guidebook is a Must-Read for Land Use Practitioners,”** 30 Real Estate L.J. 353 (Spring 2002)

#### **Chapters in Books:**

**Conflicts of Interest: Trustees, Board Members & Other Volunteers,** ed. Cynthia Baker and Patricia Salkin, Town & Gown (w/D. Gross)(ABA Press forthcoming 2013)

**The Judiciary and Judicial Reform,** in Benjamin, ed., THE OXFORD HANDBOOK OF NEW YORK STATE GOVERNMENT & Politics (w/ Lavine) (2012)

**Paperless Governments: Moving Towards Sustainability,** (w/H.Gross), in Hirokawa and Salkin, eds., THE GREENING OF GOVERNMENT (ABA Press 2012)

**Ensuring Government is Getting the Green Projects Expected,** (w/Herendeen), in Hirokawa and Salkin, eds., THE GREENING OF GOVERNMENT (ABA Press 2012)

**Failure to Articulate Clear Ethics Rules and Standards and the Local Level Continues to Haunt Local Land Use Decision Makers,** in Merriam, ed., **AT THE CUTTING EDGE 2011** (American Bar Association Press, 2011)(reprinted from 43 The Urban Lawyer 757 (Summer 2011)

**Facility Siting and Permitting**, in Gerrard, ed., THE LAW OF CLEAN ENERGY: EFFICIENCY AND RENEWABLES (ABA Press 2011)

**Site Selection and Land Use Planning**, (w/ Lavine) in Gerrard, Howe and Fucci, THE LAW OF GREEN BUILDINGS (ABA Press 2010)

**2009 Ethical Considerations in Land Use**, in Merriam, ed., AT THE CUTTING EDGE 2009 (ABA Press, 2010) (reprinted from 41 The Urb. Lawyer 527 (Summer 2009))

**Affordable Housing, Distribution of Powers and Economic Crisis in the United States**, in DRET A L'HABITATGE I SERVEI PÚBLIC D'ALLOTJAMENT CATALÀ?: El desplegament de la llei del dret a l'habitatge de Catalunya i els problemes de constitucionalitat de determinades actuacions estatals, Juli Ponce Solé (coord.) (Col·lecció Institut d'Estudis Autònoms, Barcelona 2009)

**Seeing the Light Through RLUIPA's Haze**, in Giarmo and Lucero, eds., THE RLUIPA READER: RELIGIOUS LAND USES, ZONING, AND THE COURTS (ABA Press 2009)

**The Clash of Law & Politics: Eminent Domain in a Post-Kelo Environment**, in Clay and Jones, eds., Building Healthy Communities: A Guide to COMMUNITY ECONOMIC DEVELOPMENT FOR ADVOCATES, LAWYERS AND POLICYMAKERS (ABA Press 2009)

**Crime Doesn't Pay and Neither Do Conflicts of Interest in Land Use Decisionmaking**, in Merriam, ed., AT THE CUTTING EDGE 2008 (ABA Press, 2009) (reprinted from 40 The Urb. Lawyer 561 (Summer 2008))

**The Authority to Plan**, in The Practice of Local Planning (ICMA 2008)

**Land Use: Blending Smart Growth with Social Equity and Climate Change Mitigation**, in AGENDA FOR A SUSTAINABLE AMERICA (ELI Fall 2008)

**It's in the Cards: Ethical Considerations in Land Use for Lawyers and Clients**, in 2007 INSTITUTE ON PLANNING, ZONING AND EMINENT DOMAIN (Lexis/Nexis 2007)

**The Friends of the Court: The Role of Amicus Curiae in Kelo v City of New London**, (w/ L. Lucero and A. Phillips) in EMINENT DOMAIN USE AND ABUSE: KELO IN CONTEXT (ABA Press 2006)

**Planning and Zoning for an Aging Population: Make Way for the Baby Boomers**, in P. Salkin, ed., CURRENT TRENDS AND PRACTICAL STRATEGIES IN LAND USE LAW AND ZONING (ABA Press 2004)

**Ethical Considerations in Land-Use Planning and Zoning: Trends and Decisions**, in P. Salkin, ed., CURRENT TRENDS AND PRACTICAL STRATEGIES IN LAND USE LAW AND ZONING (ABA Press 2004)

**Smart Growth and the Law**, in M. Lindstrom and H. Barling, eds., SURVEYING SPRAWL: CULTURE, ECOLOGY AND POLITICS (Rowman and Littlefield Publishers, 2003)

**State Enabling Statutes That Move Beyond Traditional Zoning**, in J. Nolan ed., NEW GROUND: THE ADVENT OF LOCAL ENVIRONMENTAL LAW (ELI 2003)

**Land Use**, in J. Dernbach, ed, STUMBLING TOWARD SUSTAINABILITY, Chapter 16 (ELI 2002)

**Smart Growth for the Millennium**, in INSTITUTE ON PLANNING, ZONING AND EMINENT DOMAIN, Southwestern Legal Foundation (Matthew Bender & Co. 1999)

**Legal Ethics and Land Use Planning**, in INSTITUTE ON PLANNING, ZONING AND EMINENT DOMAIN, Southwestern Legal Foundation (Matthew Bender & Co. 1998)

**Statewide Comprehensive Planning: The Next Wave**, in STATE & REGIONAL COMPREHENSIVE PLANNING: IMPLEMENTING NEW METHODS FOR GROWTH MANAGEMENT (American Bar Association 1993)

#### **Significant Studies and Reports:**

**Report of the Task Force on Government Ethics**, (w/Garcia) New York State Bar Association (January 2011)

**The *Kelo* Effect in New York, New Jersey and Pennsylvania: Assessing the Impact of *Kelo* in the Tri-State Region, in Land and Power: The Impact of Eminent Domain in Urban Communities**, Woodrow Wilson School of Public Policy (Princeton University, 2008)

**Report of the New York State Bar Association Task Force on Eminent Domain**, New York State Bar Association (July 2007)

**Addressing Community Concerns: How Environmental Justice Relates to Land Use Planning & Zoning**, (w/ Keiner, Goode, Dubrowski, Fletcher and Hertko) (National Academy of Public Administration, July 2003)

**AICP Code of Ethics and Professional Conduct: A Critical Review and Audit** (w/ S. Whiteley) (June 2002)

**PLANNING FOR SMART GROWTH: 2002 STATE OF THE STATES**, Co-Author (American Planning Association, February 2002)

**“Conservation of Private Lands: Opportunities and Challenges for the States,”** (w/ J. Cintron and J. Fleming) (National Governor’s Association, March 2001)

**Reform Proposals by the Thousand**, in Planning Communities for the 21<sup>st</sup> Century (American Planning Association, 1999)

**Developing Effective Regional Agreements**, (w/ R. Heverly) in Issues & Opinions (National League of Cities, April 1994)

**Intermunicipal Cooperation in Land Use Planning** (Government Law Center of Albany Law School, 1994)

**County Charter Reform in New York: A Survey of Legal Issues** (w/ R. Heverly and M. Jacob) (Government Law Center of Albany Law School, October 1992)

**Impact Fees: The Law, Policy and Practice, A Bibliography** (Council of Planning Librarians, 1991)

**"An Overview of the Public Trust Doctrine in New York," The Public Trust Doctrine: The Ownership and Management of Lands, Water and Living Resources** (Government Law Center of Albany Law School, December 1991)

**The Comprehensive Plan and Comprehensive Planning** (Government Law Center of Albany Law School, August 1991)

**Preservation of Rural Character and Protection of Natural Resources** (Government Law Center of Albany Law School, April 1991)

**Impact Fees for New York Municipalities: Time for Legislative Action?** (Government Law Center of Albany Law School, May 1991)

**Legal Processes for Facilitating Consolidation and Cooperation Among Local Governments: Models from other States** (w/ G. Carpinello) (Government Law Center of Albany Law School, 1990)

**Newsletter Editor:**

**Municipal Lawyer**, Editor-in Chief, New York State Bar Association (2012-present)

**New York Zoning Law and Practice Report**, Editor, Bi-Monthly, West Group (July/August 2000-Present)

**Zoning Law & Practice Report**, Contributing Editor, Monthly, West Group (April 2001-Present)

**State and Local News**, ABA State and Local Government Law Section (1994-1996)

**News from the States**, edited quarterly column for **Administrative Law & Regulatory News**, ABA Section of Administrative Law (1995-1998)

## Articles for Other Scholarly and Professional Publications:

**“A Conversation about Legal Ethics and Social Media,”** (w/S. Bennett, M. Fish, B. Green, J. McCarron and J. Szekeres) 84 NYSBJ 10 (September 2012)

**“Zoning Ordinance Variances,”** PAS Quick Notes 38 (American Planning Association, June 2012)

**“Creating Healthy and More Sustainable Communities: The Role of Planners and the Effective Use of Health Impact Assessment (HIA) in Land Use Decision Making,”** (w/Ko) Zoning News (American Planning Association, Oct. 2011)

**“Integrating Sustainable Development Planning and Climate Change Management A Challenge to Planners and Land Use Attorneys,”** (w/Nolon) Planning and Environmental Law (March 2011)

**“Zoning for Off-Campus Fraternity and Sorority Houses,”** Zoning and Planning Law Report (w/A. Lavine) (December 2010)

**“Sustainable Development, Climate Change and Land Use for New York Local Governments,”** New York Zoning Law and Practice Report (September/October 2010)

**“Medical Marijuana Meets Zoning: Can You Grow, Sell and Smoke that Here?”** (w/ Z. Kansler) 62 Planning & Environmental Law 3 (August 2010)

**“Environmental Justice and Land Use Planning,”** PAS Quick Notes 26 (American Planning Association, June 2010)

**“Cooperative Federalism and Climate Change: New Meaning to “Think Globally, Act Locally,”** 40 Env'tl. L. Rptr.10562 (June 2010)

**“New York Local Governments Respond to Climate Change and Energy Efficiency,”** The New York Environmental Lawyer (NYS Bar Association Environmental Law Section, Fall 2009)

**“Renewable Energy and Land Use Regulation-Part I,”** Business Law Course Materials Journal (ALI-ABA, 2009) (based on a paper delivered at the 2009 ALI-ABA Land Use Institute, San Diego, CA)

**“Renewable Energy and Land Use Regulation-Part II,”** Business Law Course Materials Journal (ALI-ABA, 2010) (based on a paper delivered at the 2009 ALI-ABA Land Use Institute, San Diego, CA)

**“The Tables Turn: Ethical Checks on the Public,”** 32 Zoning and Planning Law

Report 1 (September 2009)

**“Providing for Alternate Members on Planning and Zoning Boards: Drafting Effective Local Laws,”** 61 Planning & Environmental Law 3 (August 2009)

**“Host Community Agreements for Wind Farm Development,”** (w/ D. Spitzer and M. Bookser) New York Zoning Law and Practice Report, vol. 9 no. 5 (March/April 2009)

**“New Code of Ethics for Wind Energy Companies Doing Business in New York: A Back-Door Approach to Regulating Municipal Ethics,”** 23 Municipal Lawyer 13 (Winter 2009)

**“Residency Restrictions for Convicted Sex Offenders: A Popular Approach on Questionable Footing,”** (w/ D. Merriam) New York Zoning and Planning Law Report, vol. 9 no.4 (Jan/Feb 2009)

**“Wind Blows in New Code of Ethics for Companies Doing Business in New York State,”** Environmental Law in New York (LexisNexis, Feb. 2009)

**“Understanding Community Benefits Agreements,”** (w/ A. Lavine) The Practical Real Estate Lawyer (July 2008)

**“Sustainability at the Edge: The Opportunity and Responsibility of Local Governments to Most Effectively Plan for Natural Disaster Mitigation,”** 38 ELR 10158 (March 2008)

**“Blogging on Land Use Law: Another Legal Research Tool on the Internet,”** Zoning and Planning Law Report (March 2008)

**“A Land Use and Planning Agenda for the Next President: The Legacy of the 44<sup>th</sup> President of the United States - 2020 Vision,”** 60 Planning and Environmental Law No. 1 at 6 (Jan. 2008)

**“Community Benefit Agreements: Opportunities and Traps for Developers, Municipalities, and Community Organizations,”** 59 Planning and Environmental Law No. 11 at 3 (Nov. 2007)

**“Second Circuit Uses Predominant Purpose Test in Upholding Government Attorney-Client Privilege,”** The Municipal Lawyer (Spring 2007)

**“New York Adopts Mandatory Training Law for Members of Planning and Zoning Boards: Implementing the New Law,”** New York Zoning Law and Practice Report (September/October 2006)

**“Modernizing Zoning for Home Occupations,”** 9 Zoning Practice 2 (September 2006)

**“Tips for Ethical Considerations in Land-Use Decision Making: No Gobbly Goop in**

**the 2006 Annual Review of Cases and Opinions,”** Zoning and Planning Law Report (May 2006)

**“Intersection Between Environmental Justice and Land Use Planning,”** 58 Planning and Environmental Law 3 (May 2006). (Selected for republication in: Sustain: A Journal of Environmental and Sustainability Issues (forthcoming Summer 2010)

**“Swift Legislative [Over]Reaction to Eminent Domain: Be Careful What You Wish For,”** Probate & Property (July/August 2006)

**“Intermunicipal Cooperation in Land Use Planning,”** (w/ M. Donohue) New York Zoning and Planning Law Practice Report, vol. 6 no. 5 (March/April 2006)

**“Researching Land Use Legal Issues on the Internet,”** Zoning and Planning Law Report (December 2005)

**“U.S. Supreme Court Upholds Use of Eminent Domain for Economic Development and Spurs a Firestorm of Legislative Activity to Limit Such Authority,”** 19 Municipal Lawyer vol.3 at 1 (Summer 2005)

**“Conflicts of Interest and Other Legal Ethical Considerations for Planners and Lawyers,”** Planning and Environmental Law, vol. 57 no. 8 at 3 (American Planning Association) (August 2005)

**“Ethical Considerations for Town Attorneys: Avoiding Conflicts of Interest and Other Potential ‘Land Mines,’”** 19 Municipal Lawyer vol. 2 at 9 (Spring 2005)

**“Community Redevelopment, Public Use and Eminent Domain,”** Presentation published in Property Rights: The Essential Ingredient for Liberty and Progress, Proceedings of a Conference Sponsored by the American Institute for Economic Research, November 4-5, 2004 in Economic Education Bulletin, vol. XLV no. 5 (May 2005)

**“Land Use Ethics Update 2005: Conflicts of Interest, Improper Conduct and Other Ethical Considerations,”** Zoning and Planning Law Report (March 2005)

**“No Vesting of Property Rights Where Municipal Discretion Remains,”** (with A. Poplinger) New York Zoning Law and Practice Report, vol. 5 no. 4 (January/February 2005)

**“Geographic Information Systems for Land Use Lawyers 101,”** (w/ M. Donohue) New York Zoning Law and Practice Report, vol. 5 no. 2 (September/October 2004)

**“A Woody Allen Movie, Show Me the Money, and Other Ethical Considerations in Land Use Planning,”** Zoning and Planning Law Report (March 2004)

**“Local Home Rule Authority in Planning and Zoning: An Opportunity or a**

**Land Mine?"** New York Zoning Law and Practice Report (January/February 2004)

**"Ethics Allegations in Land Use Continue to Fill the Court Dockets,"** Zoning and Planning Law Report (April 2003)

**"Using Smart Growth to Achieve Sustainable Land Use Policies,"** 32 Env'tl. L. Rep. 11385 (December 2002)

**"Avoiding Ethics Traps in Land Use Decisionmaking,"** Municipal Lawyer (IMLA), (March/April 2002)

**"Collaborative Processes for Preparing and Adopting a Local Comprehensive Plan,"** Modernizing State Planning Statutes: The Growing Smart Working Papers, vol.2 (American Planning Association, PAS Report No. 480/481) (September 1998)

**"Municipal Ethics Check for the Land-Use Lawyer,"** State & Local Law News, vol. 20, no. 4 (Summer 1997); reprinted in GP Solo & Small Firm Lawyer, Best of the ABA Sections, American Bar Association, vol. 15, no. 4 (Sept. 1998)

**"Albany Law School's Housing Curriculum,"** ABA Real Property, Probate and Trust Law Section: Legal Education Committee Newsletter (Summer 1996)

**Inter-Local Approaches to Land Use Decision Making,** in Modernizing State Planning Statutes: The Growing Smart Working Papers, vol. 1 (American Planning Association, PAS Report 462/463) (March 1996)

**"Consolidation of Services and Government Operations Through Regionalism,"** The Regionalist, vol. 1, no. 2 (Spring 1995)

**"Rethinking Municipal Service Delivery Can Reduce Liability,"** Preventive Law Reporter, vol. 12, no. 2 (Summer 1993)

**Land Use Law and Zoning Digest, American Planning Association:**

"When Environmental Justice and Land-Use Decisions Collide," (October 2000)

"Political Challenges and Opportunities for Land Use Reform in the Next Century," (June 1999)

"Ethics and the Land Use Lawyer," (May 1997); reprinted in 20 Zoning and Planning Law Report (September 1997)

"Compact Planning: A New Regional Approach," (w/ P. Bray) (March 1996)

"Barriers to Affordable Housing: Are Land-Use Controls the Scapegoat?," (April 1993)

“Political Strategies for Modernizing State Land Use Statutes,” (August 1992)

“Regional Planning: New Political Magnetism,” (June 1992)

**Contributions to Treatises:**

**New York Practice Guide: Real Estate, Matthew Bender & Co.**

Ch. 13, Land Use Planning, Regulation and Practice: An Overview, Revised (1997)

Ch. 17, Landmarks and Historic Preservation (1996)

Ch. 18A, Environmental Regulation (w/ B. Stadel) (1996)

Annual Supplement, vol. 2 (1997, 1998 and 1999)

**Warren’s Weed, New York Real Property, Matthew Bender & Co.**

Zoning Chapters, revised (1999)

Ethics and Land Use, new chapter (1998)

Historic District and Landmark Preservation Law, revised, Rel. 83 (1996)

Land Use Controls-State and Regional, revised (April 1995)

**Rohan, Zoning and Land Use Controls, Matthew Bender & Co.**

Ch. 51A, Mediating Land Use Disputes (w/ B. Stadel) (1998)

Ch. 56, Agricultural Land Preservation (w/ B. Stadel) (1997)

Ch. 32A, Municipal Comprehensive Planning, revised (May 1996)

Ch. 45, Subdivision Controls, revised (February 1996)

Ch. 33, State and Regional Land Use Planning, revised (May 1995)

**Nichols on Eminent Domain, Matthew Bender & Co.**

Ch. 4, Due Process of Law and Equal Protection of the Laws, revised (1998)

Ch. 26, Eminent Domain, Powerlines and Electromagnetic Fields, revised (1998)

**New York Zoning Law and Practice, 3d ed., Lawyers Cooperative Publishing/West**

1997 Supplement

1998 Supplement

**Law of Zoning in Pennsylvania, Lawyers Cooperative Publishing/West**

1997 Supplement

1998 Supplement

**Law of Zoning in New Jersey, Lawyers Cooperative Publishing/West**

1997 Supplement

1998 Supplement

**Columns and Articles in Other Periodicals:**

“New York State Enacts Land Use Statutes,” Planning News (New York Planning Federation, Winter 2012)

**“Playing Chicken with Urban Farming,”** Planning News (New York Planning Federation, Spring 2011)

**“Fortress Bible Church v. Feiner: Costly RLUIPA Lessons Learned for One New York Town,”** Planning News (New York Planning Federation, Winter 2011)

**“Social Networking Meets Municipal Law – Avoiding Unintended Consequences,”** NYLJ (1/24/2011)

**“Do Social Networking Sites Create Problems for Board Members?”** Planning News (New York Planning Federation, Fall 2010)

**“‘Grudging Tolerance’ for Nonconforming Uses: Extent of Use, Expansion and Amortization,”** Planning News (New York Planning Federation, Summer 2010)

**“Eminent Domain Remains Controversial and Active in the Courts: Reform on the Horizon?,”** NYLJ (Jan. 2010)

**“Eminent Domain Litigation in 2009 Creates Likelihood of State Legislative Attention in 2010,”** Upstate Planner (American Planning Association, 2010)

**“Smart Homes – Designing and Redesigning Homes for Aging in Place,”** Capital Commons Quarterly, vol. 3, no. 3 at p. 8 (December 2009)

**“Law of the Land and Religion,”** Planning News (New York Planning Federation, Fall 2009)

**“A Major Success –ABA House Passes Federal Distributive Funding Policy,”** (w/ B. Griffith) 33 State and Local Law News 1 (American Bar Association, Fall 2009)

**“Case Law Update: Variance Decisions for the ZBA,”** Planning News (New York Planning Federation, Winter 2009)

**“Courts Dismiss Cases Against Brooklyn’s Atlantic Yards,”** (w/ A. Lavine) Planning Magazine at 52-53 (American Planning Association, May 2008)

**“Act Now: Accessory Dwelling Units Can Aid in Intergenerational Housing Crisis,”** Capital Commons Quarterly vol. 1, no. 1 (April 2007)

**“After Kelo NY Planners Need to Pay Attention,”** Upstate Planner, vol. 21, no. 2 (American Planning Association, 2006)

**“Conflicts of Interest in Land Use Planning and Decisionmaking,”** The Commissioner at 6 (American Planning Association, Spring 2005)

**“Law & Ethics: Smart Ethics,”** Upstate Planner, vol. 20 no. 1 (American Planning Association, 2005)

## **Empire State Report Magazine**

**“Task Force on Local Government Reform Holds a Promise for a New Paradigm,”** at 30 (February 2003)

**“Thirty Years Later the Case Offers Insights and Support for NY’s Smart Growth Efforts,”** at 30 (November 2002)

**“Communities and Police Departments Benefit From Citizen Oversight of Law Enforcement,”** at 34 (October 2002)

**“Government Leadership in a Time of Crisis,”** at 30 (September 2002)

**“Responding to the Invisible Monster: Lead Paint,”** at 30 (July/August 2002)

**“Local Moratoria: A Valid Planning Technique,”** at 16 (June 2002)

**“Taking the Next Steps Towards Environmental Justice,”** at 13 (May 2002)

**“Opportunities to Enhance SEQRA Through Meaningful Reforms,”** at 10 (April 2002)

**“Municipalities Must Plan to Meet Needs of Aging Population,”** at 10 (March 2002)

**“Power Plant Siting Law Awaits Legislative Action,”** at 10 (February 2002)

**“Administrative Law Judges Deserve Clear Rules,”** at 10 (January 2002)

**“Reinventing Regionalism,”** at 11 (December 2001)

**“Laws and Policies Need to Reflect Reality of Grandparent Caregiving,”** at 12 (November 2001)

**“Advancing New York’s Unique Racing and Wagering Industry,”** at 11 (October 2001)

**“Quality Communities Require Sustained Leadership and Benchmarking,”** at 8 (September 2001)

**“NY Needs a Blue Ribbon Commission to Prepare for Aging Population,”** at 23 (July/August 2001)

**“Time is Ripe for Meaningful Ethics Law Reform,”** at 11 (June 2001)

**“SEQRA’s Silver Anniversary: an Opportunity to Review the Past, Consider the Present & Chart the Future,”** at 25 (August 2000)

**“Ethical Considerations in Land Use Planning,”** NY Upstate Planner at 1 (Summer 2004)

**“Public Law is a Rewarding Career,”** Cap. Dist. Bus. Rev. at 22 (Oct. 29-Nov. 4, 2001)

**“Planning for a Big Payoff: Big Questions and Big Issues Are Facing Horse Racing in New York,”** Op. Ed., Times Union (July 29, 2001)

**“Smart Growth is Good for Business,”** NY Business Law Journal, vol. 4, no. 1 (Spring 2000)

**“Introduction: The Front Line of the Public Trust,”** Government, Law and Policy Journal, New York State Bar Association, vol.1, no. 1 (Fall 1999)

**“Pay to Play Issue Surfaces at the ABA,”** Pass It On, ABA Government & Public Sector Lawyers Division vol. 6, no. 2 (Dec/Feb 1996-97)

**“Enforcing the Public Trust – Friend or Foe,”** Pass It On, ABA Government & Public Sector Lawyers Division, vol. 6, no. 1 (Sept/Nov 1996)

**"Study of Durable Power of Attorney Abuse Points to Its Abuse, Proposes Legislative Reform,"** (w/ M. Reed) Cap. Dist. Bus. Rev. (April 25-May 1, 1994)

**"The Durable Power of Attorney: Guarding Against Abuse,"** Shepard's Eldercare/Law Newsletter, vol. 4, no. 7 (September 1994)

**"Municipal Impact Fee Debate Continues in State Legislature,"** New York Builder & Developer, vol. 1, no. 2 (April 1994)

**"Times Demand New Standards for Land Use,"** Comment published in Cap. Dist. Bus. Rev. (April 12-18, 1993)

**"Accommodating Growth with Impact Fees,"** New York Planner, Upstate New York Chapter, American Planning Association (January/February 1992)

**"Even Developers Can Gain From Impact Fees"** Comment, Capital District Business Review (August 12-18, 1991)

**"Impact Fees Can Alleviate Local Growing Pains,"** The Fiscal Letter, National Conference of State Legislatures (July/August 1991)

**Impact Fees in New York,** Planning News (January-February 1991)

## **Book Reviews**

**David L. Callies, Regulating Paradise: Land Use Controls in Hawai'i (2d ed. 2010),**  
43 *The Urban Lawyer* 1107 (Fall 2011)

**The Zoning of America: Euclid v. Ambler,** 40 *The Urban Lawyer* 999 (2008)

**21st Century Land Development Code: A Must Have Reference for Land Use  
Lawyers and Practitioners,** *State & Local News*, vol. 31, no. 4 (Summer 2008)

**The Land We Share: Private Property and the Common Good** (Eric T. Freyfogle,  
Island Press, 2003), 70 *JAPA* 377 (Summer 2004)

## **Other**

**McKinney's Forms on Local Government Laws,** Update Author for 6-volume  
Set, 2006-2008

**Feminist Law Professor Blog,** contributor (2012-present)