

The Hancock Estabrook Zoning & Land Use Practice represents municipalities and applicants with regard to all aspects of zoning and land use matters. Our attorneys assist clients in obtaining all necessary municipal approvals for projects through the municipal planning boards, zoning boards of appeal and historic preservation boards. Additionally, we represent local municipal planning boards, zoning boards of appeal and historic preservation boards to ensure compliance with applicable local, state and federal laws. Our experience in handling matters before these boards, as well as representing these boards, provides a unique perspective on land use regulations. We are often retained as special counsel to assist clients through the intricacies of the State Environmental Quality Review Act (SEQRA) process, including litigation, if necessary, associated with SEQRA compliance. We have successfully challenged and defended municipal approvals in Article 78 proceedings in State Court.

We remain cognizant of the political factors, media focus and potential litigation which could affect our clients and the projects at issue. We have the expertise and knowledge to tailor specific strategies to help our clients achieve their goals.

Representative Matters

- Involved in Site Plan, Special Permit approvals and Certificates of Appropriateness for projects ranging from sitings and parking lots to multimillion-dollar development projects.
- Provided legal guidance to complete a large-scale development project involving numerous buildings in a historic district in upstate New York. The legal work included compliance with local development laws, SEQRA, State Historic Preservation Act, and General Municipal Law, as well as all other aspects of the legal approvals needed for significant development activities. When challenged by a local opposition group, all approvals were upheld.
- Often retained as special counsel by municipal boards to review large-scale commercial wind turbine projects throughout the state. This work can involve assistance in developing a wind ordinance to regulate wind projects, but the primary focus of our attorneys is to assist the town attorneys in compliance with SEQRA in reviewing the project, as well as assisting in negotiating the related agreements, such as road use and host agreements. Additionally, our attorneys assist municipalities in asking local legislatures to regulate large-scale wind turbines.
- Often retained by local municipalities to assist in controversial and complex projects to ensure the decision of the municipal entity can withstand judicial challenge. These cases often involve controversial zoning decisions between feuding neighbors and/or responding to organized citizen groups. Based upon our extensive experience, our attorneys are able to assist the municipal entity in understanding the underlying legal issues associated with the controversial project, the proper process to follow and steps to undertake to document the decision and to withstand legal challenges that the decision is not arbitrary and capricious. These decisions are then defended in court when challenged.