

BARCLAY DAMON^{LLP}



BELLWETHER
ADVISORS, LLC

**Buyer Beware:
Zoning, Due Diligence,
and Property Development
Considerations**



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Introduction

Caveat emptor | buyer beware

- » **You are responsible**
- » **Your ownership does not reset a property's history**
- » **Without careful review and specific consideration before buying any property, you could be buying liability and headache**



Site Selection

What do you want to do?

- » **How do you define your use?**
- » **What do you need?**
- » **Finding a site**

»» So You Think You Have a Site

Zoning compliance

- » **Check the map**
- » **Check the code**
- » **Check with the municipality**
- » **Check the deed**

»» So You Think You Have a Site

Environmental concerns

- » **Neighborhood**
- » **Wetlands**
- » **Remediation**
- » **Environmental studies**
- » **Archeological issues**

»» So You Think You Have a Site

Engineering feasibility

- » **Architecture: historic district or building**
- » **Cost**
- » **Uniqueness of location**
- » **Specific owner or tenant requirements**

»» So You Think You Have a Site

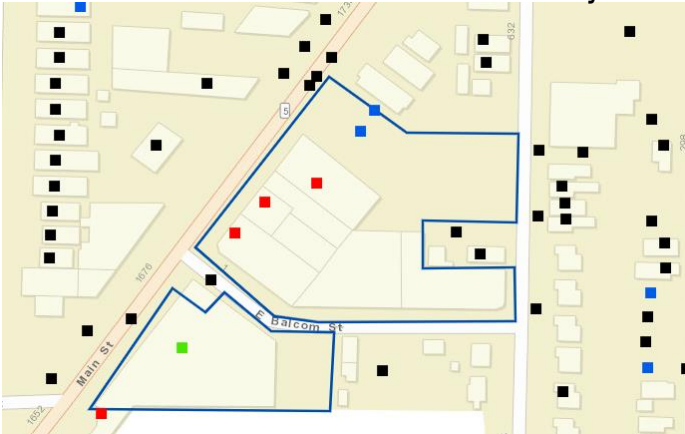
Online tools – help you decide if an expert is needed

- » **EAF mapper**
- » **DEC info map**
- » **Federal and state wetlands mapper**
- » **County or municipal GIS maps**
- » **Web soil survey**
- » **CRIS**

So You Think You Have a Site

Online tools – help you decide if an expert is needed

Cultural Resources Information System



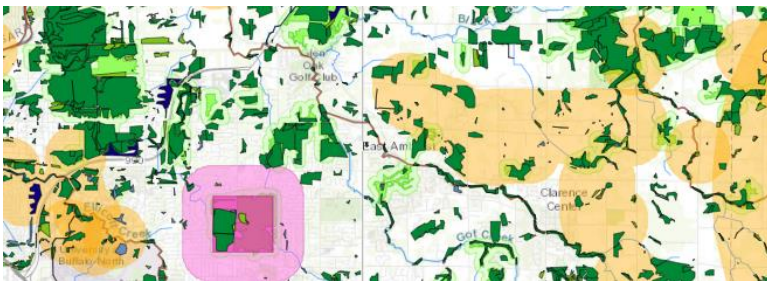
Web Soil Survey



EAF Mapper

E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C915306, 915278,
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Peregrine Falcon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No

Environmental Resource Mapper



»» Taking Control of the Site

Lease or purchase and sale agreement negotiations

- » **Letter of intent**
- » **Working in zoning entitlements and timeline**

»» Taking Control of the Site

Lease or purchase and sale agreement negotiations

» Letter of intent

- › Define and negotiate terms
- › Consider items like tenant improvements, division of responsibilities, base rent, term structure

» Working in zoning entitlements and timeline

- › Variances, rezoning, special use permit, site plan approval
- › Various municipalities and various possible improvements = various timelines

So You Have Control of the Site

Permits

- » **What permits are required**
- » **Track your approvals**
 - > **Compliance with conditions**
 - > **Renewals**

Construction considerations

- » **Construction manager vs. general contractor**
- » **Review AIA contracts**
- » **Continue communication with authority having jurisdiction**

»» Conclusion – Due Diligence

Site selection

- » **Defining your use and needs**

So you think you have a site

- » **Zoning compliance**
- » **Environmental concerns**

Taking control of the site

- » **Negotiations**
- » **Contingent on zoning entitlements**

So you have control of the site

- » **Permits**
- » **Construction**

Questions?

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Suggested Resources

DEC maps

» <https://www.dec.ny.gov/pubs/42937.html>

Town zoning codes – ecode360

» <https://www.generalcode.com/library/#>