



# Corey Auerbach

He | Him | His

*Partner*

*Buffalo*

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## Education

- Albany Law School, JD
- Bar Ilan University, Israel, Summer Program
- University of Florida, BA

## Practices & Industries

- Land Use & Zoning
- Project Development
- Real Estate
- Renewable Energy
- Hotels, Hospitality & Food Service
- Telecommunications
- Nuclear Energy
- Cannabis

## Admitted to Practice

- New York

## Court Admissions

- US District Court for the Western District of New York

## Biography

Corey is a boots-on-the-ground land use and zoning attorney who guides major development projects from concept to approval across New York State. As a New York land use and zoning lawyer, he is known for deftly navigating complex municipal processes, managing SEQRA strategy, securing time-sensitive zoning approvals for developers and renewable energy companies, and advising municipalities on complex land use and SEQRA matters.

He has extensive experience obtaining entitlements for large-scale commercial and industrial developments; renewable energy projects, including community solar arrays and battery energy storage systems; data center and other infrastructure facilities; hotels and hospitality venues; health care facilities; and not-for-profit institutions. Corey has served as land use counsel for major development projects across New York State in the commercial, industrial, and energy sectors. He also leads teams conducting zoning and land use due diligence for the acquisition and financing of major energy and infrastructure facilities. Recognized for simplifying complex zoning and SEQRA issues, he routinely appears before planning boards, zoning boards of appeals, town boards, environmental agencies, and state regulators. His work includes rezoning and zoning text amendments, special use permits, variances, interpretation appeals, wetland and stormwater compliance, highway work permits, SEQRA environmental review, and wireless and telecommunications siting.

Corey maintains an active litigation practice involving land use, SEQRA, and municipal disputes. He represents both applicants and municipalities in Article 78 proceedings and related state-court litigation before the Supreme Court, the Appellate Division, and the Court of Appeals. He has also handled complex land use litigation in federal court, including telecommunications siting and related regulatory disputes. Corey's litigation experience is complemented by his work as an expert witness in complex land

use matters involving zoning procedure, municipal authority, and SEQRA.

In addition to his developer-focused work, Corey serves as special counsel to municipalities on zoning code updates, SEQRA reviews, and complex development proposals. His municipal engagements draw on his deep experience with SEQRA, zoning procedure, and large-scale project review, providing communities with practical guidance on high-impact land use matters. His SEQRA counsel experience includes leading the environmental review for a three-million-square-foot robotics fulfillment center and advising on the construction of a new professional football stadium.

A natural extension of his zoning practice includes the formation and representation of condominiums and homeowner associations. Corey prepares and files offering plans and amendments with the NYS Attorney General's Office and provides governance counsel to HOAs and condominium boards. He also advises hotels, restaurants, bars, breweries, distilleries, and entertainment venues on all aspects of New York State liquor licensing, including new applications, corporate changes, alterations, additional bars, renewals, and disciplinary matters before the State Liquor Authority.

Corey has been recognized in *The Best Lawyers in America*® for Land Use and Zoning Law, including being named a Buffalo "Lawyer of the Year," and is a frequent lecturer on zoning, SEQRA, and municipal law for statewide professional audiences.

Corey serves as the managing director of Barclay Damon's Buffalo and Toronto offices and is a member of the firm's Management Committee. He also chairs the firm's Land Use & Zoning Practice Area.

## Bar Associations

- Bar Association of Erie County
- New York State Bar Association

## Selected Memberships & Affiliations

- Community Association Institute, WNY Chapter, Board of Directors, Immediate Past President

## Representative Experience

- Successfully obtained site plan approval for car wash along a major commercial thoroughfare, including negotiation of cross-access with the adjoining developer and coordination with the NYSDOT and adjoining municipality amidst significant community opposition.

- Obtained a SEQRA negative declaration, rezoning, and site plan approvals for a multi-family housing development, including coordination with neighborhood stakeholders to build consensus.
- Obtained a site plan approval and temporary conditional permit for a kennel and dog daycare facility.
- Successfully defended an Article 78 proceeding challenging the zoning board's interpretation appeal regarding the permissibility of a code blue shelter in the downtown district of a town in Fulton County, New York.
- Successfully prosecuted hundreds of mobile home park evictions for a national real estate investment trust (REIT).
- Prepared a Condominium Offering Plan for a newly constructed condominium and related amendments.
- Prepared a Cooperative Policy Statement #7 (CPS-7) for a newly constructed patio home development.
- Successfully prosecuted an Article 78 proceeding, annulling area variances and site plan approval for the abutting commercial development.
- Successfully negotiated a favorable outcome for a multifamily housing developer amidst a final administrative penalty order by the United States Army Corps of Engineers.
- Represented a residential housing developer in local, state, and federal approvals for a 244-unit multi-family housing development, including variances and site-plan approval and stormwater, state, and federal wetland permits.
- Served as local land-use counsel to a national retailer, expediting the area variance and site-plan approvals to meet an aggressive delivery schedule.
- Performed comprehensive land-use due-diligence for an international company in the development of its first manufacturing facility in the United States.
- Obtained municipal entitlements for an award-winning three-story mixed-use development in the heart of a historic district amidst public opposition.
- Represented a national developer in the acquisition of and entitlements for a \$22 million senior-housing development, including site selection, zoning feasibility, environmental due diligence, contract negotiations, acquisition, rezoning, area variances, and site-plan approval.
- Led a development team that obtained municipal approvals for a \$16 million residential treatment facility, including the prosecution of a successful court challenge in NYS Supreme Court.
- Assisted a residential developer with SEQRA requirements by collaborating with environmental consultants in the preparation of an environmental-impact statement, including a public hearing and review process on scoping DEIS and FEIS documents.

- Prosecuted an application for a comprehensive plan amendment to facilitate a residential subdivision, including representation before legislative and administrative boards.
- Represented a national student-housing developer in the land acquisition, special-use permit, variances, and site-plan approval for a 192-unit student housing development, including a state flood-control land-use permit.
- Obtained a reversal of determination of a code-enforcement officer in a zoning interpretation appeal and successfully defended the client before the Appellate Division, Fourth Department.
- Secured a use variance for the conversion of a former grocery store to a climate-controlled self-storage facility, including extensive public outreach to build consensus with local community groups.
- Obtained entitlements for a not-for-profit corporation to facilitate a \$69 million redevelopment of a national historic landmark, including negotiating the release of reversionary interest from New York State as well as rezoning, site-plan approval, and certificates of appropriateness from the Historic Preservation Board.
- Served as counsel to a national tower-infrastructure company and wireless-telecommunication provider in zoning and permitting matters throughout New York State.
- Facilitated a zone-text amendment to exempt a nonconforming condominium from a local zoning-law provision that prohibited the reconstruction of nonconforming structures in advance of FHA certification, including drafting proposed legislation.
- Prepared offering documents for New York State's first green subdivision development.
- Assisted with an NY Department of Agriculture & Markets, Plant Industry Division application for authorization to process hemp on behalf of a wholly owned subsidiary.
- Assisted a client's wholly owned subsidiary in submitting a NY Department of Agriculture & Markets, Plant Industry Division application for authorization to process hemp, resulting in successful licensure.
- Serves as general and regulatory counsel to a cannabis business client, including preparing and submitting its successful state licensing applications for its authorization to grow hemp.
- Prosecuted approvals for the redevelopment of historic landmark property, including rezoning to the planned development district, subdivision and site plan approval for the reuse of five existing buildings, and the construction of a four-story, 52-unit multi-family building and a four-story, 52-unit multi-family building with underground parking.
- Defended an Article 78 Proceeding commenced by neighbors challenging the formation of a planned

development district, subdivision, and site plan approval for reusing five existing buildings and constructing a four-story, 52-unit multi-family building and a four-story, 52-unit multi-family building with underground parking.

- Prepared an application for treatment pursuant to Cooperative Policy Statement 7 (CPS-7).
- Amended a condominium offering plan to extend the terms of the offering.
- Prepared a declaration of restrictions to preserve protected wetlands and an adjacent area incident to a NYS Department of Environmental Conservation (DEC) and US Army Corps of Engineers wetland permit.
- Assisted a beverage company in obtaining industrial hemp processing and growing licenses for the production of CBD-infused dietary supplement drinks.
- Counseled a licensee in New York State Liquor Authority enforcement action alleging violation of COVID-19 restrictions imposed by an executive order.
- Obtained a special use permit for used car sales on behalf of a business in Tonawanda, New York.
- Obtained a special use permit and manufacturing license for a brewery, including a branch office permit for the on-premise restaurant.
- Defended a municipality in a plenary action seeking to annul a land use moratorium, obtaining a pre-answer motion to dismiss.
- Obtained a change-of-use permit to authorize a cigar bar membership association.
- Conducted acquisition due diligence for renewable energy assets focusing on local permitting.
- Represented a municipality in the development of two 5 MW community solar facilities on municipal-owned land in an adjoining municipality.
- Obtained a SEQRA negative declaration, multiple area variances, and site plan approval for a mixed-use multi-family housing development amidst community opposition in a traditionally rural area.
- Obtained a SEQRA negative declaration and site plan approval for a 150 MW battery energy storage facility, the first of its kind in Western New York.
- Obtained a SEQRA negative declaration and municipal approvals for a 5 MW community solar facility.
- Prosecuted an Article 78 proceeding to annul a denial of use variances to accommodate a 5 MW community solar facility and access road, including a successful appeal before the Appellate Division, Third Department.

- Obtained municipal entitlements for a 5 MW community solar facility, including wetland permitting from the United States Army Corps of Engineers.

## Prior Experience

- Damon Morey LLP, Senior Associate
- Association of Towns of the State of New York, Associate Counsel

## Selected Community Activities

- Buffalo Jewish Federation, Board of Governors
- Buffalo Jewish Community Relations Council, Executive Committee, Racial Justice Subcommittee Chair
- Bar Association of Erie County Volunteer Lawyers Project, Attorney of the Morning Program Volunteer
- Westminster Early Childhood Program, Former Board of Advisors Member and Former President

## Selected Honors

- *The Best Lawyers in America*®: Buffalo "Lawyer of the Year": Land Use and Zoning Law, 2023 and 2026
- *The Best Lawyers in America*®: Land Use and Zoning Law, 2021–2026; Real Estate Law, 2024–2026
- Buffalo Jewish Federation, Ann and Meyer Riwehmen Men's Emerging Leadership Award, 2025
- *Buffalo Business First*, Western New York Power 250, 2023–2025
- Selected to *Super Lawyers* Upstate New York: Land Use/Zoning, 2022–2025
- Selected to *Super Lawyers* Upstate New York Rising Stars: Land Use/Zoning, 2013–2021
- Erie County Bar Association's Volunteer Lawyers Project Law Firm Pro Bono Coordinator Award, 2020 and 2021
- *Buffalo Business First*, 40 Under 40, 2020
- New York State Bar Association, Empire State Counsel Honoree

## Selected Speaking Engagements

- Albany Law School Edwin L. Crawford Memorial Lecture in Municipal Law, "Municipal Powers Under New York State Cannabis Laws and Regulations," Co-Presenter
- National Business Institute, Practical Guide to Zoning and Land Use Law in New York CLE, "Challenging or Appealing an Administrative Zoning Decision"
- American Planning Association New York Upstate Chapter Annual Conference, "Balancing Legal Risk Aversion and Planning Best Practices"
- New York Planning Federation Planning and Zoning Summer School, "The Substance & Procedure of Interpreting Zoning Provisions"
- Buffalo Niagara Builder's Association, "Real Estate Due Diligence: Environmental, Acquisition, and Land Use"

## Selected Media

- *Buffalo Business First*, "How I ... Help Developments Come to Fruition"
- Community Associations Institute Common Ground, "Ask the Experts: Generous Donations"; "Ask the Experts: Tied Up"
- Community Association of WNY's *Community Association Connection*, "Lien on Me"
- *Zoning and Planning Law Report*, "Position Prediction Through Past Performance: A Quarter Century of United States Supreme Court Landowner Rights Jurisprudence"
- *American Law of Zoning*, Update Editor

## Selected Alerts & Blog Posts

- Emergency Wine Run, Now Legal: New York State Opens Retail-to-Retail Sales
- Community Solar Is a Public Utility: Third Department Orders Town Zoning Board to Approve Solar Array Under the Public Utility Standard
- Make It a Double: Amendment to New York State's ABC Law Extends Temporary Permits to Sell Alcoholic Beverages for Liquor License Applicants from 90 to 180 Days
- New York State Farmland Protection Working Group Releases Interim Report
- NYS Governor Hochul Modifies \$25 Billion Five-Year Housing Plan