



# 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
- Cannabis

## Admitted to Practice

- New York

## Court Admissions

- US District Court for the Western District of New York

## Biography

Corey serves as chair of the Land Use & Zoning Practice Area, guiding applicants such as commercial, hotel, and residential developers; wind, solar, battery and energy storage, and other renewable energy providers; hospitals; skilled nursing facilities, religious institutions, and other not-for-profit organizations; and wireless telecommunication carriers and related infrastructure companies through the zoning, planning, and land use entitlement process.

Corey appears before municipal land use, zoning, and environmental permitting agencies at every level of government and assists clients with all aspects of the land use permitting and regulatory compliance process, including rezoning, zone text, and comprehensive plan amendments; special and temporary use permits; use and area variances; zoning interpretation appeals; wetland, stormwater, and highway work permits; endangered species; the NYS Environmental Quality Review Act (SEQRA); and the Telecommunications Act of 1996 and related orders.

Corey has also handled land use, SEQRA, and municipal litigation before the Supreme Court, the Appellate Division, and the Court of Appeals.

A natural outgrowth of Corey's zoning practice involves the formation and representation of condominium and homeowner associations, including preparing and filing offering plans and amendments with the NYS Attorney General's Office.

Corey also represents hotel, hospitality, and food service clients, including bars, restaurants, hotels, grocery stores, sports complexes, racetracks, and other venues on all aspects of New York State liquor licensing, as well as disciplinary proceedings before the State Liquor Authority. He has processed new applications, renewals, corporate change, alteration, and additional bar applications and has provided guidance to

breweries and distilleries with respect to licensing and compliance.

Corey serves as the managing director of Barclay Damon's Buffalo and Toronto offices and is a member of the firm's Management Committee.

## 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

- 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*®: Land Use and Zoning Law, 2021–2025; Real Estate Law, 2024–2025
- *Buffalo Business First*, Western New York Power 250, 2023–2025
- Selected to *Super Lawyers* Upstate New York: Land Use/Zoning, 2022–2024
- *The Best Lawyers in America*®: Buffalo "Lawyer of the Year": Land Use and Zoning Law, 2023
- 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

- 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
- Reeling 'Em in: New York State Liquor Authority Declares Movie Theaters Can Now Sell Beer and Wine