

# Ari Goldberg

He | Him | His

*Counsel*

*Buffalo*

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## Education

- University at Buffalo School of Law, *Buffalo Law Review,* Executive Editor, JD
- University at Buffalo, BA

## Practices & Industries

- Land Use & Zoning
- Real Estate
- Project Development
- Energy
- Data Center & Digital Infrastructure

## Admitted to Practice

- New York

## Court Admissions

- US District Court for the Western District of New York

## Biography

Ari advises clients on zoning, land use permitting, environmental review, and the regulatory compliance process. He also has experience in litigation, including multiple lawsuits on behalf of municipalities under the Real Property Actions and Proceedings Law Vacant and Abandoned (Zombie) Home provisions, and advocating for real estate developers in breach of contract lawsuits.

## Bar Associations

- Bar Association of Erie County

## 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.
- 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

- Woods Oviatt Gilman LLP, Associate
- Colucci & Gallaher, PC, Associate
- Colucci & Gallaher, PC, Law Clerk
- McGuire Development Company, Intern
- Buffalo Olmsted Parks Conservancy, Intern

## Selected Community Activities

- Buffalo Commons Charter School, Board Chair
- University at Buffalo School of Law GOLD Group, Member

## Selected Honors

- *The Best Lawyers in America*®: Land Use and Zoning Law, 2026 and 2027; Real Estate Law, 2027
- Selected to *Super Lawyers* Upstate New York Rising Stars, Business Litigation, 2021; Land Use/Zoning, 2022–2026
- *Best Lawyers: Ones to Watch in America*®: Land Use and Zoning Law, 2022–2025; Real Estate Law, 2022–2025
- University at Buffalo School of Law, Desmond Moot Court Best Overall Appellate Advocate and Best Brief, 2016
- University at Buffalo School of Law, CALI Award for Excellence in Insurance Law, 2016
- University at Buffalo Department of History, Horton Research Paper Prize for Senior Honors Thesis “From Parkways to Expressways: Olmsted’s Buffalo and the City That Succeeded It,” 2013

## Selected Media

- *The Capitol Pressroom*, "The Roadmap to New York's Energy Storage Goals"
- Community Association of WNY’s *Community Association Connection*, "Stars and Barred: Community Associations May Preclude Flying the Confederate Flag"
- *Buffalo News*, “Another Voice: Honoring Olmstead’s Vision Requires Understanding It”

## Selected Alerts & Blog Posts

- Battery Energy Storage Is a Public Utility: Westchester Supreme Court Orders Town Zoning Board to Review a BESS Under the Public Utility Variance Standard

- Community Solar Is a Public Utility: Third Department Orders Town Zoning Board to Approve Solar Array Under the Public Utility Standard
- Draft Regulations Will Expand NYSDEC's Wetland Authority by One Million Acres
- New York State Finalizes CLCPA Scoping Plan
- New York State Farmland Protection Working Group Releases Interim Report