

# Project Development

From Fortune 100 companies to municipalities to individually owned businesses, our Project Development Practice Area attorneys provide counsel to public and private clients, successfully evolving complex projects from the conception stage through groundbreaking and the grand opening as well as through the renovation to and expansion of the original projects. Our project development team has extensive knowledge of all project aspects and, if project-specific issues arise requiring certain industry knowledge, our team works seamlessly with the appropriate attorneys across a variety of the firm's practice areas, including land use and zoning, environmental, energy, corporate, real estate, tax, and real property tax and condemnation to provide customized and targeted services that deliver successful results.

Our project development team includes highly skilled professionals who have decades of experience handling contracts, financing, and leasing and who typically bill at lower rates than attorneys, resulting in savings for clients. With the capabilities to assist with all project elements, Barclay Damon can lead projects from start to finish—or we can take on as much or as little of the project as necessary, working cohesively with our client's in-house staff and other outside professionals.

Our project development team regularly provides guidance on the following project aspects:

- Building codes
- Construction-related matters, including hiring construction professionals, whether general contractors, construction managers, or a combination of both
- Contracts, including those related to construction, equipment, and financing
- Equipment procurement and financing
- Physical and infrastructure needs analysis to inform site selection
- Project financial viability analysis
- Project financing
- Right to build issues
- Site plan selection and subdivision approval
- State grants and related audits
- Tax-mitigation options, such as payments-in-lieu-of-tax agreements (PILOTs)
- Wick's Law compliance
- Zoning, including special-use permits

To further enhance project viability, our project development team helps clients maximize their tax credits and other incentives as well as additional state and federal economic development benefits. Our professionals have extensive experience with the NYS Consolidated Funding Application process, the Excelsior Program, the Brownfield Credit Program, the New Markets Tax Credit Program, the Historic Rehabilitation Tax Credit Program, and other development incentives. They have also established sound working relationships with the entities that provide or administer incentive programs, including industrial development agencies and local development corporations. These relationships allow Barclay Damon to streamline the financial incentive process and assist clients with the timely delivery of cost-effective project completion.

## Representative Experience

- Providing strategic advice for the replacement of more efficient and cleaner turbines at an existing generating facility, including securing the necessary permit modifications to enable the project to go forward and interfacing with NYSDEC and other state and local agencies to secure the necessary permits and approvals in a timely manner.
- Represents an energy storage projects developer in handling all aspects of the projects, including counseling on all siting and permitting issues to ensure the most efficient and successful project development while preserving the in-service dates as well as interfacing with key regulators.
- Conducted acquisition due diligence for renewable energy assets focusing on local permitting.
- Completed environmental and real property due diligence in connection with a series of equity investment transactions in several solar energy facilities in Massachusetts and New York, and as local counsel, advised our client, the investor, of the legal and business risks and prepared permit schedules for closing.