Boylan Code

New York Planning and Zoning Case Law Update - 2016

Presented on behalf of the NY Association of Towns and the NY Planning Federation.

Presented by:
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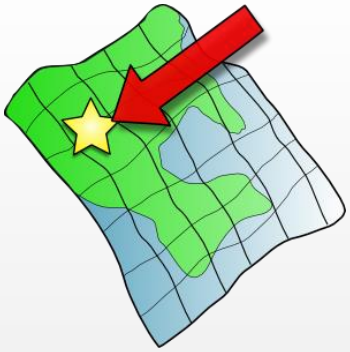
ATTORNEYS AT LAW



Presentation Roadmap

- Goal – Explore Recent, Interesting Decisions dealing with Planning and Zoning Issues
- Review of Recent Cases concerning:
  - Variances,
  - Nonconforming Uses,
  - Equal Protection,
  - SUPs, Site Plans and Subdivisions,
  - Reliance on Community Opposition, and
  - Short Term Rentals.

Area Variances

Matter of Wambold v. Village of Southampton ZBA

Background:

- Owners apply for area variance relating to construction of Cottage
- Property already has a smaller Cottage which doesn't require Variance
- Old Cottage would be Demolished
- New Cottage would be in a different location and would exceed maximum size allowed for Cottage
- ZBA grants Variance
- Next door Property Owner challenges Variance

Court Decision:

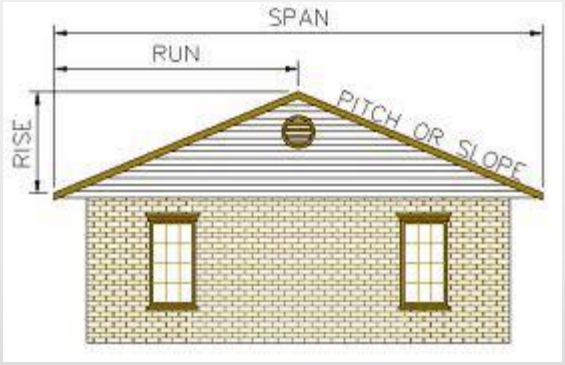
- ZBA properly considered the Area Variance Factors, was thus rational, and decision to stand.
  - Character, Alternative, Substantial, Physical/Environmental Conditions, Self-Created
- "Zoning Boards have broad discretion in considering applications for area variances."
- Court agreed with Neighbor – Variance was Substantial.
- However, the ZBA considered:
  - *No evidence of effect on Character*
  - *No evidence of negative effect on Physical/Environmental – In fact, BENEFIT –*
    - *ZBA found <u>on the Record</u> the Variance would eliminate wetland setback nonconformities and remove existing septic system which is located in wetlands areas.*

Take Home Point from a Simple Case:

- Not all factors need to be in favor.
- As long as findings are on the record and rational, decision should stand!

Area Variances

Schaller v. Town of New Paltz Zoning Board



Facts:

- Land owner applies to Town of New Paltz for variance in connection with the construction of a hotel.
  - Variance requests 6 foot height variance to provide for pitched roof and incorporation of energy conservation features.
- ZBA grants Height Variance.
- Owners of motel adjacent to property at issue commence Article 78 challenging SEQR determination and Height Variance.

Court Decision – Variance Stands:

- ZBA must engage in balancing test, "weighing the proposed benefit to the applicant against the possible detriment to the health, safety and welfare of the community, as well as consider the five statutory factors . . ."
- Local zoning board have "broad discretion" in considering applications and "judicial review is limited to determining whether the action taken by the board was illegal, arbitrary, or an abuse of discretion."
- ZBA engaged in balancing test and considered the factors, including:
  - Variance was not substantial when compared to nearby buildings,
  - Variance would improve the physical and environmental condition and character of the neighborhood (with aesthetically pleasing pitched roof),
  - Variance was the minimum required to allow for the energy efficient features.

Area Variances

Pinnetti v. ZBA of Village of Mount Kisco

Facts:

- Applicant seeks to construct home on road that was not an "official" road
- Village Code requires that single family homes be built only on official road
- Applicant makes application to ZBA for variance to build on un-official road
- ZBA denies request
- Applicant files suit- there were 12 homes existing on the road, why can't they build an additional home?

Court Decision – ZBA Decision Stands – No Variance:

- ZBA's findings were not illegal, arbitrary or capricious
- ZBA made specific findings in consideration of the 5 statutory factors:
  - Detriment to character of the neighborhood - Additional traffic would worsen already poor road conditions
  - Would compromise public safety by making access for emergency responders even more difficult

Use Variance

Rehabilitation Support Services v. City of Albany ZBA

Facts:

- Owners lands comprise former school building and a second parcel with a single family residence.
- Located in R Zoning for Single and 2 Family
- Seek Use Variance – Demolish residence and school and construct 24 bed Community Residence to house Drug and Alcohol Rehabilitation Program
- 5 years earlier, prior owner had been granted a Use Variance to refurbish School for a similar use – expired
- Variance denied and Owner sues – Decision irrational and prior owner was granted variance.

Court Decision – ZBA Decision Stands – No Variance:

- ZBA considered whether applicant was the subject of "unnecessary hardship" by examining the 4 factors
- ZBA made detailed findings addressing the factors:
  - Owner paid $40,000.00 for both parcels, of which Albany IDA reimbursed Owner $39,500.00. Owner did not offer proof that a reasonable return could not be had on the $500.00 investment per an allowed use (SF or 2 Family).
  - Unqiue Hardship due to existing School, but it could be demolished and developed per Code.
  - Self Created- Owner knew use was not permitted prior to purchase.
- Prior Application refurbished Historical School and was made before construction of other similar residences in area which saturated area and effected Character.

Variance Take Home Points:

- Area: ZBA must weigh the benefit to the applicant against detriment to the community by considering the factors:
  - Character of the Neighborhood, Alternatives, Substantial, Environmental or Physical Concerns, Self-Created
- Use: ZBA must consider whether unnecessary hardship per the factors:
  - No Reasonable Return, Hardship is Unique, Character, Not Self Created
- Both - Analysis and Conclusion on the Record

Nonconforming Uses

Sand Land Corp. v. Southampton ZBA

- **Background Facts:**
- Sand Land Corp. (SLC) owns 50 acres of property in R Zoning
- SLC conducts certain mining activities on the Property – PENCU
- In 2005, residential neighbors sue SLC to stop Mining Activities – not consistent with R Zoning
- In 2010, lawsuit still pending, SLC applies to CEO requesting pre-existing C/O for:
  - 1. Operation of sand mine;
  - 2. Receipt and processing of trees, brush, leaves etc. into topsoil and mulch;
  - 3. Receipt and processing of concrete, asphalt, brick, etc. into concrete blend; and
  - 4. Storage, sale and delivery from Property of sand, mulch, soil and concrete.
  - Submits affidavits from 8 different individuals familiar with the Property.
- CEO issues pre-existing C/O as follows:
  - 1. Operation of a sand mine;
  - 2. Receipt and processing of trees, brush, leaves etc. into topsoil and mulch;
  - 3. Storage, sale and delivery of sand, mulch and soil.
  - No coverage for concrete related activities.

- **2- The ZBA and More:**
- Neighbors appeal to ZBA – receipt and processing of trees, brush, leave, etc. is not pre-existing use.
- ZBA:
  - Collection of trees, etc. is PENCU
  - Processing, Storage and Sale of Mulch and Topsoil was not PENCU

- Sand Land Corp challenges ZBA and commences suit in court:
  - Irrational to find that collection and receipt of trees/brush/leaves/etc. was PENCU, but that the same could not be processed and sold.

Nonconforming Uses

Sand Land Corp. v. Southampton ZBA

- **Court Decision**
- "Use of Property that exists before . . . Zoning . . . Is a legal nonconforming use, but the right to maintain [it] does not include the right to extend or enlarge that use."
- ZBA decision regarding PENCU must be upheld if "it is rational and supported by substantial evidence."
- The ZBA did not "improperly place the burden" on SLC to establish the PENCU
  - The owner of the property must establish that the PENCU was existing prior to the zoning provisions at issue.
- ZBA was authorized to consider subject of CEO's determination "de novo" and "make a determination as in its opinion ought to have been made in the matter [in the first place]."
- ZBA's decision will stand – ZBA found that SLC provided insufficient evidence to show that tree/brush/leaf processing and sale of mulch and topsoil existed prior to zoning code.

Nonconforming Uses

Town of Plattekill v Ace Motocross, Inc.

- **1 - Background:**
- Commercial Motocross Racetrack on property in the Town of Plattekill
- 2005 → Town Code amended to prohibit motocross racing
- New Law "Grandfather" provision:
  - Must apply to the ZBA within 90 days of the Enactment of 2005 Law
  - May continue the Motocross Racing Use for up to 10 years.
- Racetrack Owner Fails to apply to ZBA for Grandfathering
- Nevertheless, Owner continues to use the property for motocross racing.

- **2 - Town Action:**
- 2006 → the Town's CEO issues citations for motocross racing
- Business owner declines to comply with 2005 Law
- Town commences a lawsuit to stop the motocross racing

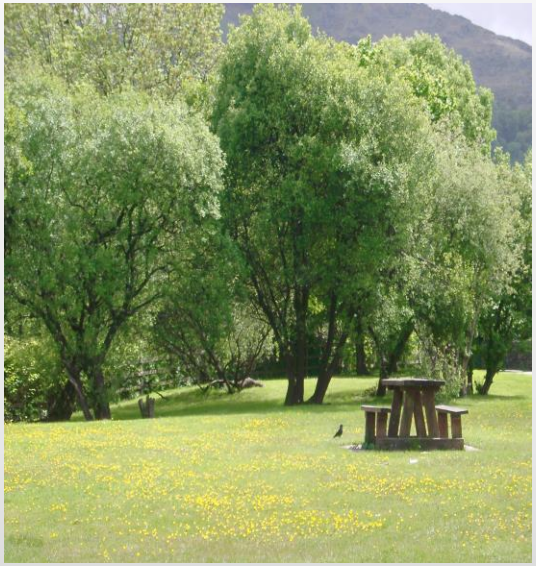
- **3 - Court Decision:**
- Town "may enact a zoning law that eliminates prior nonconforming uses in a 'reasonable fashion.'"
- "Amortization Period" to recoup expenditures by continuing the nonconforming use for a designated period = reasonable fashion
- Provision that allows Motocross for additional 10 years after ZBA application = Reasonable Amortization Period
- *Since the business owner failed to apply to ZBA within 90 days of 2005 Town Code provision, Motocross Racing Prohibited*

Nonconforming Uses

Mar-Vera Corp. v ZBA of the Village of Irvington

Background:

- 1979 → Village of Irvington approves Subdivision Plan:
  - 27 single family houses, 14 attached townhouses
  - Conditioned upon dedication of 12 acres for public park use
- Developer builds the 27 single family houses, but zero townhouses
- 2000 → Developer requests building permit to build the townhouses
- Town denies permit → After 1979, zoning law passed requiring site plan approval prior to the construction of townhouses
  - Townhouses only approved for subdivision (and not site plan approval)
- Town requires developer to apply for site plan approval prior to building permit issuance



Developer Reaction:

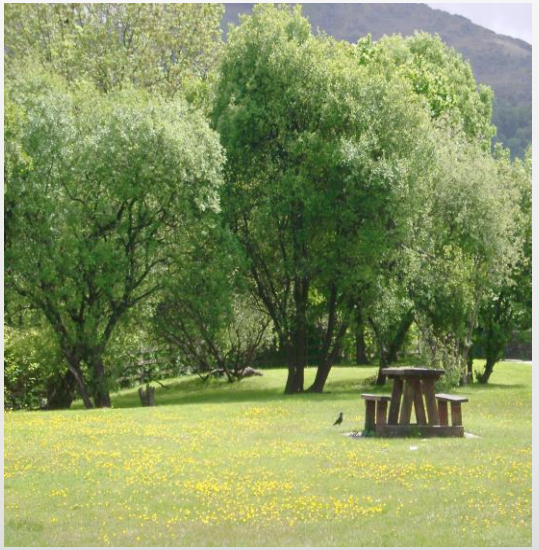
- Developer commences suit to enforce original subdivision approval and require issuance of building permit
- *Argument #1* - Subdivision approval = Nonconforming Use
  - Since No Site Plan required in 1979, No Site Plan required today
- *Argument # 2* –Vested Right due to dedication of 12 Acres in 1979

Nonconforming Uses

Mar-Vera Corp. v ZBA of the Village of Irvington – **Court Decision**

Court Decision – Re: Nonconforming Use:

- *1979 Subdivision Approval does not equate to Nonconforming Use for the proposed Townhouses*
- Generally, Nonconforming Use existing before more restrictive zoning is permitted to continue
- Property must have *actually been used for the nonconforming purpose*
  - *Contemplated use not enough*
  - *Court → No townhouse lots had been developed, merely Contemplated.*
- Where portion of a parcel has been used as a nonconforming use, entire parcel protected where use is *Unique*
  - *Court → Development of townhouses NOT unique*



Court Decision – Re: Vested Right

- *Vested Right where "facts of the case render it inequitable that the State impede the individual from taking certain action"*
- Developer = Vested Right due to dedication of 12 Acres
- Court = Dedication of the 12 acres not only benefit Village, also benefit developer since it allowed for development of 27 single family homes.
  - **Therefore, no Vested Right.**
  - **No Building Permit without Site Plan Approval**.

Equal Protection

- Filipowski v. Village of Greenwood Lake

- **1 -The Facts:**
- Landowners own 9.2 Acre Parcel in Village of Greenwood Lake
  - Residentially Zoned
- Seek Subdivision into three Lots + Development of Lots
- Parcel contained slopes greater than 25%
  - Parcel thus subject to Village's Steep Slope Law
    - Development is prohibited on steep slopes in excess of 25%
- Landowner applies for two Variances:
  - Minimum Lot Size
  - Steep Slope Law
- ZBA denies both Variances
  - Landowner sues – Equal Protection Violation!

- **2 –What is Equal Protection?**
- Equal Protection Clause of the 14th Amendment –
  - "No state shall . . . deny to any person within its jurisdiction the equal protection of the law."
- "Class of One Claim" → A Selective Enforcement Claim.
  - I.E., I am being treated differently than everyone else.
    - . . . Precedent . . .
- Requirements to succeed on EP Claim
  - Substantially Similar Owners Treated More Favorably, and
  - No Mistake!

- **3 – Similarity:**
- "An extremely high degree of similarity is required."
- " . . . so similar that different treatment with regard to them cannot be explained by anything other than discrimination."
- Essentially "identical" in all respects.

Equal Protection

- Filipowski v. Village of Greenwood Lake

- **Alleged Similarities:**
  - Plaintiff identifies 10 Similarly Situated Comparators:
  - All were either granted permits or variances to build despite having steep slopes greater than 25%

- **Court:**
- " . . . Plaintiffs failed to allege other facts sufficient to plausibly suggest the requisite extremely high degree of similarity."
- Did not show similarities regarding:
  - Structures Built
  - Zoning of the Lot
  - Bulk Area Requirements

  - Where Building Occurred in relation to the location of actual Steep Slopes on the Lot(s)
  - Whether other variances were needed
  - Whether lots were vacant or not, etc.
  - P's Property is 9.2 Acres, where 9 of the 10 comparators' properties are less than 1 Acre.

Court dismisses EP Claim because P failed to show requisite similarity with alleged comparators.

Equal Protection

- Aliberti v. Town of Brookhaven

- **1 -The Facts:**
- Plaintiff proposes to subdivide 30kSF Lot
  - Creating 10k SF Lot and 20k SF Lot
- Single Family Home proposed on 10k SF Lot
- Sought a number of variances in connection with the SF Home:
  - Minimum Lot Area required for SF Home is 40k SF → Request 10k SF Min Lot Size
  - Proposing 50 feet of road frontage where 175 Feet required
  - Proposing 10 foot side yard setback where 25 feet required
- Plaintiff is denied a variance related to subdivision and construction of a single family home.
- Plaintiff brings suit alleging he was denied EP under the Law.

- **2 –Court on Equal Protection:**
- EP Requires - Substantially Similar Owners Treated More Favorably, And No Mistake!
- The ZBA must have *intended* the disparate treatment.
  - The P must show that "the decision makers were aware of other similarly-situated individuals who were treated differently."
- Similarity:
  - "Extremely High"
  - Quoting another Court – Comparators must be "identical in all relevant respects."

Equal Protection

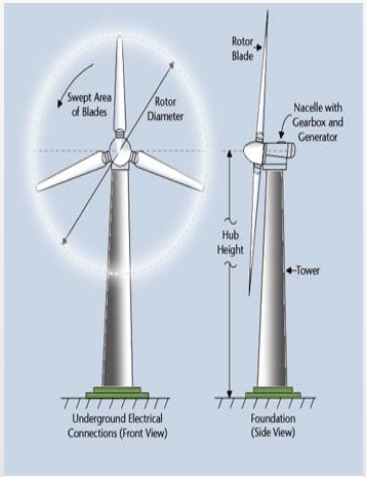
- Aliberti v. Town of Brookhaven
  - **Court →** No Similarity!
  - Ps failed to identify a single comparator within 500 feet of P that were permitted to subdivide into a 10K SF Lot.
  - P identified other subdivisions (not within 500 ft), including:
    - Two lots with 70 and 80 foot frontages and 8,750 SF eacc
    - Two lots with 75 foot frontages and 13,125 SF each
    - Two lots with 75 ft frontages and 11,250 SF each
    - Two Lots with 50 foot frontage and 7,500 SF each
  - Court Decision
    - The four examples of land divisions were all completed prior to 40k minimum lot size requirement –
      - They were created pursuant to 10k min lot size requirement.
      - Thus, greatest variance needed for minimum lot size of all examples was 25%, as compared to P's 75% variance request.
  - Court → No Similarity – No EP Claim!

- **Equal Protection Take Home Points:**
  - Requires Similarity and No Mistake
    - No Mistake = Knowing/Intent
  - Applicant's burden to show similarity
  - Similarity exceedingly difficult to prove

SUPs, Site Plans and Subdivisions

In re Allegany Wind LLC v. Planning Board of the Town of Allegany

- **Facts:→**
- Proposed 29 turbine wind farm
- SUP and Site Plan required and approved
  - SUP expires if no construction within 1 year
- 1st year passed and extension granted
- 2nd extension was about to expire and applied for 2nd extension
  - Alternate turbine models
  - Alternate turbines would result in noncompliance with the Town's noise setback requirements
- Applicant waiting on Congressional extension of certain tax credits for wind energy



Drawing of the rotor and blades of a wind turbine, courtesy of ESN

Court:

- Change = Alternative Turbines
- Material → Setback Noise
- Denial of SUP Extension shall be upheld because *actual, material* changed circumstances.

- **Rule:**
- The applicant "must be afforded an opportunity to show that circumstances have not changed, and a denial of extension will only be sustained if proof of such [unchanged] circumstances is lacking."
  - If Actual Change, and
  - Material, then
  - Great Discretion.
- But, if no actual change, or if change is minor in nature, then it will be difficult to sustain an denial of an extension of a SUP.

SUPs, Site Plans and Subdivisions

Matter of Smyles v. Bd. of Trustees of Inc. Village of Mineola

Facts:→

- Application for expansion of day care facility into vacant retail space
- Testimony by traffic consultants, real estate agents:
  - Dangerous traffic.
  - Overly dense parking.
  - Hazards for emergency service vehicles
- Testimony by neighbors as well as Board members own knowledge supported traffic issues.
- SUP denied.
- Challenge ensues.

Court:

- Evidence of traffic issues supports denial.
- Further, " . . . the Board was entitled to base its decision upon, among other things**, <u>its members' personal knowledge and familiarity with the community</u>**."

Rule:

- Inclusion of a specially permitted use in a zoning ordinance "is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood"
- However, a denial is permitted where conditions of the SUP provision are not met, as based upon substantial evidence.

SUPs and Subdivisions

Matter of Nickart Realty Corp. v. Southhold Town Planning Bd.

Facts:→

- Two lot Subdivision Application
- ZBA grants variance
- County DOH grants variance for septic system
  - Conditioned upon transfer of sanitary flow rights ('credits') from another parcel.
- PB grants Negative Declaration → Problem?
- April 2010 – Conditional Preliminary Subdivision Approval
  - Expressly referenced County DOH's variance related to flow credits
- June 2010 – Conditional Final Subdivision Approval
  - Proof of compliance with Town Code related to sanitary flow credits (Affordable Housing only)
  - Or, approval from County DOH without transfer of sanitary flow credits.
- PB → County DOH's variance couldn't and shouldn't override Town's Code
- Lawsuit filed over new condition.

Rule:

- Approval of Preliminary Subdivision Plat does not guarantee approval of Final.
- However, ". . . in the absence of significant new information, a Planning Board may not deny final approval if a property owner implements the modifications or conditions required by a preliminary approval."

Court:

- PB had long known about the County DOH's variance, referencing the same in its Preliminary Approval.
- Since no new information was introduced after the Preliminary Approval, the additional conditions in the Final Approval were without merit, as they were arbitrary and capricious. Offending conditions annulled.

SUPs, Site Plans and Subdivisions

Matter of Edscott Realty Corp. v. Lake George Planning Board

Facts:→

- Owners of Stepping Stones Resort granted area variance relating to height of fence
- Fence is 534 feet long, beginning at Lake, and running between SS and Olympian Village Motel
- Variance is Conditional – requires Site Plan approval relating to Shoreline Overlay District
    - Screening Requirements for structures near Lake George
- Application to Planning Board for Site Plan approval
    - Demonstrate Existing Trees
    - Describing Vegetation in Place
- PB approves Site Plan – References existing trees and vegetation
- Neighbor – Olympian Village – sues, challenging PBs determination of adequate screening.

SUPs, Site Plans and Subdivisions

Matter of Edscott Realty Corp. v. Lake George Planning Board

- Screening Requirements – "all structures . . . shall be screened by vegetation or landscaped . . . So that the view of the structure from the water is filtered and visual impact is minimized.
  - Promote a "see out not in policy."
- Court frames scope of PB's review – determine whether view of the fence from the water has been sufficiently filtered and visual impact has been adequately minimized.
  - "This, in turn, is precisely the type of subjective, fact-based determination to which we accord the PB's findings 'great deference.'"

- Court notes evidence which PB relied upon:
  - Site Plan Application, description of existing trees and vegetation, maps, drawings, surveys and photographs as well as testimony from applicant, attorney and observations of PB members.
  - Court – In light of evidence and conclusion, there was a "rational basis" for PB's determination and decision will be upheld.
    - "It is not the role of the courts to second-guess the reasoned determinations [of the PB] that are supported by the record."

"Filtered" is not the "equivalent of 'invisible.'"

Community Opposition

Matter of Bagga v. Stanco

Background:

- Proper owner applied to Oyster Bay Planning Board for Site Plan Modification
- Site plan originally approved so first floor was retail space and second was storage
- Modified site plan called for the second floor to be 11 residential apartment units instead of storage
- Notably the building was within the "Neighborhood Business District" which specifically permitted residential apartments to be located above retail space.

The PB's consulting Engineer made the following findings with respect to the modified site plan:

- Addition of 11 apartments would add **one** more vehicular trip during peak traffic hours
- 73 off-street parking spaces would be provided –exceeds 67 parking spaces required by Town Code; and
- Parking area would have two access driveways with adequate sight distance.

Community Opposition

Matter of Bagga v. Stanco

Planning Board Denial:

- After two public hearings at the Town PB where the **community opposed the modified site plan** because it would attract "undesirable tenants," the Town PB denied the application.
- The PB cited concern *over access to the property, excessive traffic and lack of parking.*
- The property owner sued to overturn the PB's denial.

Court Findings and Decision:

- The Appellate Court overturned the PB's denial for the following reasons:
  - Oyster Bay PB's decision was irrational because the *record contradicted the basis for its denial*.
  - Town's Engineer's report evidenced sufficient access, sufficient parking and an insubstantial one additional trip during peak traffic hours.
- The PB's determination was wholly and improperly based upon **generalized community opposition.**
  - *Note - Although the PB is encouraged to consider community input,* **the PB cannot make its determination based wholly upon community opposition.**

Community Opposition

Matter of Young Dev., Inc. v. Town of W. Seneca

Background:

- Property owner in the Town of West Seneca applied for a Special Use Permit in connection with the construction of a development in the Town.
- The Town Board denied the SUP on the grounds that the Town sewer system would have insufficient capacity to handle the development.
- The property owner sued to annul the determination.

Court Findings and Decision:

- A Town Board' determination will be upheld upon judicial review whet it has some *rational basis in the record*.
  - Further, a Court "may not substitute its judgment for that of a Town Board 'even if there is substantial evidence supporting a contrary determination.'"
- In this case, the Court found that there was no basis whatsoever for the Town's denial of the SUP.
- Applicant established not only that the Town's sewer system had the capacity to handle the new development, but that it was prepared and willing to engage in remediation should there be any issues with the sewer system.
- The Court further found since there was no basis in the record, the Town Board's determination was based upon "generalized community objections," which, alone, is insufficient to withstand judicial review.
  - **The Court annulled the denial and directed the Town Board to issue the SUP.**

Short Term Rentals

Matter of Fruchter v. Hurley ZBA

Facts

- Plaintiff is owner of home, which is his permanent residence, that is 2 bedroom single family house on 4 acres.
- Located in Residential Zoning District.
- 2012 – Begins listing property on internet for rent for terms ranging from one night to a month, or entire season.
- Always rents entire residence and does not stay when residence is rented. Does not serve food.
- CEO issues NOV – Operating B&B or Hotel.
- Plaintiff appeals to ZBA – Determines P's Short Term Rentals (STR) were not allowed unless SUP.
- Plaintiff appeals to Court.

Court

- ZBA is usually afforded discretion in interpretations.
- However, where issue is one of pure legal interpretation of underlying zoning Code, no deference is required. (i.e. issue is not about facts, but about meaning of Code without respect to facts)
- Zoning Provisions are "strictly constructed against the regulating municipality."
- "Town Code does not appear to have been updated to consider . . . short-term rentals rental made popular by various platforms on the Internet."

Short Term Rentals

Matter of Fruchter v. Hurley ZBA

Decision

- ZBA did not determine category of use (didn't find that STR was a hotel or B&B). Simply found it wasn't permitted in Residential District.
- Court – Use was not Hotel or B&B.
  - Hotel – Common exterior entrance.
  - B&B – Owner Occupied and Food service, only rooms are for rent.
- Court – Residential uses are allowed in one family dwellings, per Code. Code does not prohibit rentals or otherwise define STRs are non-residential uses.
  - No SUP use for STRs.
- ZBA decision and CEO decision annulled – use allowed.

How to avoid STR issues?

- Revise Code to address STRS.
- Define STRs and limit – require SUP.

SHORT-TERM VACATION HOME RENTAL - one or more Dwellings, as that term is defined in Chapter 4.1, excluding Bed and Breakfasts, that are rented:

for the purpose of overnight lodging for periods of not less than one night and not more than thirty (30) consecutive days to the same Occupants for the same Dwelling; and

where the total days the Dwelling is rented to all Occupants in one calendar year exceeds thirty (30) cumulative days.

Ongoing month-to-month tenancies are excluded from the provisions of this Chapter.

Thank You! Questions?

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Donald A. Young, Esq., a Partner with Boylan Code, practices primarily in the Municipal Law and Land Use group, but also practices in the Firm's Litigation and Real Estate groups. A graduate from the University of Rochester (B.A., double major in Economics and Honors Psychology), Mr. Young earned his law degree from the State University of Buffalo Law School (J.D., *cum laude*), where he was an Editor of the *Buffalo Law Review*.

Mr. Young advises on municipal law and land use and zoning law throughout his daily experiences with complex municipal and land use issues, often working in concert with public officials, staff and consultants such as engineers. For example, Mr. Young has drafted, revised and implemented a wide range of legislation, including zoning ordinances, as well as provisions dealing with open space and conservation, signs, refuse, wind turbines and land use moratoria. Mr. Young has implemented sewer, water and drainage districts and has guided municipal officials through complex SEQR analyses in relation to a number of complex projects. Furthermore, he has developed expertise in a wide range of other areas dealing with municipalities, for example, by advising the local legislative body with respect to rezoning applications, planned development districts, open meetings law and ethics, advising and acting as Planning Board attorney on a number of site plan and subdivision issues, advising and acting on behalf of the Zoning Board of Appeals with regard to various zoning and variance issues, and by working with Code Enforcement to implement and enforce local ordinances. He currently serves as counsel for a variety of municipalities in New York.

Mr. Young has shared his knowledge and experience in articles published in the *Daily Record*, the *Rochester Business Journal* and the Association of Towns *Talk of the Towns*. Furthermore, Mr. Young is an accomplished speaker, presenting on behalf of the Association of Towns at a variety of summer schools, as well as a numerous annual conferences on behalf of the Association in New York City. Mr. Young has also spoken on behalf of the New York Planning Federation. In addition, Mr. Young has spoken on behalf of the National Business Institute, and has spoken to and offered training to public officials at various town halls around New York.