



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

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

Admitted to Practice

- New York

Court Admissions

- US District Court for the Western District of New York

Biography

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

Additionally, 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.

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

- 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.

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

- *Buffalo Business First*, Western New York Power 250, 2023, 2024
- Selected to *The Best Lawyers in America*®: Buffalo "Lawyer of the Year": Land Use and Zoning Law, 2023; Land Use and Zoning Law, 2021–2024; Real Estate Law, 2024; *Super Lawyers* Upstate New York Rising Stars: Land Use/Zoning, 2013–2021; and *Super Lawyers* Upstate New York: Land Use/Zoning, 2022–2023
- 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

- American Planning Association New York Upstate Chapter Annual Conference, “Balancing Legal Risk Aversion and Planning Best Practices”
- Genesee/Finger Lakes Regional Planning Council, Regional Local Government Workshop, “Zoning Variances”
- 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”
- New York State Commercial Association of Realtors, Western New York Chapter, April Meeting, “Letters of Intent Dos and Don’ts,” Speaker

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

- 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
- SBA Launches PPP Direct Forgiveness Portal, Providing More Relief for the Hospitality Industry
- New York Public Service Commission Modifies Separate Site Requirement

Selected Podcasts

- *Barclay Damon Live: The Cannabis Counselor, With Aleece Burgio*—“Effects of the MRTA on Municipalities and Operators, Featuring Corey Auerbach”