

LAND USE REGULATION (#3898)

Adjunct Professor Brad Schwartz – Fall 2024

CLASS SYLLABUS

Course Description:

This interdisciplinary course covers a variety of topics relating to the land development process in New York. It ties together: zoning, land use and real property law; the New York State Environmental Quality Review Act (“SEQRA”); administrative law; constitutional law; public policy; finance; community relations; and environmental science. We will use actual projects in communities on Long Island and in Westchester as case studies to apply these principles to practical, everyday considerations in the land use process.

Learning Objectives:

- Fundamentals of land use/zoning regulation, including familiarity with State statutes (such as SEQRA and EDPL) and local codes
- Roles and responsibilities of different governmental agencies
- Approvals that are required for land development projects, such as rezonings, site plans, subdivisions, wetlands permits, and more
- Conducting the entitlement process before governmental agencies, including the roles of the lawyer, client, professional consultants, municipal officials, and the public
- Land use & SEQRA litigation
- Environmental considerations
- Eminent domain
- Current trends in land development

In addition, as set forth in the Law School’s Learning Outcomes Policy, students will develop reasonable competency in the following:

1. Knowledge and understanding of substantive and procedural law.
2. Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.
3. Exercise of proper professional and ethical responsibilities to clients and the legal system.

Class time & location:

Thursdays, 2:10 pm - 4:00 pm, Koppelman Hall 0205

Expected Student Workload/ Hours of Work per Week:

The American Bar Association requires that you spend at least four (4) hours per week, on average, outside of class studying for this 2-credit course. Students will also be expected to

observe a land use board meeting (by Zoom). As described below, there will be two written assignments during the semester, plus the final exam.

Adjunct Professor Schwartz contact information:

Email: bschwartz@zarin-steinmetz.com

Telephone: 914-220-9793 (office direct dial)

*also please copy my paralegal, Tracy Russo, on all emails (trusso@zarin-steinmetz.com)

I would be glad to schedule virtual meetings with you to review class materials or anything else relating to the legal profession.

Course Materials:

Cases, statutes/regulations, articles, and other materials will be made available online approximately one (1) week prior to each class.

Attendance:

Please arrive on time and be prepared for each class.

A sign-in sheet will be provided. You are responsible for making sure that you sign the sheet. The sign-in sheet will be dispositive evidence regarding your attendance or absence from a given class.

The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly scheduled classes, which in this two-credit course means that you may not miss more than two classes. If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible.

Grading:

Your final grade will be based upon two (2) written assignments during the semester (25% each), a final take home exam (30%), and in-class participation and performance (20%).

The assignments are due by 5:00 pm on October 20 and November 24. The final exam is due by 5:00 pm on December 20. The assignments and final exam will be provided approximately 2 weeks prior.

Class participation will be evaluated based upon your effort to participate regularly and the quality of your contributions, including thoughtful questions and responses. Class is more fun and effective when there is respectful dialogue and debate.

Semester Overview: (subject to change)

Week 1 (8/29) – Introduction to Land Use, Zoning, and Comprehensive Plans

Week 2 (9/5) – Introduction cont., and begin SEQRA

Week 3 (9/12) – SEQRA cont.

Week 4 (9/19) – Site Plans & Special Permits

Week 5 (9/26) – Subdivisions & Planned Unit Developments

Week 6 (10/10) – Rezoning, Variances & Nonconforming Uses

Week 7 (10/17) – Other Permits/Approvals (wetlands, steep slopes, SHPO, county referral, etc.)

Week 8 (10/24) – Guest Speaker – Due Diligence

Week 9 (10/31) – Navigating the Approvals Process

Week 10 (11/7) – Real Estate Agreements and Eminent Domain

Week 11 (11/14) – Article 78 Litigation

Week 12 (11/21) – Environmental Regulation

Week 13 (12/3) – Semester Wrap-up & “Land Use Jeopardy”

Week 14 (12/5) – Guest Speaker