The Land Use Law Center’s 18th Annual
Alfred B. DelBello Land Use and Sustainable Development Conference

Building the Infrastructure for Our Sustainable Future
December 4, 2019 – December 5, 2019
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On behalf of the Land Use Law Center, we welcome you to the 18th Annual Alfred B. DelBello Land Use & Sustainable Development Conference. The Annual Conference is a significant educational event in the region, with more than 200 attorneys, business professionals, and local leaders learning about national, regional, and local innovations, challenges, and best practices. The Founder’s Award Dinner, hosted the evening before the conference, honors an individual each year in the name of Theodore W. Kheel, the great American attorney and labor mediator, renowned for his ability to build consensus and resolve conflicts. The Center also bestows its Distinguished Young Attorney Award at this event.

At the Annual conference this year, we will be looking at the ways in which we can use design, planning and regulatory tools, and creative financial approaches to plan and develop appropriate infrastructure to create more sustainable communities. Infrastructure and land use patterns are inextricably linked. Infrastructure has the power to shape development, influence economic opportunities, and determine a neighborhood’s character and quality of life. In addition, infrastructure investments have important consequences for the environment, including water quality, climate change, resiliency, and open space preservation. Thank you for joining us for this exciting event!

**PRE-CONFERENCE FOUNDER’S AWARD DINNER**
Wednesday, December 4, 2019 at 6:00 PM
Mansion on Broadway, 139 North Broadway, White Plains, NY

**ALFRED B. DELBELLO LAND USE & SUSTAINABLE DEVELOPMENT CONFERENCE**
*Building the Infrastructure for Our Sustainable Future*
Thursday, December 5, 2019 at 8:00 AM
Judicial Institute at Pace Law, 78 North Broadway, White Plains, NY

**ABOUT THE LAND USE LAW CENTER**
Established in 1993, the Land Use Law Center at Pace University is dedicated to fostering the development of sustainable communities through the promotion of innovative land use strategies and collaborative decision-making techniques, as well as leadership training, research, education, and technical assistance.

Through its many programs, the Center offers municipalities, land use leaders, citizens, advocates, planners, attorneys, real estate industry leaders, and other land use professionals assistance that enables them to achieve their development and conservation goals at the local and regional levels. Its activities provide opportunities for Pace students to gain in depth, practical experience that allows them to become practice-ready attorneys serving private, public, and non-governmental clients.

The Land Use Law Center offers extensive research and consulting services; conferences, seminars, and clinics; law school courses; practitioner and citizen-leader training programs; continuing legal education programs; multimedia resources; and frequent publications on sustainable land use and community development.
Pre-Conference Founder’s Award Dinner

Wednesday, December 4, 2019
Mansion on Broadway, 139 North Broadway, White Plains, NY

HONORING

Lester D. Steinman, Esq., McCarthy Fingar, LLP
Victoria L. Polidoro, Esq., Rodenhausen Chale & Polidoro, LLP

Founder’s Award Recipient
Distinguished Young Attorney Award Recipient

6:00 – 7:00 PM
Cocktails and Honoree Reception

7:00 – 9:00 PM
Dinner – Award Presentation

Welcome
Jessica Bacher, Esq., Executive Director, Land Use Law Center
Arthur Collins, Collins Enterprises, LLC

Awards Presentation
John Nolon, Esq., Founder and Counsel, Land Use Law Center

Acceptance of Awards

Distinguished Young Attorney Award Recipient
Victoria L. Polidoro, Esq., Partner, Rodenhausen Chale & Polidoro, LLP

The Distinguished Young Attorney Award is presented to a Pace Law graduate who worked closely with the Land Use Law Center and has, since graduation, demonstrated excellent service and commitment to land use law. The award was created on the Center’s 25th anniversary in 2018. We are pleased to add Victoria to our list of recipients, which includes our first awardee: Noelle C. Wolfson, Hocherman, Tortorella & Wekstein, LLP.

Founder’s Award Recipient
Lester D. Steinman, Esq., Partner, McCarthy Fingar, LLP

The Founder’s Award was created in the name of Theodore W. Kheel, the great American attorney and labor mediator—renowned for his ability to build consensus and resolve conflicts—who was a major supporter of the Land Use Law Center. The Center bestows this annual award upon an individual or municipality that has worked collaboratively with a community and reinvented democracy to make change happen. We are pleased to add Lester D. Steinman, to our list of recipients, which includes:

2018 — Richard L. O’Rourke, Keane & Beane P.C.
2017 — Frank S. McCullough, Jr., McCullough, Goldberger & Stautid, LLP
2016 — Robert Feder, Cuddy & Feder, LLP
2015 — Alfred B. DelBello, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
2014 — John Saccardi, VHB
2013 — Rose Noonan, Housing Action Council
2012 — City of Newburgh – Land Bank/Revitalization Effort team
2011 — Town of Clarkstown – Comprehensive Plan team
2010 — Andy Revkin, NY Times
2009 — Pamela R. Esterman, Sive, Paget & Riesel P.C. and Rachel E. Deming, Barry University School of Law
The Land Use Law Center is pleased to honor Lester D. Steinman with the 2019 Founder’s Award to recognize his work as a land use attorney who has resolved countless, contentious, and complex land use disputes. Lester is one of the most respected authorities on municipal law matters in the Westchester/Lower Hudson Valley region, and he exemplifies the type of collaboration and spirit that this award, given in the name of Theodore Kheel, celebrates. As a partner in the Municipal Law & Land Use group at McCarthy Fingar LLP, his practice focuses on the representation of local governments and their land use boards, including litigation and appeals in federal and state courts. Throughout his career, he has resolved a myriad of organizational and operational problems for local governments and has guided municipal entities through the land use and environmental review for major commercial and residential development projects, the construction and expansion of educational and religious institutions, and the updating of comprehensive plans and local waterfront revitalization programs. For twenty-seven years, Lester served as Director of the Edwin G. Michaelian Municipal Law Resource Center of Pace University, a multi-faceted legal reference center which provided research and consulting services to municipalities on all aspects of the local government law. During that time Lester also served as the Editor of the Municipal Lawyer, a quarterly journal distributed to the bar, judiciary, and municipal officials throughout New York State. He also serves as counsel to the Westchester Municipal Officials Association. Lester is a leading member of the bar, including being a past chair of the Municipal Law sections of the New York State Bar Association and Westchester County Bar Association. He is also a former Adjunct Professor at Pace University School of Law. Representing the Village of Pleasantville, Lester successfully briefed and argued a landmark zoning case before New York’s highest court, the Court of Appeals, in which the Court of Appeals affirmed the courts’ obligation to give due deference to findings and conclusions of local zoning boards of appeal. Lester has also received a peer review rating of AV “Preeminent on Martindale-Hubbell” throughout New York, Connecticut, Florida, and beyond. Founded by Robert J. McCarthy and Elmer Lee Fingar (both now deceased), McCarthy Fingar has been a leader in the legal and business communities for 70 years. Our attorneys come to us from a divergent group of law schools, from other law firms, from corporations, and from the judiciary. Our lawyers demonstrate a special blend of skills and know-how which helps our clients succeed in their business and personal planning, in transactional matters and in litigation.

The Land Use Law Center is pleased to bestow its Distinguished Young Attorney award on Victoria L. Polidoro, a Partner at the firm of Rodenhauser Chale LLP, a graduate of Pace Law, and a former Land Use Law Center Summer Associate. Through her work, Victoria has demonstrated the type of service and commitment to the industry, region, and people that the Land Use Law Center celebrates. In her practice, Victoria focuses on environmental, land use and municipal law, representing private developers, municipalities, homeowners, not-for-profit entities and public agencies. She currently serves as planning board attorney or zoning board attorney, or both, for the Towns of Dover and Hyde Park and the Villages of Fishkill and Red Hook. She has experience representing public and private clients in connection with a wide variety of matters including planning and zoning matters, contracts and grant agreements, environmental compliance, drafting and preparation of local laws, special district proceedings, intermunicipal agreements, easement and real estate matters, and historic preservation issues. Victoria worked at the Land Use Law Center throughout law school and was a senior associate on the Pace Environmental Law Review. She has participated in the Land Use Law Center’s Land Use Leadership Alliance (LULA) Training Program as a facilitator and lecturer during its training programs for local officials. She was selected for the Upstate New York Super Lawyers Rising Star list in 2014, 2015, 2016, 2017 and 2018.
8:00 – 10:00 AM  Registration and Continental Breakfast

8:15 – 9:45 AM  Ethics Sessions

Session 1 – Ottinger Hall-202
Planning Ethics for Professional Planners
Join in this session and learn about the AICP Code of Ethics and how it affects planners and the planning profession. Participate in an engaging discussion as the speakers address the implications of the Code through the use of sample ethical scenarios and personal anecdotes. Examine underlying questions of ethics that frequently pose dilemmas for practicing planners in the political context in which they operate and the impacts that may have on the “public interest”.

Peter Feroe, AICP, Technical Director, Planning, AKRF, Inc.
Gina Martini, AICP, ENV SP, Senior Project Manager, VHB
Valerie Monastra, AICP, President, Westchester Municipal Planning Federation
Bonnie Von Ohlsen, AICP, RLA, LEED Green Associate, Kimley-Horn of New York, P.C.

Session 2 – Ottinger Hall-G-02
Ethics in Land Use: Guiding Principles for Attorneys and Land Use Board Members
Join in this session and learn about ethical considerations for lawyers and land use board members. This session will focus on how to recognize and resolve ethical issues and avoid conflicts of interest in the land use context.

Patricia E. Salkin, Esq., Provost, Graduate and Professional Divisions, Touro College

10:00 – 10:15 AM  Opening Remarks  JI-Lecture Hall

Jessica A. Bacher, Esq., Executive Director, Land Use Law Center
Tiffany B. Zezula, Esq., Deputy Director, Land Use Law Center

10:15 – 10:45 AM  Morning Keynote  JI-Lecture Hall

The Future of Infrastructure: What Do We Plan For?
The morning keynote presenter will focus on future-scenario analysis and how it allows us to anticipate coming changes and how those changes impact infrastructure and communities.

Thomas W. Smith III, ENV SP, CAE, FASCE, Executive Director, American Society of Civil Engineers

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11:00–12:20 PM  Breakout Sessions

**Session 1 – JI-Lecture Hall**

**Taking a Bite Out of Blight: Effective Tools and Innovative Strategies in the Battle to Reuse Problem Properties**

Problem properties, both vacant and occupied, undermine neighborhood vitality and are a source of constant frustration to those working to stabilize and rebuild neighborhoods. Authors of the ABA *Vacant and Problem Properties* book, will introduce creative and diverse tools and strategies that enable communities to overcome obstacles to successful anti-blight efforts.

- **Wade Beltramo**, Esq., General Counsel, NYS Conference of Mayors
- **Madeline Fletcher**, Esq., Director, Distressed Asset Preservation, NYS Homes and Community Renewal
- **Alan Mallach**, FAICP, Senior Fellow, Center for Community Progress

**Session 2 – Ottinger Hall - G-02**

**Navigating the Rising Tides: Designing and Planning for Resiliency**

Most communities are already engaged in a number of planning and project development processes for their communities. This presents an ideal opportunity to incorporate resilience into these and other relevant local government functions. This panel will highlight some new and innovative practices, tools and opportunities in our region and across the State in designing and planning for resiliency.

- **Paul Beyer**, Esq., Director of Smart Growth, NYS Department of State Division of Local Government
- **Amy Chester**, Managing Director, Rebuild by Design
- **Caroline Dwyer**, AICP, Project Manager, Renaissance Planning Group, Inc.
- **John Gauthier**, P.E., Esq., Associate Engineer, Town of Greece

**Session 3 – Ottinger Hall-202**

**Behind the Light Switch: Transforming Energy Policies**

This session will highlight local energy policies and considerations. Speakers will cover NYSERDA’s local resources for energy storage, solar and wind development, the new NYStretch Energy Code 2020, and New York City’s Climate Mobilization Act, which places emission limits on NYC’s large buildings.

- **Marilyn Dare**, LC, CEM, Senior Project Manager, Energy Codes, NYSERDA
- **Houtan Moaveni**, Senior Advisor to the President for Strategy and Clean Energy Siting, New York State Interconnection Ombudsman, NYSERDA
- **Thomas M. Roach**, Esq., Mayor, City of White Plains
- **Nicholas A. Widzowski**, Esq., Legislative Director & Counsel, Office of Council Member Costa Constantinides
Kenneth Kearney is the founder and president of The Kearney Realty & Development Group (KRDG), a diversified real estate development and property management firm based in Carmel, New York. Mr. Kearney’s nearly twenty-three years in real estate development includes many accomplishments of completed and successful projects located throughout the Hudson Valley in New York State. To date KRDG has built commercial and residential projects valued at more than $200 million and is currently involved with several projects at various stages of development.

Known by friends and associates as “a businessman with a big heart,” Mr. Kearney brings experience, tenacity, a strong work ethic, and solid professional relationships to any project he undertakes. He has been recognized by many for achievements in developing successful projects.

KRDG has been recognized as a regional leader in its field for both innovation and quality. In 2014, KRDG committed to requiring all future buildings be LEED certified. Since 2002, the KRDG has successfully developed over 900 units in the Hudson Valley region that include senior, workforce, veteran, supportive, market-rate, middle income, and artist housing.

In Kenneth’s free time he is a board member on two non-for-profit organizations, Hudson Valley Pattern for Progress and Hudson Valley Community Foundations. Kenneth and his family are involved in numerous philanthropic ventures in the areas in which he works. A native of Mahopac, Kenneth and his wife Jean, continue to reside there.

Sean Kearney currently serves as the Vice President of The Kearney Realty & Development Group (KRDG), the Vice President of Tern Construction & Development (TDC) and is a managing member of Parkview Development & Construction (PDC).

At his roles with KRDG and PDC, he has overseen the development of over 900 units throughout New York State and oversees the management of over 1,300 units of a diverse housing stock including senior, workforce, veteran, supportive, middle-income, and artist housing. As Vice President of TDC, he is responsible for all contracting and purchasing of roughly $35 million of construction contracts annually. Recently, his focus has been on downtown revitalization projects utilizing New York State Homes and Community Renewal’s new middle-income housing program.

He is an active member in the communities where he works and has been on the Board of Directors for the Bardavon 1869 Opera House, Board of Directors for the Walkway over the Hudson, and Board of Directors for Peekskill’s Business Improvement District.

Sean and his wife Adriana reside in the Village of Cold Spring, New York.
Reaching for the Future: Cities Competing in the 21st Century

The forces of change are redefining the rules for all of us, including cities. Globalization, technological innovation, environmental changes, and demographic shifts are challenging the traditional roles of cities. Cities will succeed or languish depending on how they respond. The leadership of a city must be nimble, curious and have an appetite for risk. Cities that are succeeding have a clear strategic vision of their strengths and their future, understand multilayered financing and how to build great partnerships and most importantly, have dynamic leadership to galvanize the community. The leadership of a community can be from public officials but also is increasingly coming from civic, university, and business leaders. Change is tough; protecting the status quo or only reacting to projects rather than pro-actively pursuing them might seem easier and more politically safe, but successful cities are intentional in the choices.

Thomas Murphy, Senior Resident Fellow, Joseph C. Canizaro/Klingbeil Family Chair for Urban Development, Urban Land Institute Americas

2:10 – 3:30 PM  Breakout Sessions

Session 1 – JI-Lecture Hall

Won’t You Be My Neighbor: Breaking the Barriers to Creating Affordable Housing

Many tout the benefits of affordable housing, including its ability to foster a diverse workforce, promoting social and economic integration, and fostering economic stability of a community, but challenges remain in spite of the benefits. How do we prove those benefits and calm the fears surrounding development? This session will highlight approaches to addressing the concerns, capitalizing on community benefits, and dispelling myths associated with affordable housing. Addressing fears about the perceived effects of affordable housing on property values will also be covered. Experienced practitioners will provide a variety of roadmaps for garnering support for needed housing in the region and will highlight how municipal and community leaders became comfortable with proposed developments.

The Reverend Peter Cook, Executive Director, New York State council of Churches
Sean K. Kearney, Vice-President, The Kearney Realty & Development Group, Inc.
Jason Labate, Esq., Senior Associate, Goldstein Hall PLLC
Rose Noonan, Esq., Executive Director, Housing Action Council, Inc.
Michael Allan Wolf, Esq., Professor of Law & Richard E. Nelson Chair in Local Government Law, University of Florida Levin College of Law

Session 2 – Ottinger Hall-202

Right-of-Way Management

Local governments hold the public right-of-way in trust for the benefit of the public; but rapid changes in technology, policy, and law are increasing demands for services and challenging local regulatory authority. This session, presented by the Westchester Municipal Planning Federation, will discuss best practices for right-of-way management in the face of emerging challenges—an issue that cuts across the big city/small town divide. Speakers will review the public trust doctrine; the unique demands from shared mobility services in the public right-of-way, especially considerations when creating a local bike-share program; and right-of-way issues related to signage, parking, and sidewalks. This session promises an engaging discussion on emerging issues for streets, sidewalks, and parks in every community.

Lee J. Ellman, AICP, Director of Planning, City of Yonkers
Leslie J. Snyder, Esq., Partner, Snyder & Snyder, LLP
Linda B. Whitehead, Esq., Partner, McCullough, Goldberger & Staudt, LLP

Session 3 – Ottinger Hall - G-02

Show Me the Money: Tools for Financing Infrastructure

Meeting infrastructure financing challenges has emerged as one of the most urgent issues facing local governments. In this session, you will learn creative solutions to funding critical and innovative infrastructure projects in your community. The panel includes finance, legal, and government professionals who will share their experience in developing and implementing alternative infrastructure financing mechanisms.

David W. Barr, Senior Vice President, Roosevelt & Cross Inc.
Michael Curti, Esq., Senior Counsel, Harris Beach PLLC
Steve Densmore, President and Founder, Choice Words LLC
Michael D. Zarin, Esq., Partner, Zarin & Steinmetz
3:30 – 3:45 pm

Afternoon Break

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3:45 – 5:15 pm

Law Update Session

JI-Lecture Hall

Lessons from Luminaries of Land Law: Latest and Greatest Decisions (Yawn)

For the conclusion of the conference day, we have the shamans of land use law, some who have wandered in from the far corners of the world, like Florida, to divine the future by inspecting entrails, reading palms, poking at tealeaves, thumbing through Tarot cards, and sometimes actually reading all those boring cases. They will tell you what happened, what they as pontificators extraordinaire think it all means (these people are big thinkers), and what you need to watch out for! To top it off, this blatant bunkum and balderdash will be more entertaining than watching some fast food restaurant applicant seeking a sign variance completely making up bogus claims of “practical difficulty and unnecessary hardship.”

Donald L. Elliott, Esq., FAICP, Director, Clarion Associates, LLC
Dwight H. Merriam, Esq., FAICP, Attorney at Law
John R. Nolon, Esq., Counsel, Land Use Law Center & Professor of Law, Elisabeth Haub School of Law
Michael Allan Wolf, Esq., Professor of Law & Richard E. Nelson Chair in Local Government Law, University of Florida Levin College of Law
Michael D. Zarin, Esq., Partner, Zarin & Steinmetz

5:15 – 6:00 pm

Well Grounded Wine & Cheese Reception

Conference attendees can join Pace Land Use Law graduates and current students to toast the day and celebrate the year.
We are proud to support the

18th Annual Alfred B. DelBello Land Use &
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and congratulate this evening’s honorees

Lester Steinman
Victoria Polidoro
Ken & Sean Kearney

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Victoria L. Polidoro
Distinguished Young Attorney
Award

Kenneth Kearney & Sean Kearney
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The Oram Foundation congratulates the Pace Land Use Law Center for its sustained commitment and exemplary work with municipalities to implement innovative approaches to sustainable development. We are proud to support LULC’s collaboration with Regional Plan Association in the Tri-State Parking Initiative, which will promote best practices in local parking policies. For a taste of things to come, see LULC’s Smart Parking Solutions report at library.rpa.org/pdf/PaceParkingReport.pdf.
Housing Action Council and the Land Use Law Center are pleased to announce

The Housing Collaborative, a partnership between HAC and LULC to develop and promote strategies to further affordable and workforce housing initiatives.

On behalf of The Housing Collaborative we would like to congratulate Ken and Sean Kearney on receiving the Groundbreaker’s Award.
Additional Congratulations to the award recipients

Lester D. Steinman
Founder’s Award

Victoria L. Polidoro
Distinguished Young Attorney Award

Kenneth Kearney and Sean Kearney
Groundbreaker’s Award

FROM

John J. Lynch, AICP
Nicholas A. Robinson
Professor of Law, Elisabeth Haub School of Law, Pace University

THANK YOU

The Founder’s Award Dinner would not be possible without the tremendous support of our Dinner Committee, for which we are most grateful.

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Congratulations to Our Partner and Friend,
Lester D. Steinman, Esq. On His Receiving this Year’s Founder’s Award

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