



## Brody D. Smith

### Member

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### Profile

**Brody is co-chair of the firm's municipalities practice. For more than a decade, he has represented governmental entities on matters involving municipal issues, land use, environmental regulation, eminent domain and real property taxation.**

Brody has served as the Town Attorney for the Town of Niles since 2010. In connection with his representation of Niles, he has: successfully defended the constitutionality of the Niles Town Code at trial in the New York State Supreme Court (Cayuga County); guided the Town through a revaluation of real property; defended the Town in real property taxation litigation; drafted laws; assisted with the creation of new districts; dealt with personnel issues; and a variety of other tasks. Brody is also the Town Attorney for the towns of Skaneateles and Annsville and the Village Attorney for the villages of Evans Mills, West Carthage and Cleveland.

In addition to serving as a Town Attorney, Brody has also served as special counsel to many other governmental entities, including the New York State Thruway Authority, the New York State Canal Corporation, the New York Department of Transportation, the cities of Cortland and Syracuse, the towns of Cornwall, Harrison, Seneca Falls, Tyre and Watson, the villages of Seneca Falls and Skaneateles and numerous school districts. As special counsel, Brody has advised municipalities on land use matters, eminent domain, environmental review and litigation, and defended challenges to the valuation of real property for taxation purposes.

Examples of recent projects follow:

- Retained by the Village of Skaneateles to enforce the Village Code against those illegally using residential property for short-term rentals. Also, advised the Board of Trustees regarding proposed amendments to the zoning law and procedural issues related to the Zoning Board of Appeals interpretation of the law.
- Represented the New York State Thruway Authority and Canal Corporation in connection with the development of the Syracuse Inner Harbor, a 34-acre site previously used as a state Barge Canal terminal. When complete, the redevelopment is expected to include a 150-room hotel, 120,000 square feet of commercial space, 200,000 square feet of retail specialty shops and 210 apartments.
- Served as moderator for the New York State Department of Transportation in connection with public hearings related to the environmental review process for

### Education

- Cornell Law School (J.D. 2003)
- San Diego State University (B.A. 2000)

### Bar/Court Admissions

- New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Western District of New York

### Practices

- Municipalities
- Tax Assessment, Condemnation & Property Valuation
- Property
- Environmental and Energy
- Hospitality and Tourism
- Business Restructuring, Creditors' Rights and Bankruptcy
- Real Estate and Construction
- Essential Resources for Business

the replacement of the Interstate 81 viaduct through Syracuse. The viaduct is a 1.4 mile elevated section of Interstate 81 that is reaching the end of its useful life. The DOT is considering replacing the viaduct as well as alternatives using surface streets.

- Assisted the City of Syracuse with an environmental audit of the Department of Public Works. The City successfully completed a voluntary environmental audit pursuant to the U.S. Environmental Protection Agency's audit program.
- Advised the City of Cortland in connection with amendments to its zoning code dealing with the regulation of leasing residential property.
- Represented the Village of Seneca Falls in connection with its dissolution and the transition of services to the Town of Seneca Falls. Thereafter, defended the Town of Seneca Falls Zoning Board of Appeals in multiple litigation matters concerning interpretations of the code and the issuance of variances.
- Served on the legal team representing the Town of Tyre in connection with the construction of the Lago Casino in the Town of Tyre. This representation included assisting the Town with the completion of the State Environmental Quality Review Act review process and advising on Freedom of Information Law issues.

## Honors & Affiliations

- Listed in:
  - *New York Super Lawyers®*, Environmental, 2022
    - Upstate New York Rising Star, Environmental, 2018
- New York State Bar Association, Environmental and Energy Law Section
- Onondaga County Bar Association
  - OCBA Distinguished Pro Bono Service Award, 2010
- Air and Waste Management Association
- New York State Wetlands Forum
- Chancellor, Cornell Law School Moot Court Board

## Other Activities

- OCBA Volunteer Lawyer Project Pro Bono representation of tenants in Syracuse and East Syracuse Housing Courts
- Syracuse City Court Small Claims Arbitration Program (Arbitrator)
- Town Attorney for the Town of Niles
- Former Board of Trustees Member, Syracuse Landmark Theatre
- 2011 Syracuse 40 Under 40 Honoree