



## Brody D. Smith

### Member

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### Profile

**Brody's practice includes matters involving environmental law, eminent domain, the taxation of real property, land use and municipal law.**

His clients have included automobile manufacturers, pharmaceutical companies, utilities, natural gas providers, mining companies, national retail chains, universities and developers. He also represents local businesses and municipalities.

#### Environmental Law

Brody has broad experience in many aspects of environmental law, including litigation, administrative proceedings and regulatory compliance. His experience includes matters involving environmental audits, due diligence, financial assurance and permitting. He regularly counsels clients on compliance issues related to the New York State Environmental Quality Review Act (SEQRA), Clean Water Act, Clean Air Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA) and the Federal Mine Safety and Health Act.

#### Eminent Domain and Real Property Taxation

Brody has handled over two hundred separate eminent domain matters in connection with the construction of underground gas pipelines, overhead electric lines and telephone lines. He has also litigated the legality of taking property for the purpose of economic development and represented both petitioners and respondents at every stage of tax certiorari proceedings.

#### Land Use and Municipal Law

Brody has extensive experience appearing before town boards, planning boards and zoning boards across New York State, as well as the Environmental Control Board in New York City. He recently successfully challenged the constitutionality of a portion of the City of Oneonta's code and has also successfully defended the constitutionality of the Town of Niles' code. Brody has obtained numerous special permits, variances, site plan approvals and subdivision approvals for a variety of industries. He is currently the town attorney for the Town of Niles and the Town of Skaneateles. Brody serves as special counsel to many municipalities for planning and environmental matters.

#### Representative cases:

- Represented the town of Skaneateles in the State Environmental Quality Review Act (SEQRA) process and in negotiations with the solar developer.

### 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
- Real Estate Development
- Real Estate and Construction
- COVID-19 Essential Resources for Business

- Performed environmental due diligence for proposed purchase of \$900 million brownfield in New York City.
- Successfully represented mining company that received multiple S&S and unwarrantable failure citations.
- Obtained zone change to allow operation of a distillery, hotel and restaurant.
- Served as moderator for the New York State Department of Transportation in connection with public hearings related to the environmental review process for 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.
- 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.
- Successfully represented Cliff's Local Market in a zoning code matter before the Town of DeWitt by persuading the town board to amend the code.

## Honors & Affiliations

- Listed in:
  - *New York Super Lawyers®*, Environmental, 2021
    - 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