



Right to Build



Cliff's Local Market applied to the Town of DeWitt to construct the company's 19th convenience store and gas station, only to be told that the project was not permissible under the town's zoning code.

To overcome this obstacle, the zoning code needed to be modified to allow existing nonconforming gas stations to be replaced or expanded. The applicable code provision prevented beneficial redevelopment, and in recent years, had thwarted numerous property owners from improving similar properties.

Bond evaluated multiple possible strategies: (1) persuade a municipal board that its zoning code does permit the project; (2) litigate the meaning of the zoning code; or (3) work to amend the code for the sake of both the applicant and the community.

Bond persuaded the town board to amend the code. Bond also helped obtain area variances from the zoning board of appeals, as well as site plan approval and a special permit from the planning board.

Brody D. Smith handled this matter.

SOLD: Hazardous Waste Site



After many years of working with a property owner to help manage her affairs, Bond represented her estate by selling a former dry cleaning operation and Class 2 Hazardous Waste Site in Delmar, New York.



Bond brought a lawsuit in federal court against the New York State Department of Environmental Conservation (DEC). As a result, the DEC entered into a consent order pursuant to which the DEC remediated the site. Upon completion, the estate was able to sell the property and distribute the proceeds to the nonprofit beneficiary under the will.

The final sale occurred more than seven years after the property owner's death, during which time attorneys from Bond's Albany office, to maximize the value of the estate's property, worked on leasing matters for the property, successfully challenged the property's tax assessment, and negotiated and closed on multiple sale transactions.

Sarah Lewis Belcher handled the matter with assistance from others in Bond's Albany and Naples offices.