

LAND USE LAW CENTER
PACE UNIVERSITY SCHOOL OF LAW
WHITE PLAINS  NEW YORK

STAFF BIOS



Jessica A. Bacher
Executive Director, Land Use Law Center
Adjunct Professor of Law, Pace Law School

Jessica Bacher is the Executive Director of the Land Use Law Center. Established in 1993, the Land Use Law Center is dedicated to fostering the development of sustainable communities and regions through the promotion of innovative land use strategies and dispute resolution techniques. As the Executive Director, Ms. Bacher's responsibilities include development and implementation of projects relating to local land use practice, energy siting, distressed property remediation, transit-oriented development, sustainable communities, land use responses to sea level rise, and code enforcement, as well as providing strategic assistance to numerous municipalities. Most recently, she led the City of Newburgh, New York, in the development of a distressed property remediation implementation plan that focuses on the creation of a land bank. Additionally, Ms. Bacher serves as a trainer for the Center's award-winning Land Use Leadership Alliance Training Program that has educated over 2,500 local leaders in land use strategies, consensus building, and regional stewardship. Ms. Bacher also is Chair of the Land Use Planning & Zoning Committee for the American Bar Association's Section of State and Local Government Law and chairs its Distressed Properties Sub-Committee. At Pace Law School, Ms. Bacher serves as adjunct professor, teaching Land Use Law, Sustainable Development Survey, and the Advanced Land Use and Sustainable Development Seminar. She also administers the Center's academic programs and guides student research. In addition, she is a Clinic Lecturer at Yale School of Forestry and Environmental Studies, where she manages the School's Land Use Clinic. Ms. Bacher authors regular land use features in New York and national publications and has edited numerous small books in the fields of Land Use and Real Estate Law, including *Breaking Ground* and *Planning and Building in Priority Growth Districts*. She also presents at regional and national conferences and served on the New York State Sea Level Rise Task Force Legal Work Group. Ms. Bacher was selected by the American Bar Association to receive the Jefferson B. Fordham Award, an award presented to a young practitioner who has shown great promise through her contributions to the field. Ms. Bacher received her J.D. *summa cum laude* from Pace Law School in 2003, along with a certificate in Environmental Law.

Biography of Philip Bein

Philip Bein is the Watershed Inspector General for the New York City Watershed. He is a joint-appointee of New York's Attorney General and Governor, working within the New York State Attorney General's Office. In this position he litigates and makes policy recommendations to help protect the City's watershed, which provides drinking water to nine million New Yorkers. His cases include enforcement actions and impact litigation on behalf of the State to protect water quality both within and outside of the New York City Watershed. *See, e.g., State v. Prato*, 45 Misc. 3d 722 (Sup. Ct. Putnam Cty. 2014) (cleanup of City's Croton Falls Reservoir and adjacent land); *Catskill Mountain Chapter of Trout Unlimited v. EPA*, 8 F. Supp. 3d 500 (S.D.N.Y. 2014) (leading coalition of nine states in successful challenge to EPA's water transfers rule); *Coalition of Watershed Towns v. EPA*, 552 F.3d 216 (2d Cir. 2008) (upholding filtration avoidance determination for New York City's Cat-Del water supply system). Mr. Bein was the recipient of the Louis J. Lefkowitz Memorial Group Award for leading ten enforcement actions to restore the Bronx River's water quality. *See State of New York v. City of Yonkers*, 2004 WL 5213504 (Sup. Ct. Westchester Cty. 2004), *aff'd*, 35 A.D. 2d 719 (2d Dep't 2006). He has practiced environmental law in the Attorney General's Office since 1999. Mr. Bein received his JD from the New York University School of Law, an MS in economics from the Massachusetts Institute of Technology, and a BA from Haverford College.

Lt. Liza-J Bobseine is a Supervising Environmental Conservation Officer for the New York State Department of Environmental Conservation assigned to Region 2. She has been with the Division of Law Enforcement for nine years and has been a Supervisor in New York City for three years, currently handling Brooklyn and Manhattan. She is the lead instructor for the Department's Environmental Conservation Law (ECL) Fish & Wildlife Instructor Team. She received her Master's of Science in Natural Resource Management from the State University of New York College of Environmental Science and Forestry in Syracuse, New York.

Susan Brailey

Ms. Brailey served as an Assistant District Attorney in Westchester County for thirty one years, spending twenty five years in the Investigations Division. She began prosecuting environmental criminal cases in the early 1990's and was assigned to the Environmental Crimes Unit upon its formation in 1994. She served as the Chief of the Environmental Crimes Unit from 1996 until her retirement. She received her JD from Loyola University School of Law in 1979. She is in private practice in Katonah, New York.

Dan Chorost

Dan is an environmental and commercial litigator. His expertise also includes environmental impact review, compliance, enforcement and auditing.

Dan represents clients in a wide variety of disputes before federal, state and local trial and appellate courts and before administrative bodies. He regularly litigates complex Superfund matters, including throughout Long Island and along New Jersey's Passaic River. On behalf of the Town of Cortlandt, Dan blocked construction of a natural gas pipeline through critical environmental areas of Westchester County. He also successfully defended legal challenges to the environmental reviews of major developments including Brooklyn's Atlantic Yards/Barclays Center, Columbia University's expansion in Manhattanville and the renovation of Manhattan's Seventh Regiment Armory.

Dan's other litigation experience includes: prevailing in a breach of contract trial for Domino Sugar and securing the maximum possible money judgment; successfully suing a federal agency under the Administrative Procedure Act to strike down its guidance as improper rulemaking; bringing RCRA imminent and substantial endangerment claims on behalf of municipal water suppliers and building tenants; and representing clients in New York Navigation Law lawsuits arising out of petroleum spills. He also has resolved disputes through mediation and arbitration.

Dan also counsels property owners and developers on all aspects of developing or renovating real estate, from environmental due diligence and property acquisition through remediation and permitting. In this capacity, he advises on the required level and scope of environmental review under the State Environmental Quality Review Act and the National Environmental Policy Act, and interfaces with consultants and local counsel on the preparation of key documents such as environmental impact statements and agency SEQRA and NEPA findings.

Dan advises clients on environmental reviews for projects large and small, including the Barclays Center and Columbia University projects, and the formerly-proposed NASCAR Speedway on Staten Island. He also counselled a major New York City museum on historic preservation issues in connection with its renovation. Dan advises clients regarding compliance with environmental statutes, regulations, and permits pertaining to air and water discharges, petroleum bulk storage, spill control plans, and port security measures; he also regularly defends clients in regulatory enforcement proceedings. Dan oversees audits of hazardous waste, water, air, and chemical and petroleum storage programs, and advises clients on complying with "green building" requirements and incentives. He writes and lectures on Superfund, brownfields redevelopment, and other issues.

Before joining SPR in 2002, Dan clerked for a United States District Court judge, and practiced as a litigator at Schulte Roth & Zabel and at Hogan Lovells (then Squadron Ellenoff Plesant & Sheinfeld). He has been a SPR principal since 2007.

Dan is SPR's Hiring Partner and oversees the firm's Summer Associate Program.



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Alita J. Giuda

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Alita J. Giuda is a member of the Firm's Oil and Gas, Environmental, Commercial Litigation and Land Use, Zoning and Real Estate Development practice groups.

Ms. Giuda has experience representing various commercial and industrial clients, including operators of solid waste management facilities, railroad operators, developers, oil and gas companies, governmental entities, and various businesses in a number of areas of environmental law, including the New York State Environmental Quality Review Act, the Clean Water Act, the New York State Brownfield Cleanup Program, New York's solid waste management facility program, and other state and federal environmental and regulatory programs.

She has previously advised clients on a number of permitting and land use matters, including evaluating applicable zoning requirements, developing strategy, and drafting zoning amendments to accommodate client needs. She is also experienced in representation of the oil and gas industry, including regulatory proceedings, pipeline issues, as well as an in depth knowledge of the environmental issues and regulatory requirements related to oil and gas development.

In her environmental and regulatory work, Alita regularly advises clients with respect to satisfying the numerous procedural and substantive environmental and land use requirements associated with developing projects ranging from state or county-wide E-911 communications systems, mixed use development projects, retail projects, and others. Additionally, Alita has represented clients in several civil and criminal environmental enforcement matters, including developing appropriate cleanup standards, negotiating Consent Orders with the regulatory agency, and advising clients with respect to ongoing site monitoring and maintenance activities.

Alita also regularly represents clients and is experienced in a wide variety of litigation matters, including both environmental litigation (Article 78 proceedings, declaratory judgments and other relief), as well as complex commercial litigation. She litigates in state and federal court at both the trial and appellate levels on a variety of issues, including contract interpretation, commercial disputes, trade secrets and others. She has successfully represented clients seeking injunctive relief to protect their leasehold via a Yellowstone injunction, as well as to protect trade secrets and confidential information. She also researches and develops litigation strategies to defend SEQRA and/or regulatory approvals, exemptions from local land use regulation, and to oppose unfavorable regulatory proposals, statutes, and other actions.

Undergraduate: Colgate University, B.A., 2002, magna cum laude

Law school: Albany Law School of Union University, J.D., 2006

Court Admissions: New York, Pennsylvania, United States District Court for Northern and Western Districts of New York

Bar Association Memberships: New York State Bar Association, Women's Bar Association of the State of New York, Albany County Bar Association, Rensselaer County Bar Association

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SIVE, PAGET & RIESEL P.C.

OVER FIFTY YEARS OF ENVIRONMENTAL LAW

Devin McDougall



Devin McDougall is an associate attorney at Sive, Paget and Riesel, in New York City, where he has an active practice relating to renewable energy, with an emphasis on photovoltaic generation projects. He has worked on solar projects in New York, Massachusetts, and the Midwest, and is presently advising on a 55-megawatt community solar project in Minnesota. He is also counsel to Sustainable Westchester's Municipal Solar Buyers' Group. Devin's broader practice includes litigation, infrastructure projects, and brownfields redevelopment. He is a member of the New York City Bar Association's Energy Law Committee and a graduate of Columbia Law School and McGill University.

Affiliations

- Member, Committee on Energy Law, New York City Bar Association
- Graduate, New York City Environmental Law Leadership Institute

Publications

- [Regulatory Best Practices For Remediation of Toxic Legacy Contamination](#), co-author, Blacksmith Institute (2013)
- [Storm King environmental law principle at risk after ruling](#), interviewee Devin McDougall, lohud.com (March 30, 2013)
- [Reconciling *Lujan v. Defenders of Wildlife* and *Massachusetts v. EPA* on the Set of Procedural Rights Eligible for Relaxed Article III Standing](#), *Columbia Journal of Environmental Law*, Vol. 37, No. 1 (2012)

Hugh L. McLean

Mr. McLean is an Assistant Attorney General in the NYS Attorney General's Criminal Enforcement and Financial Crimes Bureau and has been prosecuting environmental crimes for more than twenty years. He is also the current chairman of the NYS District Attorneys Association's Environmental Crimes Sub-Committee. He received his J.D. from New York University School of Law in 1986 and an LL.M. in Environmental Law from Pace University School of Law in 1992.



Kathy Robb is a partner in the New York office of Hunton & Williams LLP, where she represents water districts, developers, electric utilities, energy companies, investors, lenders, manufacturers, and paper mills on environmental law issues, including litigation in state and federal district and appellate courts, regulatory and compliance advice, and advice on environmental risks and structuring in complex business transactions. Her focus is on water quality and water supply issues under the Clean Water Act, the Endangered Species Act, NEPA, CERCLA sites with PCB's and other contamination in sediments, and groundwater. She is admitted to practice in the US Supreme Court and the US Court of Appeals for the First, Second, Third, Fifth, Ninth, and Tenth Circuits, where she has represented parties on cases involving the All-American Canal, Glen Canyon Dam, the silvery minnow, and the whooping crane, among others. She is a member of the New York, Virginia, and American Bar Associations, and chaired the ABA's 2014 Water Law Conference. She served on the board of the Environmental Law Institute, where she is now vice-chair of the Leadership Council, and serves on the Advisory Boards of Bloomberg BNA's *Environmental Due Diligence Guide* and Bloomberg BNA's *Water Law and Policy Monitor*. She is a past chair of the Environmental Law Committee of the New York City Bar, and currently serves on the Executive Committee. She also is an adjunct professor at Pace Law School, teaching international environmental law and human rights. She speaks and writes frequently on environmental law.

David Sandbank

Since joining the New York State Energy Research and Development Authority (NYSERDA) to manage New York State's \$1 billion NY-Sun initiative in November 2014, David Sandbank has overseen the largest year-over-year growth of solar in New York State. In addition, he led the design and launch of a comprehensive Community Solar program to reduce the over-all cost of solar in the State and enable access to solar for all New Yorkers. NY-Sun's Community Solar portfolio of Community Distributed Solar, Solarize, Affordable Solar and K-Solar are part of a state-wide approach to build a self-sustaining solar industry by 2023. Prior to joining NYSERDA, Sandbank worked as a solar developer for five years, helping a start-up grow into a \$30 million company. As the first employee of the start-up, Sandbank helped build a staff of more than 100 and oversaw company operations, marketing, engineering and installation teams. He has actively worked with government agencies, policy makers and utility companies to help advance the solar industry in New York and, in November 2013, was elected vice president of the New York Solar Energy Industries Association (NYSEIA), the statewide non-profit membership and trade association dedicated to advancing the solar energy industry in New York State.

LAWRENCE P. SCHNAPF

Lawrence P. Schnapf is an environmental attorney based in New York City and New Jersey with over 30 years of national environmental experience and is the principal of Schnapf LLC. Larry primarily concentrates on environmental risks associated with corporate, real estate and brownfield transactions; commercial financing including asset-based lending, syndicated loans, mezzanine loans and distressed debt; bankruptcy, workouts and corporate restructuring. He has extensive experience with brownfield redevelopment and financing, including representing affordable housing developers and assisting local development corporations or not-for-profit organizations with their brownfield planning programs. Larry also represents clients in federal and state environmental litigation, enforcement actions, administrative proceedings and private cost recovery actions. He has also served as liaison counsel for PRP steering committees.

He has also written numerous articles on environmental law, is the general editor/contributing author of “**Environmental Issues in Business Transactions**” published by the Business Law Section of the ABA and is also the author of “**Managing Environmental Liability in Transactions and Brownfield Redevelopment**” published by JurisLaw Publishing. He is also contributing author for several chapters of “**Brownfield Practice and Law: The Cleanup and Redevelopment of Contaminated Properties**” published by Matthew Bender and the Matthew Bender “**Environmental Law Practice Guide**”.

Larry is the vice-chair of the Environmental Law Section of the New York State Bar Association (NYSBA), co-chair of the NYSBA Brownfield Task Force, and a board member of the NYC Brownfield Partnership. He was also the chair of the Brownfield Committee of the Environmental Business Association of New York from 2002-2008.

He is a past Chair of the ABA Section of Business Law Committee on Environmental, Energy and Natural Resources Law. He is also a member of the board of Bloomfield BNA Environmental Due Diligence Guide and a member of the Society of Environmental Journalists.

Larry has also served on a number of ASTM Task Groups, including Chair of the legal sub-committee for the 2013 revisions to the ASTM E1527 Phase 1 Standard and co-Chair of the legal sub-committee for the ASTM Vapor Intrusion Task Group.

Larry is an adjunct professor of environmental law at New York Law School and a faculty member of the NYLS Center for Real Estate Studies where he teaches “Environmental Issues in Business Transactions,” “Environmental Law and Practice” and a mini-course on “Brownfields Redevelopment”. He was also on the faculty of the Center for Christian Studies at Fifth Avenue Presbyterian Church where he taught “The Bible and the Environment.”

He is listed in the New York Super Lawyers-Metro Edition (2010-2015); the Super Lawyers Business Edition (2011-15); The International Who's Who of Environmental Lawyers (2008-2015) as well as appearing in Chambers USA Client Guide of America's Leading Lawyers for Business. Larry has received the AV® Preeminent Rating from Martindale-Hubbell, the highest possible Peer Review Rating.

You can visit the Schnapf LLC website at www.schnapflaw.com and follow him on the Linked-in Environmental Issues in Business Transactions group (https://www.linkedin.com/groups?viewMembers=&gid=3607181&sik=1428719600979&goback=%2Egmp_3607181).

Noah Shaw is General Counsel of the New York State Energy Research and Development Authority (NYSERDA), a public benefit corporation that advances innovative energy solutions to improve New York State's economy and environment. As General Counsel, Noah is responsible for a broad range of policy, governance, compliance and transactional matters.

Before joining NYSERDA, Noah served as Senior Advisor to the General Counsel at the U.S. Department of Energy (DOE). In that role, he worked closely with the Secretary and his staff, as well as other DOE senior management and officials, advising on a broad range of issues. In particular, his programmatic work focused on the DOE offices of Energy Efficiency and Renewable Energy, the Loan Programs Office and Congressional Affairs. He was a member of the Secretary's Energy Finance Working Group and the Climate Action Plan team; in those roles, he worked within DOE and with interagency partners including the White House Office of Science and Technology Policy and Council on Environmental Quality, the Department of the Treasury, the Securities and Exchange Commission, and the Office of Management and Budget to help provide market certainty and close funding gaps for renewable energy and energy efficiency projects.

Prior to DOE, Noah was a senior associate at the Boston office of Mintz Levin Cohn Ferris Glovsky & Popeo, PC. Mr. Shaw received a bachelor's degree from Brandeis University and his juris doctor degree from Northeastern University School of Law.

Reed Super is the founder and principal of Super Law Group, LLC. Since 1993, Reed has represented non-profit organizations, community groups and citizens in public interest environmental and land use litigation in state and federal courts and before environmental agencies under various federal and state laws. Previously, Reed was the Legal Director for Waterkeeper Alliance, a Senior Clinical Staff Attorney and Lecturer-in-Law at Columbia Law School's Environmental Law Clinic, and a Senior Attorney and the Hudson River program director at (Hudson) Riverkeeper, Inc. In the 1990s, Reed practiced environmental law in San Francisco at Thelen, Marrin, Johnson and Bridges; Sheppard Mullin, Richter and Hampton; Shute, Mihaly & Weinberger; and the Law Office of Reed W. Super. He is a graduate of the University of Virginia School of Law (J.D., 1992), the University of Virginia's Darden School of Business (M.B.A, 1992), and Duke University (A.B., 1985).

Nicholas M. Ward-Willis

Principal Member



Professional Experience

Nicholas Ward-Willis represents businesses, developers, individuals, property managers and public bodies in a variety of land use, real estate and environmental issues, ranging from commercial and real estate transactions to state and federal environmental litigation. Mr. Ward-Willis has extensive experience in negotiating orders on consent with state and federal agencies in a variety of matters, including hazardous waste sites and oil spill sites. In the course of representation of his clients, Mr. Ward-Willis interacts with consultants on oil spills, mold and hazardous waste remediations. He represents private clients before various land use boards and assists the firm's public and private sector clients in complying with the State Environmental Quality Review Act, the New York City Watershed Regulations and other environmental laws.

In addition to processing land use applications on behalf of clients, Mr. Ward-Willis has prosecuted and argued Article 78 cases before trial and appellate courts. He counsels property managers, cooperatives, condominiums, homeowners' associations and municipalities. Mr. Ward-Willis manages the firm's role as City Attorney for the City of Beacon, Dutchess County and, on behalf of the firm, serves as counsel to several planning Boards in Westchester County, including the Village of Rye Brook.

Mr. Ward-Willis joined Keane & Beane following his graduation from law school.

Admissions

- State and Federal Courts of New York
- State and Federal Courts of Connecticut

Professional Associations

- Dutchess County Bar Association
- New York State Bar Association (Co-Chair, Real Property Law Section Committee on Green Real Estate; Member, Executive Council of the Conference of Bar Leaders; Member, Environmental Law Section)
- Westchester County Bar Association
- White Plains Bar Association (Director)

Professional Activities/Publications

Mr. Ward-Willis is a frequent lecturer on land use and environmental issues, including SEQRA, RLUIPA, toxic torts, brownfields and environmental issues for residential real estate attorneys. These seminars have included "The Greening of America's Favorite Pastime – A Discussion of Green Building Techniques Applied to the New York Mets' Construction of Citi Field"; "Federal Stormwater Regulations Under the Clean Water Act" and "Encouraging Sustainable Development Through SEQRA and Land Use Regulations." He also frequently lectures on the laws and regulations of oil storage tanks.

Community Service

Mr. Ward-Willis coaches baseball, soccer and softball in the Town of Somers.

Education

- 1993, J.D., *cum laude*, Pace University School of Law (Member of the *Environmental Law Review*)
- 1993, Environmental Law Certificate, Pace University School of Law
- 1990, B.A., State University of New York at Albany

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Practice Areas

- Environmental Law
- Land Development & Zoning
- Litigation & Dispute Resolution
- Municipal Law
- Real Estate

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Leo Wiegman

Leo Wiegman serves as Executive Director of Sustainable Westchester Inc, a nonprofit representing nearly 40 cities, towns and villages with over 800,000 residents in Westchester County on a broad range of sustainability initiatives. Leo is co-founder and president of Croton Energy Group Inc, a firm that is both a NYSEERDA eligible solar installer and an independent contractor to NYSEERDA providing technical assistance on energy topics for local governments. Leo is co-author of two recent books, *The Climate Solutions Consensus* with David Blockstein and *Heirlooms to Live In* with Mark Hutker on residential architecture, as well as author of dozens of articles on energy policy. Leo also served 3 terms as Mayor and 2 terms as Trustee of the Village of Croton-on-Hudson NY. Previously, he was a book publisher and editor for nearly three decades. He holds BS from Tufts University.