



## LAW &amp; GOVERNMENT

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# Development group wants state to usurp zoning, as local officials balk

By DAVID WINZELBERG

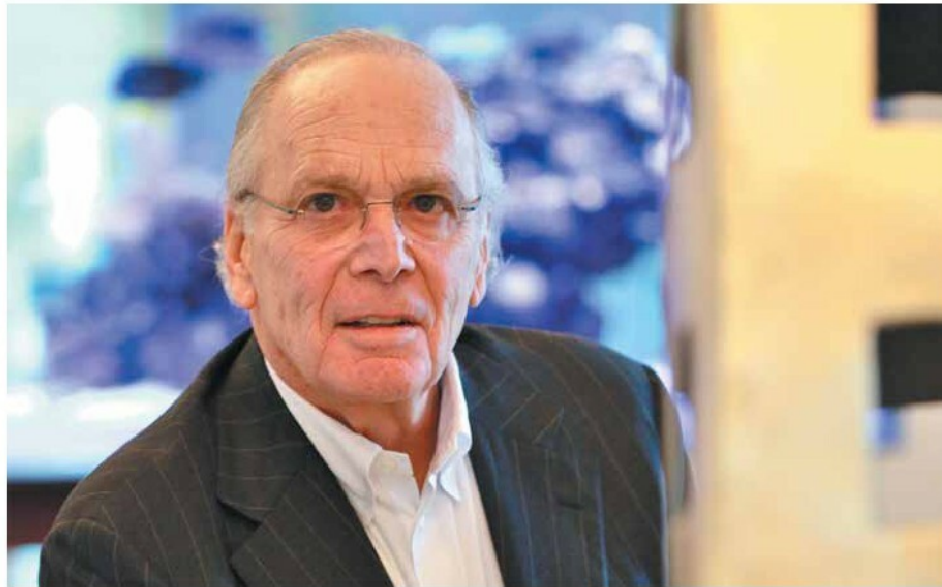
A Long Island development group is urging the state to suspend local zoning control in an effort to rebuild the area's COVID-19-ravaged economy, while elected officials oppose the idea.

The Association for a Better Long Island sent a letter last week to Gov. Andrew Cuomo's NY Forward Re-Opening Advisory Board asking them to consider using the state's disaster declaration powers to create targeted economic development zones that would not be subject to local zoning.

"The governor has done an extraordinary job in using his emergency powers to significantly reduce the death toll from a disastrous pandemic," said ABLI co-founder Edward Blumenfeld, while addressing co-chairs of Cuomo's advisory board. "The next challenge will be how best to rebuild an economy that is now teetering on the edge of an historic recession."

Blumenfeld, who is also president of Syosset-based Blumenfeld Development Group, said that the suggested economic empowerment zones would spur economic development, create thousands of jobs, attract tens of millions in investment dollars and produce tax revenue that has all but disappeared in the aftermath of the COVID-19 pandemic. He added that the action would remove traditional NIMBY reactions that deter local elected officials from approving transformative projects that Long Island desperately needs.

"I am advised that the governor currently has the power to amend or suspend regulations, so long as those actions directly assist the state in its disaster response," the ABLI letter read. "There is little doubt, the creation of EEZs will assist the state in its ability to rebuild the



LIBN file photo

**ED BLUMENFELD: 'The next challenge will be how best to rebuild an economy that is now teetering on the edge of an historic recession.'**

economy. Specifically, EEZs designate targeted areas where development would address critical needs, including transit-oriented development to address our lack of multifamily housing and suspend local zoning control to expedite approvals."

Not surprisingly, many of Long Island's local elected officials aren't happy with the ABLI plan.

Westbury Mayor Peter Cavallaro characterized the proposal as a slippery slope and though he agrees with the concept of empowerment zones to jumpstart the economy, the mayor thinks it's misguided.

"This is being used as an opportunity by the development community to get what they've

sought for a while, which is to rid themselves of what they consider to be 'pesky' or 'obstructionist' local governments," Cavallaro told LIBN.

Cavallaro, who recently spearheaded the rezoning of about 50 acres of Westbury's downtown to allow for more multifamily housing, said that over the last decade, there have been several progressive and pro-development local governments, particularly many villages, which have promoted development where it's deemed suitable for their individual communities.

"Conversely, I don't think it's appropriate to impose redevelopment or a system that would bypass the local communities, since certain types of development would not be suitable or

desirable by that local community," he said.

And while the proposed empowerment zones would include designated groups of key stakeholders to ensure community needs and concerns are addressed, making an end run around local control is troubling to those currently entrusted with that responsibility.

"It's very dangerous territory and so on the edge of taking away our democracy," says Port Jefferson Mayor Margot Garant. "I understand that it's difficult and expensive and takes a long time to build here, but the public has a right to protect their communities."

Mitch Pally, CEO of Long Island Builders Institute, said while "local processes must be better equipped" to meet the needs of Long Island today and in the future, he also opposes usurping local control.

"While we continue to strive for a more efficient and timely process for zoning and permitting issues from all of our municipalities, we do not believe that a wholesale elimination of local rules is ever warranted," Pally said.

However, Blumenfeld said it's critical that the state take the necessary proactive steps now to spur economic development and create thousands of jobs once the economy is reopened. And he's calling on the governor to take bold action.

"The economic landscape that previously existed on Long Island and throughout New York State doesn't exist any longer," Blumenfeld said. "It requires vision, political will and a commitment to 'New York Tough' to prevent COVID-19 from destroying our shared future. The governor's actions during this crisis have revealed to everyone that he has all three attributes in very large quantities."

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## State bar, attorneys say law firms should be among first industries to reopen

The New York State Bar Association has put together a group of attorneys to advocate for law firms to be among the first industries to reopen.

The attorneys are part of the newly formed "Restarting the Economy Work Group," which was established by Hank Greenberg, a shareholder at GreenbergTraurig, and the president of the state bar association.

The group comprises a diverse set of firms, with various specialty practices, sizes and locations from across the state.

The group planned this week to submit a letter to New York State Gov. Andrew Cuomo, as he looks at easing the current stay-at-home restrictions. The letter would provide a comprehensive plan for which law firms can open in a safe and secure environment for employees and clients.

"This is an enormously important issue



EVAN KRINICK

to lawyers around the state and the working group has pledged to move quickly to give law firms guidance," Greenberg said in statement.

"Clients come to us because they need someone to listen carefully to their concerns and many

times the best way to do that is at the office," he added. "Collaboration with the entire legal team is also easier and more effective when everyone is in the same place."

Attorneys are "essential," said Evan Krinick, managing partner of Rivkin Radler, and a member of the state bar's working group.

And he noted, the services provided by law firms "are part of the economic engine."

The group's recommendations for reopening law firms would "coincide with the gradual opening of the court system," Krinick said.

Krinick said that the plan would represent the diversity of firms across the state, keeping in mind the disparity in transportation needs for a rural or suburban firm, in which people tend to commute to by car, versus firms in urban settings where mass transit is more widely used.

Other factors include having enough personal protective equipment such as masks, staggering work times and continuing to encourage people to work from home when not needed at the office. Also considered are population densities as well as social distancing principles. These principles include guidelines that permit only one person at a time rides

in an elevator. They would also prohibit large meetings, including limiting how many people are permitted within a space.

In developing its recommendations, the group is taking into consideration the guidelines put forth by health experts, labor experts and law managers, Krinick said.

Other members of the working group include Mark Berman, a partner at Ganfer Shore Leeds & Zauderer; Hermes Fernandez, a partner at Bond, Schoeneck & King; Martin Kaminsky, chief legal officer and general counsel, at Greenberg Traurig; Devika Kewalramani, a partner and general counsel at Moses & Singer; Domenick Napoletano, a solo practitioner; Marian Rice a partner, at L'Abate, Balkan, Colavita & Contini; and David Schriver, of counsel at Nixon Peabody.

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