



DANIEL A. SPITZER

Partner; Cleantech, Green Building, Land Use & Economic Development, Real Property Tax Assessment & Eminent Domain, and Renewable Energy Practices Leader

dspitzer@hodgsonruss.com 716.848.1420

Dan concentrates his practice on a issues involving environmental law, renewable energy, sustainable development, land use law, municipal law, and real estate development. His practice involves numerous renewable energy projects, including representing municipalities, developers, land owners, and financing entities. His work, from project inception through successful litigation, includes some of the largest wind farms in the eastern United States, and he has also worked on landfill, gas-to-energy, biomass, solar, and energy efficiency projects. He successfully litigated a case of first impression concerning a municipality's right to regulate power-generating facilities based on greenhouse gas emissions.

A primary part of Dan's work focuses on National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) review and compliance with federal and state environmental statutes. His work includes environmental assessments for large-scale telecommunications projects and renewable energy projects. He counsels agencies and private clients on compliance with historic preservation laws, the Clean Water Act, the Clean Air Act, and other federal environmental statutes and regulations. His projects include coordinating responses among federal and state agencies as part of federal and state environmental assessments.

Dan's general municipal practice involves a wide area of services. He regularly counsels municipal clients on budgeting, leasing, environmental, zoning, assessment, financial, eminent domain, and other matters. His litigation experience includes tax assessment matters, land use issues, financial matters, and other issues before administrative and judicial forums. He assists developers and communities in development projects, including obtaining financial assistance and complying with historic preservation guidelines. Dan has successfully represented clients in local governmental and judicial forums, including cases involving zoning and development decisions. He has drafted laws for municipalities on issues ranging from enforcing zoning codes to green buildings to regulations under the Telecommunications Act of 1996. He is well versed in the requirements of the State

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

New York City
1540 Broadway
24th Floor
New York City, NY 10036
212.751.4300

Areas of Practice

Environment & Energy
Cleantech
Renewable Energy
Oil & Gas
International-U.S. Cross-Border
Administrative & Regulatory
Business Litigation
Education
Green Building
Land Use & Economic Development
Municipal
Municipal Finance & Special Districts
Real Property Tax Assessment & Eminent Domain
Tax Credits

DANIEL A. SPITZER

Environmental Quality Review Act and has guided many communities through the environmental review process.

Dan's practice also includes work in areas concerning the valuation of property. He represents property owners and municipalities in condemnation proceedings and tax assessment challenges, from the initial filing of claims through trial. His clients include municipal redevelopment agencies, developers, and taxpayers throughout New York State.

Dan brings a strong background in municipal affairs to his practice from an earlier era in his career, when he served as finance director for a sizeable city in Arizona.

Honors

- Listed, *Buffalo Business First's* Who's Who in Law (Energy)
- Listed, *Upstate New York Super Lawyers*, 2012-2015
- Former editor in chief, *Buffalo Law Review*

Experience

75-Turbine, 112.5 MW Wind Energy Project in Western New York

Development and Environmental Litigation in Connection With Municipal Courthouse Project

Drafting of New Waterfront Planned Development District Law

Financing Counsel on Project Named North American Renewables Deal of the Year

Host Community & Payment-in-Lieu-of-Tax Agreements for Wind Energy Facilities

Public-Private Partnership for Municipal Landfill Gas-to-Energy Project

Representation of Municipality in Creation of Cluster Subdivision

Successful Defense of Senior Housing Project on Behalf of NYS Municipality in Environmental Lawsuit

News

Sixty-Four Hodgson Russ Attorneys Named to 2015 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 19, 2015

Industry Groups

Gaming

Manufacturing

Telecommunications

Bar Associations

New York State Bar Association

Admissions

New York

Education

B.S., cum laude, State University of New York at Oswego

J.D., magna cum laude, SUNY Buffalo Law School

DANIEL A. SPITZER

Court Halts Construction of New York Casino
Gambling Compliance, July 15, 2015

Critics Hope Court Ruling Dooms Proposed Casino in Finger Lakes Region
Buffalo News, July 13, 2015

ECC Seeks Dismissal of 'Frivolous' Giambra Lawsuit
Buffalo News, December 23, 2014

New York Operators Seek Way Forward
American Oil & Gas Reporter, August 2014

IOGA NY Offers Multifaceted Meeting
American Oil & Gas Reporter, August 2014

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing
Press Release, August 14, 2014

Seventy Hodgson Russ Attorneys Named to *Super Lawyers* Listing
August 28, 2013

Power to Energize
Buffalo Business First, October 25, 2012

Spitzer Talks Green
Buffalo Law Journal, May 19, 2011

Presentations

Oil & Gas: What You Need to Know Now
6557 Holiday Valley Road, Ellicottville, NY, April 30, 2015

NYC Cleantech Opportunities
1540 Broadway, 24th Floor, New York, NY, September 9, 2014

Municipal Law Seminar 2014
Hodgson Russ, Buffalo, NY, May 22, 2014

Municipal Law Seminar 2013
Hodgson Russ, Buffalo, NY, May 16, 2013

European American Chamber of Commerce New York Energy Forum
New York, NY, March 14, 2013

Agrion Panel: Financing Onshore Wind Projects
New York, NY, March 13, 2013

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Agrion Energy Summit and Sustainability Meeting
New York, NY, February 19, 2013

TVGA Consultants' Municipal Dollars & Sense Training Workshop
Buffalo, NY, November 2, 2012

Bavaria-Tri-State Partnering and Investors Forum: Building German-U.S. Growth Opportunities
New York, NY, September 22, 2012

International Trade Regulation and Export Compliance Seminar
Hodgson Russ, Buffalo, NY, May 24, 2012

Publications

New York's Green Bank Committing to Diverse Transactions
Cleantech Alert, February 13, 2015

New U.S. Cybersecurity Framework Likely to Become Baseline Standard
Legal & Tax Newsletter, March 2014

FTC Ramps Up Enforcement Actions Under Revised Green Guides to Include Deceptive Biodegradable Plastics Claims
Legal & Tax Newsletter, a publication of the German American Chamber of Commerce, Fall 2013

Debate Over Federal vs. State Regulation of Fracing Heats Up
The Pipeline, a publication of the Independent Oil and Gas Association of New York, September 17, 2013

IOGA of NY Files Amicus Curiae Brief in Lawsuit Challenging the Town of Avon's Efforts to Regulate the Natural Gas Industry
The Pipeline, a publication of the Independent Oil and Gas Association of New York, March 21, 2013

U.S. Government Blocks Foreign Investment in Renewal Energy Project
Legal & Tax Newsletter, a publication of the German American Chamber of Commerce, January 2013

New York Solar Initiative Moves Forward
Cleantech Alert, August 22, 2012

Supreme Court Subjects EPA's Administrative Compliance Orders to Judicial Review
Environment & Energy Alert, March 27, 2012

Can Municipalities Enact Local Laws Regulating the Oil and Gas Industry
Environment & Energy Alert, January 13, 2012

DANIEL A. SPITZER

New Developments in Environmental Law
April 8, 2011

Social Media

Dan is editor of Hodgson Russ's Clean and Green Law blog.

Professional Affiliations

- New York State Bar Association Municipal Law Section Executive Committee



CHARLES W. MALCOMB

Senior Associate

cmalcomb@hodgsonruss.com 716.848.1261

Chuck focuses his practice on a variety of issues involving environmental law, energy law, land-use law, municipal law, and real estate development. He has experience working with both private and public clients on issues involving both state and federal environmental statutes, and he assists municipalities with a wide range of legal issues, including environmental review and zoning.

Chuck frequently gives presentations and provides training programs for local government officials on zoning, environmental, and land-use law and has extensive experience guiding municipalities and developers through the requirements of the New York State Environmental Quality Review Act (SEQRA) and local, state, and federal permitting processes. He has counseled both municipalities and developers on SEQRA and permitting for several utility-scale energy projects and other large-scale projects. His work on these matters has run from project inception through successful litigation.

Chuck also counsels clients in the oil and gas industry on a variety of issues, including environmental compliance and administrative enforcement defense. Chuck and his colleagues represent several oil and gas companies in defending lawsuits alleging pollution resulting from drilling activities.

In addition, Chuck is conversant in Russian.

Honors

- Listed, *Upstate New York Super Lawyers* Rising Stars, 2014 and 2015

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Areas of Practice

Cleantech
Environment & Energy
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Land Use & Economic Development
Municipal
Oil & Gas
Renewable Energy

Admissions

New York

Education

B.A., summa cum laude, University
at Buffalo, State University of New
York

J.D., magna cum laude, SUNY
Buffalo Law School

CHARLES W. MALCOMB

Experience

75-Turbine, 112.5 MW Wind Energy Project in Western New York

Buffalo Sabres' HARBORCENTER Project

Counsel to Developers and Local Businesses for Land Use and Zoning Issues

News

Sixty-Four Hodgson Russ Attorneys Named to 2015 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, August 19, 2015

Hodgson Russ Announces Five Newly Elected Partners
Press Release, December 30, 2014

ECC Seeks Dismissal of 'Frivolous' Giambra Lawsuit
Buffalo News, December 23, 2014

Oil and Gas Trade Group Sets Agenda for Buffalo Meeting
Buffalo Business First, November 6, 2014

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing
Press Release, August 14, 2014

Six Hodgson Russ Attorneys Newly Admitted to New York State Bar
April 1, 2011

Six Hodgson Russ Attorneys Newly Admitted to New York State Bar
March 11, 2010

Presentations

Oil & Gas: What You Need to Know Now - A Continuing Dialogue on Important Issues Facing the Oil and Gas Industry
Hodgson Russ and the Independent Oil & Gas Association of New York, Webb's Year-Round Resort, Mayville, NY, January 22, 2015

Municipal Law Seminar 2014
Hodgson Russ, Buffalo, NY, May 22, 2014

County Attorneys Association of the State of New York 2014 Annual Meeting
Cooperstown, NY, May 5, 2014

New York Planning Federation Annual Conference
Saratoga Springs, NY, March 31, 2014

CHARLES W. MALCOMB

Agrion Seminar: Reducing Solar Balance of System (BoS) Costs
New York, NY, August 27, 2013

Municipal Law Seminar 2013
Hodgson Russ, Buffalo, NY, May 16, 2013

Southern Tier Central Regional Planning & Development Board Regional Leadership Conference
Corning, NY, April 3 & 4, 2013

Association of Towns of the State of New York Annual Conference
New York, NY, February 18, 2013

New York State Bar Association Municipal Law Section Annual Meeting
New York, NY, January 26, 2013

Pace University Law School Land Use Law Center's 2012 Land Use and Sustainable Development Conference
White Plains, NY, December 7, 2012

Publications

Debate Over Federal vs. State Regulation of Fracing Heats Up
The Pipeline, a publication of the Independent Oil and Gas Association of New York, September 17, 2013

The Far Reach of California Proposition 65
Legal & Tax Newsletter, a publication of the German American Chamber of Commerce New York, March 29, 2013

IOGA of NY Files Amicus Curiae Brief in Lawsuit Challenging the Town of Avon's Efforts to Regulate the Natural Gas Industry
The Pipeline, a publication of the Independent Oil and Gas Association of New York, March 21, 2013

When Disaster Strikes, Are You Ready?
Talk of the Towns, a publication of the Association of Towns of the State of New York, January 29, 2013

Supreme Court Subjects EPA's Administrative Compliance Orders to Judicial Review
Environment & Energy Alert, March 27, 2012

New Developments in Environmental Law
April 8, 2011

May a Court's Decision Effectuate a Taking, Implicating the Fifth and Fourteenth Amendments? While No Supreme Court Majority, Signs Point to Yes
Law of the Land, June 23, 2010

CHARLES W. MALCOMB

Social Media

Chuck contributes to Hodgson Russ's Clean and Green Law blog. His entries include:

- "Cuomo Announces State Investment of \$225 Million Toward the Buffalo High-Tech Manufacturing Innovation Hub," November 25, 2013
- "Solar Balance of System (BoS) Cost Continues to Be the Focus of Cost-Reduction Strategy," August 20, 2013
- "Will President Obama's Climate Change Policy Impact the 2014 Midterm Elections?," July 3, 2013
- "Proposed Amendments to New York's State Environmental Quality Review Act Do Little More Than Provide Lip Service to Sustainability," January 28, 2013
- "Will the Wind Energy Production Tax Credit Play a Major Role in the 2012 U.S. Presidential Election?," August 15, 2012

Professional Affiliations

- Environmental Law Institute
- New York State Bar Association
- Bar Association of Erie County

Community & Pro Bono

- Rivershore, Inc. advisory board