



PACE LAW SCHOOL
PACE UNIVERSITY

LAND USE LAW CENTER
for Sustainable Development

ABOUT THE CENTER

Established in 1993, the Land Use Law Center at Pace Law School is dedicated to fostering the development of sustainable communities through the promotion of **innovative land use strategies** and **collaborative decision-making techniques**, as well as leadership training, research, education, and technical assistance.

Through its many programs, the Center offers municipalities, land use leaders, citizens, advocates, planners, attorneys, real estate industry leaders, and other land use professionals assistance that enables them to **achieve their development and conservation goals**. Its activities provide opportunities for students of Pace Law School to gain in-depth, practical experience that allows them to become practice-ready attorneys serving private, public, and non-governmental clients.

The Land Use Law Center is the preeminent center of its kind offering extensive research and consulting services; conferences, seminars, and clinics; law school courses; practitioner and citizen-leader training programs; continuing legal education programs; multimedia resources; and frequent publications on sustainable land use and community development.

“ These are exciting and challenging times that require new approaches to how and where we build on the land. The Land Use Law Center is a nationally recognized innovator in sustainable community development through its engagements within the academic community, private market, public sector, and beyond. ”

– Professor John R. Nolon
*Founder and Counsel
Land Use Law Center*



OUR WORK

The Center provides research, training, technical assistance, support, and strategic planning services to communities and individuals. Working with trained law students, the Center **quickly, affordably, and effectively** develops techniques to remedy nearly all types of land use problems that afflict urban, suburban, and rural communities.

The Center enjoys a track record of successful implementation in partnership with local land use leaders, state and federal agencies, and other change agents. It accomplishes this through its programs and **catalytic demonstration projects**, which cover a range of topics related to land use planning and regulation, including:

- Local Environmental Law and Natural Resource Conservation
- Historic Building and Agricultural Land Preservation
- Smart Growth
- Community Economic Development
- Urban Revitalization
- Fair, Affordable, and Workforce Housing
- Vacant and Distressed Property Remediation
- Transit Oriented Development
- Sustainable Site and Neighborhood Development
- Green Buildings
- Local Wind and Solar Energy
- Sea Level Rise
- Community Resiliency
- Climate Change Mitigation
- Collaborative Decision-Making and Facilitation



Training

The Land Use Law Center leads the nation in educating local land use leaders through **training programs in land use law and collaborative decision-making**. Since 1995, over 2,500 leaders across five states have graduated from its **four-day intensive Land Use Leadership Alliance Training Program**, which has garnered over 100 formal resolutions of **support from local governments and businesses**. The Center also conducts **one-day municipal training programs** for government staff and civic leaders. Each training program is designed to meet the needs of its participants and their communities by focusing on both foundational and cutting-edge information related to their priority land use issues.

Teaching in the Center's training programs is based on a "train the trainer" model, through which participants are empowered to share their program experience with others. This model encourages the creation of **leadership networks**, initiates and supports grassroots regionalism, creates **opportunities for civic engagement**, and fosters sustainable communities. Trainees have reported significant success in leading their communities to effective action to preserve historic centers, revitalize their riverfronts, arrest undesired development patterns, achieve intermunicipal planning, preserve farm land, and to enhance their economic development prospects.

The American Planning Association awarded its 2009 National Leadership Award for a Planning Advocate to the Land Use Law Center's Land Use Leadership Alliance (LULA) Training Program, describing it as "designed to inspire respected local land use leaders and planners to be effective agents of change in their communities" and calling it "the most extensive land use leaders training program in the country."

On January 1, 2007, the New York State Bar Association's Environmental Law Section honored the Center's LULA Training Program for its "extensive work in educating state and local officials on land use and environmental impacts, which has resulted in a positive impact on New York's natural resources."

Other LULA Awards include:

- Public Program Award, Connecticut Chapter of the American Planning Association (2006)
- Achievement Award for Excellence, Westchester Interfaith Housing Corporation (2004)
- Special Recognition Award, The Northern Dutchess Alliance (2005)
- Award of Distinction, League of Conservation Voters, Westchester Chapter (2004)
- Quality of Life Award, Mid Hudson Pattern for Progress (2005)

Collaborative Decision-Making and Facilitation

The Land Use Law Center, with support from Pace Law School's Kheel Center on the Resolution of Environmental Interest Disputes, also specializes in training municipal planners and other leaders to run effective stakeholder engagement and collaborative community visioning processes. Whether embarking on a comprehensive planning process, a transit station area plan, or any other initiative in need of **effective and amicable stakeholder input**, the Center can offer facilitation services or it can train local leaders in successful collaborative decision-making.

Research, Consulting & Technical Assistance

Through research and innovation, the Land Use Law Center identifies and addresses **cutting-edge land use issues**, encourages greater settlement in urban areas, and promotes the **preservation of critical environmental resources**. The Center works with urban communities to identify obstacles to redevelopment and create **opportunities for revitalization**, and with suburban and rural communities to identify appropriate development sites and areas for conservation.

The Center provides research, consulting services, and technical assistance to communities dealing with a wide range of topics. Examples of consulting and technical assistance projects conducted by the Center include:

- **Transit Oriented Development Demonstration Project**

The Center developed best practices in transit area planning and zoning, as well as a model citizen planning process for transit station area planning in a community within NY's Hudson Valley region. The Center worked with the community to create a demonstration project that is being shared with neighboring communities.

Warwick, NY, honored the work of the Land Use Law Center's staff with a Proclamation recognizing "countless hours of advice, mediation, and guidance to the Town and Village... and for facilitating discussions that led the Town and Village to the concepts codified in [their] Intermunicipal Agreement, which is groundbreaking in New York State."



- **Creation of Sustainable Neighborhood Technical Guidance Manual**

In collaboration with the U.S. Green Building Council and with funding from the Oram Foundation, the Center created a technical guidance manual that directs communities through the process of using the LEED for Neighborhood Development rating system to audit local plans, codes, and policies to incentivize sustainable growth and eliminate barriers to sustainable development projects. The manual includes a model sustainable development floating zone ordinance that localities may adopt.

- **Drafting of Local Stormwater Management Law**

The Center drafted a local stormwater management law, which has been adopted by the majority of the 450 communities in New York State that are obligated to comply with the EPA's Phase II stormwater regulations, and which is used by the New York State Department of Environmental Conservation as the standard for measuring municipal compliance.

- **Development of Green Building Programs**

After studying hundreds of green building programs from across the country, the Center developed a hybrid regulatory and incentive-based approach to green building regulation for one of the largest cities in New York. It has also worked with a major urban center in New Jersey to develop a green guide for sustainable development within the city.

- **Creation of a Distressed and Vacant Property Program**

With funding from the Ford Foundation, the Center created an implementation plan for remediating distressed properties in an economically depressed city. With the assistance of the Center for Community Progress, the Land Use Law Center identified and evaluated existing strategies to remediate distressed properties in the city and prepared recommendations on how to mitigate the adverse effects of troubled properties in the city. With the support of the staff and administration and ratification by the City Council, the Center initiated implementation of the plan, which includes creation of a land bank and redevelopment readiness strategies.

Westchester Interfaith Housing Corporation honored the Land Use Law Center, on May 21, 2004, with its Achievement Award for Excellence, recognizing the Center's work and commitment to supporting affordable housing practices.



“The LULA is a model program for the nation; one that is institutionalizing sustainable development at the local level.”

– Paul Johnson

Former Chief of the Natural Resources Conservation Service, USDA



- **Local Land Use Response to Sea Level Rise Report**

The Center created a report for The Nature Conservancy (TNC) detailing how states and local governments are addressing sea level rise impacts and storm hazards through innovative ordinances and regulations. The report was developed in conjunction with TNC’s Coastal Resilience interactive web mapping tool, which assists decision-makers in assessing alternative future scenarios that address sea level rise, storm surge, and community vulnerability.

- **Wind Energy Guidebook**

In partnership with the Pace Energy and Climate Center, the Land Use Law Center created a land use framework for municipalities to plan for and regulate wind energy development. The framework contains a policy statement for local adoption, approaches to local studies and citizen participation, information regarding development moratoria and local planning, as well as guidance on writing a local wind law and opportunities for intermunicipal cooperation and financial incentives. This project was completed for the New York State Energy Research and Development Authority (NYSERDA) as part of its initiative to update the State Wind Energy Toolkit.

- **Fair & Affordable Housing Project**

With support from the Ford Foundation and in conjunction with the Housing Action Council (HAC), the Center is providing technical assistance to communities affected by the Westchester County Implementation Plan and Settlement Order, helping them permanently overcome the impediments to creating fair and affordable housing. Through this assistance, the Center and HAC are laying the groundwork for a systemic change within the region to create welcoming communities that reexamine current patterns of zoning, density, and planning.

“The program inspired me to return to my community energized and empowered. By molding consensus around the challenges that face us, this program helped us change the way we confronted problems, ignited a sense of urgency, and helped us redefine democracy.”

– Marc Molinaro

New York State Assemblyman



Key Events in the History of **Land Use & Sustainable Development Law**

- 1916** : New York City passes first Comprehensive Zoning Law in the country
- 1922** : Standard Zoning Enabling Act promulgated
- 1926** : Supreme Court declares zoning constitutional in *Euclid v. Ambler Realty*
- 1928** : Standard City Planning Enabling Act promulgated
- 1940s** : World War II gives rise to post-war boom, resulting in an increasingly sprawled pattern of land development
- 1955** : Professor Jacob Beuscher publishes [Land Use Controls](#), the first collection of cases and materials intended for a law school course on land use regulation, and predecessor to the Land Use casebook by Professors Patricia Salkin and John R. Nolon, founder of the Land Use Law Center
- 1962** : Directory of Law Teachers by the Association of American Law Schools lists 31 professors teaching courses in land use law, showing for the first time the presence of a land use curriculum in law school education
- 1970s** : Post-Euclidean period begins in response to sprawl
- 1971** : President's Council on Environmental Quality publishes "The Quiet Revolution in Land Use Control," describing the development of land use laws in nine states that returned the control of land use to a state or regional level, largely at the expense of local zoning
- 1972** : Seminal growth management case *Golden v. Ramapo* is decided, declaring that growth control measures are within local authority
- 1973** : Oregon passes Senate Bills 100 and 101, creating the first state-legislated growth boundaries
- 1981** : [John R. Nolon](#), eventual founder of the Land Use Law Center, is honored for his pioneering and nationally recognized work in housing policy
- 1987** : World Commission on the Environment and Development, headed by Gro Harlem Brundtland, releases *Our Common Future*, defining sustainable development
- 1990s** : The advent of Local Environmental Law
- 1992** : Earth Summit results in Rio Declaration on Environment and Development, Agenda 21, and the United Nations Framework Convention on Climate Change constituting a global comprehensive plan for sustainable development
- 1993** : [Founding of the Land Use Law Center \(LULC\) at Pace Law School](#)
President Clinton establishes President's Council on Sustainable Development to develop bold, new approaches to achieve economic, environmental, and equity goals

- 1995** : President's Council on Sustainable Development designates the LULC's Hudson River Advisory Board for Sustainable Development program as a "national model" of sustainable development planning
At the request of Congress, LULC establishes the Land Use Leadership Alliance (originally known as the Community Leadership Alliance), the first leadership training program to focus on the importance of collaborative decision-making in the land use context
- 1997** LULC creates the Gaining Ground Information Database (originally the Land Use & Community Assistance Service), the first and most extensive electronic resource database to support local leaders and disseminate best practice models for land use
- 1998** LULC students are first to discover environmental laws contained within municipal ordinances, uncovering a field of study in "local" environmental law
- 1999** LULC completes a model Critical Environmental Overlay District ordinance – the first of its kind in the country
- 2000s** Smart Growth movement
- 2000** LULC establishes a Smart Growth Strategic Resources Program for New York State
- 2001** LULC publishes the first article on the discovery of local environmental law
LULC helps Pace Law School create a joint degree program with Yale University's School of Forestry & Environmental Studies, enabling law students to broaden their studies to issues of land use planning and environmental management
- 2002** Johannesburg World Summit on Sustainable Development is held to adopt concrete steps to implement Agenda 21
- 2003** LULC creates the first at-home study and certification course for land use leaders in New York State
- 2005** U.S. Supreme Court decides *Lingle v. Chevron*, clarifying and narrowing the scope of regulatory takings doctrine
- 2008** U.S. Census Bureau projects a population of 400 million by 2039 (a 33% increase over the 2006 population), a prediction necessitating serious evaluation of the way we plan and develop land
- 2009** American Planning Association presents LULC founder John R. Nolon with its National Leadership Award for a Planning Advocate, citing his work to create and build the LULC's Land Use Leadership Alliance training program, describing it as "the most extensive land use leaders training program in the country"
- 2010** Pace Law School establishes the first LLM degree program in Land Use and Sustainable Development Law
- 2012** U.N. holds Rio+20 Conference to renew global commitment to sustainable development
LULC founder, Professor John R. Nolon and Professor Patricia Salkin publish the first law school casebook on Land Use and Sustainable Development Law



Creation of Regional Networks

Through its programs, the Land Use Law Center creates strong **regional networks of dedicated leaders** to whom it can easily disseminate **cutting-edge best practice models and newly developed tools and techniques** for sustainable conservation and development. These networks include:

- **Land Use Leadership Alliance (LULA)**

Since 1995, the Center has graduated over 2,500 leaders across five states from its four-day LULA training program and has garnered over 100 formal resolutions of support from local governments and businesses. The Alliance is a network of dedicated leaders, which remains in close contact with the Center after graduation from the program. As part of the expansion and growth of the LULA program, the Center has partnered with Cornell University's Community and Rural Development Institute, Albany Law School's Government Law Center, the Eastern Connecticut Resource Conservation and Development

Area, Inc., and the Utah Land Use Institute to train leaders under the LULA model.

- **Mayors Redevelopment Roundtable (MRR)**

Initiated in 2008 with Congressionally-directed funding secured by Congresswoman Nita Lowey, the MRR is a partnership of ten cities in the lower Hudson Valley region of New York State – cities that have a combined population totaling over 500,000, over 15% of whom live at or below the poverty level – working together, organized and led by the Land Use Law Center, on shared strategies for revitalization and sustainable growth. The Center meets quarterly with the MRR group and works closely with the mayors, their attorneys, and development staffs, state and federal agencies, and other professional partners to ensure that the cities engage in transformative initiatives, build a base for continued and efficient intermunicipal and regional cooperation, and develop incentives and regulatory strategies to further a sustainable pattern of human settlement.

“What you are doing here [in the MRR] is really unique. It's not going on anywhere else in the State.”

– Honorable Robert J. Duffy, *New York State Lieutenant Governor*

“Through the Center's Roundtable programs, our communities are taking a new approach to sustainability and economic prosperity. Rather than competing with each other, these communities are fostering collaboration. By creating and guiding this network of cities on a regional scale, the Center is laying the groundwork for truly transformative change.”

– Jennie C. Nolon

Senior Staff Attorney & Manager of Urban Programs, Land Use Law Center

“When we address a problem, there is reluctance to act without knowing what other communities are doing; we often don't have the time and resources to research the options. The Roundtables help us to find answers and create consistency among our communities. This is the way all communities should be handling land use and development issues.”

– Mary F. Foster

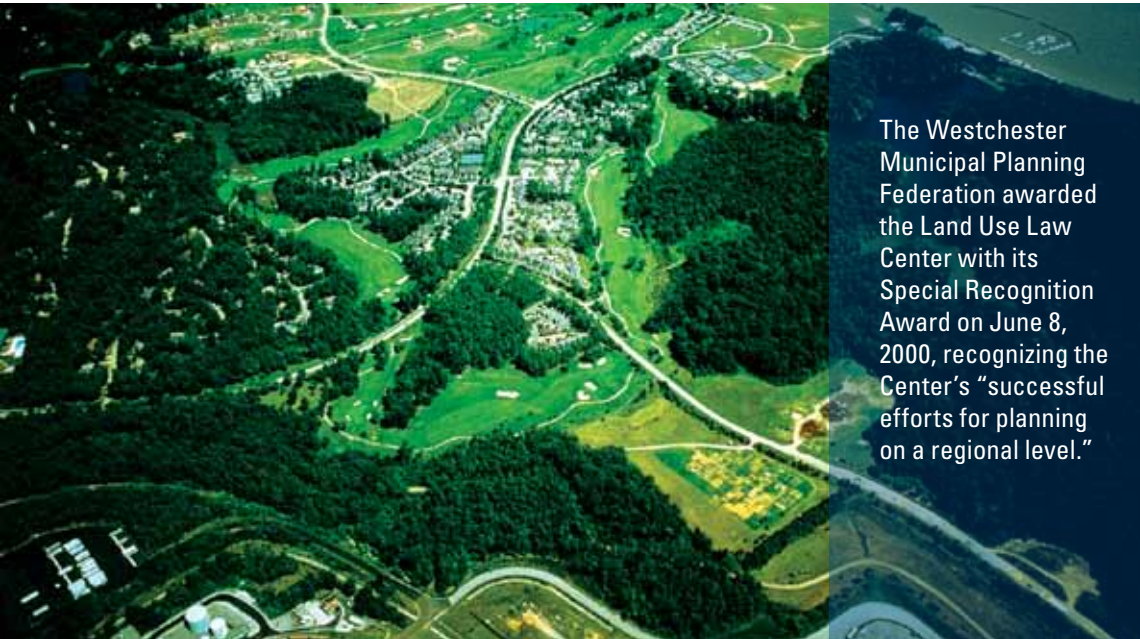
Mayor, City of Peekskill

- **Corporation Counsels Roundtable (CCR)**

The CCR addresses the many shared legal issues faced by the ten cities in the Mayors' Redevelopment Roundtable. As part of the CCR, the Land Use Law Center, with support from Pace Law School's Kheel Center, facilitates a bi-monthly discussion among attorneys representing these communities to discuss their common issues and possible solutions. The Center serves a research and advisory role for issues related to sustainable land use and environmental law, as well as for guidance on how to effectively resolve disputes and build consensus.

- **Chief Elected Officials (CEO) Roundtable**

The CEO Roundtable, constituted by leaders from the communities affected by the Westchester County fair and affordable housing Implementation Plan and Settlement Order and similar communities in other parts of the sub-region, was initiated in 2010 by the Center, with support from the Ford Foundation, to collaborate on the implementation of fair and affordable housing strategies in suburban communities.



The Westchester Municipal Planning Federation awarded the Land Use Law Center with its Special Recognition Award on June 8, 2000, recognizing the Center's "successful efforts for planning on a regional level."





In virtually every state, large and small U.S. communities struggle to control sprawling land use patterns while they attempt to promote smart growth. Environmentally sound land use law and practice directly addresses these issues. The critically acclaimed suite of books available from the Land Use Law Center deals with land use and its control through effective policy, law, and practice. They are comprehensive, easy-to-use, and practical references for land use professionals, academics, and citizens.

RESOURCES & OUTREACH

- **Gaining Ground Information Database**

The Land Use Law Center's Gaining Ground Information Database is a free and ever-expanding online database featuring best practice models used by government to control the use of land in the public interest. It can be browsed by research topic and includes a collection of federal, state, and local ordinances; commentaries; research papers; and research aids.

- **Zoning School**

The Zoning School is an at-home land use training program for local government officials. Created by the Center, the program satisfies the four-credit annual training requirement for local board members in New York State.

- **Newsletter**

The Center's Gaining Ground Newsletter is a free, electronic newsletter containing information and resources designed to help communities achieve a sustainable future. It is disseminated to over 7,000 people, including elected officials,

planners, lawyers, environmentalists, business leaders, and many others involved in land use, sustainability, and community development. The newsletter features community profiles; land use innovations and successes; and updates on Center research, publications, events, and municipal assistance programs.

- **Publications**

To highlight the exciting work of the Center and address the interests of local leaders, practitioners, students, and academics, the Land Use Law Center produces a range of publications on key topics in land use, environmental law, and alternative dispute resolution. For publication descriptions and details on how to place an order, visit the "Publications" page on our website.

- **Website**

For information on the above resources, as well as further information about the Center, upcoming events, podcasts, and more, visit www.law.pace.edu/landuse.



OUR TEAM

Jessica A. Bacher, Esq., *Adjunct Professor of Law, Managing Director of Research*

Margaret E. Byerly, Esq., MEM, *Staff Attorney*

Michael J. Goonan, Esq., *LLM Graduate Fellow*

Jeff LeJava, Esq., *Adjunct Professor of Law, Managing Director of Innovation*

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Buck Moorhead, RA, CPHD, *Trainer*

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John R. Nolon, Esq., *Professor of Law, Founder and Counsel*

Rosemarie Noonan, Esq., *Trainer*

Marjorie Shansky, Esq., *Trainer*

Tiffany B. Zezula, Esq., *Managing Director of Training*

On May 12, 1999, the United States Congress presented John R. Nolon, Founder of the Land Use Law Center, with a Certificate of Special Congressional Recognition for his "outstanding and invaluable service to the community."



STUDENT INVOLVEMENT

Pace Law School, in conjunction with the Land Use Law Center, creates **practice-ready law school graduates** through a **rich academic curriculum** in land use law.

Land Use Law Center Course Offerings

At Pace Law School, students have the opportunity to participate in advanced study courses, seminars, and research projects in land use law. In addition to a significant number of courses available in Environmental Law, Real Estate, Energy and Climate, and Alternative Dispute Resolution, the Center offers a number of courses in land use and sustainable development law, including:

- Land Use Law
- Sustainable Development Law Survey
- Advanced Land Use and Sustainable Development Seminar
- Environmental Dispute Resolution
- Guided Research
- Guided Externship in Land Use & Sustainable Development
- Land Use Practicum

For more information on the courses available at Pace Law School, visit: www.law.pace.edu/registrar





The Center's activities offer students of Pace Law School an opportunity to work with the Center to serve communities in the Hudson Valley region and across the country. Students perform a variety of tasks ranging from research and writing to assisting with outreach, training, and technical assistance.

Master of Laws in Environmental Law – Land Use and Sustainable Development Track

Students also have the opportunity to earn a Master of Laws (LLM) degree or a joint JD/LLM degree in Environmental Law with a concentration in Land Use and Sustainable Development Law. This unique track trains lawyers to **confront and overcome challenges** arising from the urgent need to develop and redevelop human settlements in an **environmentally sensitive, commercially viable, and ecologically sustainable manner**, both domestically and internationally. The program is part of Pace Law School's internationally acclaimed environmental law program, consistently ranked among the **top three in the nation**. For more information, visit www.law.pace.edu/graduate.

Internships & Research Positions

Students may apply for paid positions or positions for credit, and may also participate in numerous volunteer opportunities within the programs offered at the Land Use Law Center. Students may apply for positions as associates during their first summer; in their second and third year, **students assume leadership positions** and help manage the Center's programs; volunteer positions are also available to all students at any time. The Center offers an opportunity for Pace students to **conduct significant research** on land use practice topics, with an **opportunity to be published** in academic journals and other scholarly publications. The hard work of Pace students has contributed to many of the Center's publications, including its most encyclopedic work: *Well Grounded: Using Local Land Use Authority to Achieve Smart Growth*.

Student & Alumni Organizations

The student-run *Real Estate & Land Use Law Society* and *Dispute Resolution Society* of Pace Law School are dedicated to exposing students interested in the practices of real estate, land use, environmental law, and alternative dispute resolution to both practical experiences and academic opportunities. The *Real Estate & Land Use Law Alumni Group* provides Pace alumni with a **connection to the Center that lasts beyond graduation**. The Group also offers mentoring for current students and networking opportunities for alumni working within all fields of law relating to land use and real estate.



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See our sustainability policy at www.law.pace.edu/sustainability



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