

Municipal Law Practice

PRACTICE LEADER



Robert A. Spolzino

Executive Partner

Municipal Law

Depth of Experience

Abrams Fensterman is the leading municipal, environmental and land use law firm in the Hudson Valley. Founded in 2000 in Lake Success, on Long Island, the firm has grown in 25 years to 120 attorneys with offices in Lake Success, Brooklyn, White Plains, Rochester, and Albany.

We stress delivering the best results for our clients all while providing concierge-level service. Our success depends on true collaboration with our clients and employing innovative strategies to ensure our clients' legal needs are met. We serve as trusted advisers who are available to provide experienced counsel whenever the client may need it. Always a phone call or email away, our lawyers are true partners in every sense of the word.

Our Municipal Law Attorneys

The attorneys who work in our local government practice are extraordinarily experienced in all aspects of municipal, land use, and environmental law, as well as litigation and appeals. Bob Spolzino served as the Village Attorney of the Village/Town of Mount Kisco from 1988 to 1995 and the Village Attorney for the Village of Mamaroneck from 2017 to 2025. Roland Baroni has been the Town Attorney for the Town of North Castle since 1982, for North Salem since 1990, and for Somers since 2006. Lisa Florio represents

the Planning Board and the Zoning Board of Appeals of the Town of North Salem; Mary Desmond represents the Planning Board and Zoning Board of Appeals of the Town of North Castle; and Mike Towey represents the Town Board and the Planning Board of the Town of Somers. Joe Eriole was the Village Attorney for New Paltz for five years, was the Town Attorney and prosecutor in LaGrange and Union Vale, was the Planning Board Attorney for the Towns of Washington, Union Vale, and Kent, and was the IDA counsel for the County of Ulster.

Experience

Our attorneys have represented or presently represent as general counsel or special counsel the Comptroller of the City of New York; the counties of Westchester, Rockland, Nassau, and Suffolk; the cities of New Rochelle, White Plains, Peekskill and Yonkers; the towns of Beekman, Greenburgh, Kent, LaGrange, Mamaroneck, Eastchester, North Castle, North Salem, Somers, Ramapo, Orangetown, Union Vale, Washington, Fallsburg, Allen, Amity, Angelica, Belfast, Belmont, Birdsall, Granger, Grove, and Willing; the villages of Mamaroneck, New Paltz, Pelham, Pelham Manor, Larchmont, Mount Kisco, Briarcliff Manor, and Canaseraga; fire districts in Belfast, Belmont, Friendship, and Hinsdale; and the Yonkers City School District. We serve as principal labor and employment counsel for the Yonkers City School District and the Nassau University Medical Center and serve or have served as special counsel for labor and employment matters for the Village of Mamaroneck, the Town of North Salem, and the Pound Ridge Library District. We have most recently been retained as Town Attorneys for the Town of Beekman in Dutchess County.

We provide full service counsel across every aspect of local government operations, including:

General Counsel

- attending board meetings,
- counseling the governing board,
- land use boards,
- local government administrators
- preparing local laws
- notices
- resolutions
- decisions and opinions
- advising on compliance with the New York State Environmental Quality Review Act
- The Open Meetings Law
- The Freedom of Information Law and other state and federal laws, and;
- preparing and negotiating contracts – other than bond work.

As land use counsel, we have drafted land use and environmental laws, advised planning boards, zoning boards of appeals, architectural review boards and harbor and coastal zone management commissions, reviewed environmental assessment forms and environmental impact statements, drafted decisions for local land use regulatory bodies, and defended those decisions when they are challenged in state and federal court.

State and Federal Municipal Law

Our attorneys also have extensive experience in all aspects of municipal litigation in both state and federal courts, and in arbitration, having represented our clients in many such actions and proceedings.

We have extensive experience in municipal litigation in state and federal courts and in arbitration, having represented our clients in many CPLR article 78 proceedings with respect to land use and other matters, civil rights litigation under 42 U.S.C. § 1983, contract claims, real estate controversies, and other matters, at both the trial and appellate levels.

Abrams Fensterman boasts experienced attorneys in a multitude of practice areas of concern to local governments, including municipal and environmental law and litigation, public sector labor law and litigation, land use law and litigation, government contracts, commercial litigation, personal injury, civil rights, First Amendment and discrimination litigation, government relations and regulatory representation, telecommunications matters, investigations, and ethics issues.

Notable Municipal Law Matters

We have successfully defended the City of Yonkers in a proposed class action to recover fire inspection fees; the City of New Rochelle, Town of Mamaroneck, Village of Larchmont and Village of Pelham Manor in a citizen-suit under the Clean Water Act; the Town of Greenburgh with respect to a petition for the incorporation of a village; the Westchester County Department of Health in a CERCLA matter; the City of White Plains in an action in federal court arising from the placement of a group home; the County of Rockland in an action to set aside its re-districting legislation; the Village of Pelham Manor in an action to stop the installation of a cell tower; and the Village of Mamaroneck in article 78 proceedings arising from two land use board determinations and a determination of the Ethics Board.

Representative Matters (Extended)

Our attorneys have litigated municipal matters for more than 30 years. It would be impossible to put together a comprehensive list, but recent representative matters include:

- *Matter of McNally v. Feiner*, 191 A.D.3d 981 (2d Dep't 2021) – successfully defended Supervisor's decision to reject second incorporation petition
- *Matter of Bernstein v. Feiner*, 165 A.D.3d 924 (2d Dep't 2018) – successfully defended Supervisor's decision to reject incorporation petition
- *Dunaway v. Village of Mamaroneck*, 2023 WL 35242 (S.D.N.Y. 2023) – obtained dismissal of claims against Village of Mamaroneck Police Department
- *Matter of McCrory v. Village of Mamaroneck*, Supreme Court, Westchester County, Index No. 2059/2019) – successfully obtained dismissal of proceeding to set aside decision to replace water line
- *Connecticut Fund for the Environment v. City of New Rochelle, Town of Mamaroneck, and Villages of Larchmont and Pelham Manor*, United Staes District Court – obtained favorable settlement of Clean Water Act claim regarding sewer discharges
- *Tobias v. Village of Mamaroneck*, Supreme Court, Westchester County – successfully negotiated dismissal of homeowner's claim alleging failure to enforce building and zoning laws

- *Matter of AVC Properties v. Zoning Board of Appeals*, Supreme Court, Westchester County – obtained dismissal of article 78 proceeding arising from Building Inspector's decision to revoke certificate of occupancy
- *Boyd v. Village of Mamaroneck*, Supreme Court, Westchester County – successfully obtained dismissal of action for money damages alleging that Police Department had failed to prevent the death of a child at the hands of her mother
- *Nassau County Asbestos Claims* – successfully resolved 200 asbestos claims arising from work at Nassau Coliseum
- *Nassau County v. Commercial Concrete* – representing Nassau County in action to recover damages and penalties for illegal dumping of concrete into storm sewer
- *Matter of Nabe v. City of New Rochelle*, 175 A.D.3d 500 (2d Dep't 2019) – successfully defended Board of Zoning Appeals' decision to deny permission to change a nonconforming use
- *Matter of Graff v. Town of Hempstead Sanitary District No. 7*, Supreme Court, Nassau County – successfully obtained dismissal of article 78 proceeding brought by one Commissioner to set aside election of two others
- *Mutual Aid Association of Paid Fire Department v. City of Yonkers*, 199 A.D.3d 800, 199 A.D.3d 815 (2d Dep't 2021) – successfully obtained dismissal of action by firefighters' union to compel city to build and staff a firehouse based on SEQRA review of Ridge Hill project
- *Matter of Montal v. Koplen*, 220 A.D.3d 824 (2d Dep't 2023) – successfully intervened on behalf of town to invalidate petition purporting to nominate candidate for abolished judicial position
- *Parietti v. Day*, 215 A.D.3d 897 (2d Dep't 2023), lv denied 39 N.Y.3d 1152 (2023), cert. denied ___ U.S. ___, 144 S.Ct. 339 (2023) – successfully obtained dismissal of challenge to redistricting of Rockland County legislature

State and Federal Court Matters

Our attorneys have tried many cases in state and federal courts. For example, Raju Sundaran has tried the following municipal cases to verdict:

- *Thomas v. City of New York*, et al., 09 Civ. 3162 (ALC) (S.D.N.Y. 2010)
- *Boswell v. Police Officer Collazo*, 10 Civ. 3712 (SHS) (S.D.N.Y. 2011)
- *Nibbs v. Detective Goulart*, et al., 10 Civ. 3799 (VM) (S.D.N.Y. 2011)
- *Gad Alla v. Police Officer Verkay*, et al., 11 Civ. 892 (FB) (E.D.N.Y. 2013)
- *Richardson v. Captain McCormack*, 11 Civ. 2320 (LGS) (S.D.N.Y. 2014)
- *Jean-Laurent v. Police Officer Harvey*, 12 Civ. 2954 (KAM) (E.D.N.Y. 2015)
- *Thomas v. Sergeant Kelly*, et al., 09 Civ. 3162 (ALC) (S.D.N.Y. 2015)
- *Villafana v. Police Officer Murtha*, 12 Civ. 5150 (FB) (E.D.N.Y. 2015)
- *Drumgoole v. Police Officer Santana*, 14 Civ. 1918 (ERK) (E.D.N.Y. 2016)
- *Ali v. Sergeant Kipp*, 11 Civ. 5297 (NGG) (E.D.N.Y. 2016)
- *Myers v. Police Officer Moore*, et al., 13 Civ. 1006 (PGG) (S.D.N.Y. 2018)
- *Wellner v. Police Officer Davodian*, et al., 16 Civ. 7032 (JGK) (S.D.N.Y. 2019)
- *Dasrath v. City of New York*, et al., 15 Civ. 766 (AMD) (E.D.N.Y. 2019)

Joanna Topping has tried the following municipal cases to verdict:

- *Pierre v. Westchester County Medical Center* (S.D.N.Y. 2006)
- *Thrower v. City of White Plains* (S.D.N.Y. 2013)
- *Buchy v. City of White Plains* (S.D.N.Y. 2016)
- *Granata v. City of White Plains*, 162 A.D.3d 641 (2d Dep't 2018)

In addition, [Robert Spolzino](#) and [Jeffrey Cohen](#) decided hundreds of municipal cases as Justices of the Appellate Division. Among those are:

- *Corsi v. Town of Bedford*, 58 A.D.3d 225 (2d Dep't 2008) – affirming denial of adverse possession claim against town
- *Matter of Village of Chestnut Ridge v. Town of Ramapo*, 45 A.D.3d 74 (2d Dep't 2007) – challenge by village to town's SEQRA determination
- *McCaffrey v. Town of East Fishkill*, 42 A.D.3d 22 (2d Dep't 2007) – police officer's entitlement to benefits under General Municipal Law §207-c
- *Matter of Gizzo v. Town of Mamaroneck*, 36 A.D.3d 162 (2d Dep't 2006) – standing to challenge local law changing procedure under Westchester County Police Act
- *P&N Tiffany Properties, Inc. v. Village of Tuckahoe*, 33 A.D.3d 61 (2d Dep't 2006) – statute of limitations for challenging adoption of local law
- *Matter of Riverkeeper, Inc. v. Planning Bd. of Town of Southeast*, 32 A.D.3d 431 (2d Dep't 2006) [concurring in part and dissenting in part], rev'd 9 NY3d 219 [2007]) – standard for requiring supplemental environmental impact statement

Public Sector Labor & Employment Law

As labor counsel, we advise decisionmakers, negotiate and draft contracts, defend grievances and arbitrations, prosecute disciplinary proceedings, and provide representation in administrative proceedings before agencies such as the United States Equal Employment Opportunity Commission and the New York State Division of Human Rights and in litigation in state and federal courts.

As land use counsel, we have drafted land use and environmental laws, advised planning boards, zoning boards of appeals, architectural review boards and harbor and coastal zone management commissions, reviewed environmental assessment forms and environmental impact statements, drafted decisions for local land use regulatory bodies, and defended those decisions when they are challenged in state and federal court.

As a large, multi-discipline law firm, we have substantial resources to put at the Town's disposal. For example, when the Village of Mamaroneck was recently threatened with a copyright infringement lawsuit, we were able to consult a partner who practices exclusively in the area of intellectual property law. When litigation defense is required, we can and do draw experienced litigation and trial attorneys from throughout the firm to assist.

Responsiveness and Approach to Client Service

We are committed to providing the highest quality legal services in a highly responsive way. Your goals are our goals. We see our job as guiding you through the legal environment to get where you want to go.

We're used to being at local board meetings, even if they go longer into the evening than the board or we would like. Because of the depth of our municipal team, there will always be someone available to attend. And when a local government needs particular legal expertise outside the normal range of municipal legal services, our firm almost certainly has the attorney who can provide that expertise when you need it in person, telephonically, or via email.

The technology we provide to support our attorneys is second to none. We have all of the equipment normally attendant to a law firm, including computers, printers, copiers, and scanners. All of our documents and data are maintained in a secure, off-site data center accessible through encrypted communications. Backup data is encrypted before being sent to a separate secure data center. Our service provider monitors and audits all data encryption processes to ensure that they are functioning correctly and effectively.

We provide all of our attorneys with remote access to our data and documents so that they can provide better and more timely service to our clients. Remote access requires the use of user credentials as well as two-factor authentication. The attorneys are not permitted to "save" or "trust" an authenticated device to avoid using two-factor authentication for any period of time to ensure that each and every attempt at connecting remotely will require the issuance of a secure token and require this to be successfully entered to gain access.

Fee Structures

We work with our local governments to develop a fee structure that works for them. We find that the best approach initially, until we know with some certainty how much legal work will be required, is a purely hourly basis. We give a substantial discount to local governments because we like doing their work and because, from a purely business perspective, our experience has always been that they pay their bills on a timely basis. And when we are general counsel for a local government and provide legal services to that government on a regular basis, we can provide a further discount for billing all of our attorneys at the same "bundled" rate.

CONTACT OUR LAW FIRM

Abrams Fensterman boasts experienced attorneys in a multitude of practice areas of concern to local governments, including municipal and environmental law and litigation, public sector labor law and litigation, land use law and litigation, government contracts, commercial litigation, personal injury, civil rights, First Amendment and discrimination litigation, government relations and regulatory representation, telecommunications matters, investigations, and ethics issues.

We look forward to the opportunity to speak with you further about serving your legal needs. [Contact us](#) on Long Island at **516-328-2300**, in Brooklyn at **718-215-5300**, White Plains at **914-607-7010**, Rochester at **585-218-9999** or Albany at **518-535-9477** to schedule an initial consultation.