

Touro University Jacob D. Fuchsberg Law Center and  
The Institute for Land Use and Sustainable Development Law

*Presents*



# 36th Annual Land Use Institute *National Conference*

## 4 VIRTUAL SESSIONS

**Tuesday, February 7 - Wednesday, February 8, 2023**  
**Tuesday, February 14 - Wednesday, February 15, 2023**

## KEY TOPICS TO BE DISCUSSED

- Case Law Update on Planning, Land Use, and Eminent Domain Decisions
- Federal Laws, Regulations, and Programs Affecting Local Land Use Decision-Making
- Keynote on “Theft, Extortion, and the Constitution: Land Use Practice Needs an Ethical Infusion”
- Housing Issues: Group Homes, Accessory Dwelling Units (ADUs), and Affordable Housing Roadblocks
- Addressing the Challenges of Climate Change, Wind Energy and Infrastructure Needs
- Land Use Considerations When Dealing with Marijuana Laws, Drive-throughs, Sidewalk Cafes and Food Trucks, and the Use of Eminent Domain for Development and Redevelopment
- Ethical Considerations for the Land Use Practitioner and Government Lawyer
- Diversity, Inclusion, and Bias Considerations for Practitioners.

# 36th Annual Land Use Institute National Conference

**February 7-8, 2023 & February 14-15, 2023**  
1:00 p.m. - 4:00 p.m. Eastern Standard Time (EST)



**Eligible attorney attendees will receive 3 hours of New York CLE credits for each program. Non-New York attorney attendees should check with their own state bar associations about CLE credits.**

*Each program will also support the award of three (3) credit hours to satisfy the annual training requirement for New York State Zoning and Planning Boards. Please check with your municipality to confirm that you will be granted this training credit upon receipt of a certificate of attendance from Touro Law Center.*

## PER-DAY REGISTRATION FEES

**\$60** | Practitioners

**\$25** | NYSBA Members, Municipal Employees, and Touro Alumni

## 4-DAY REGISTRATION FEES

**\$175** | Practitioners (\$240 value)

**\$100** | NYSBA Members, Municipal Employees, and Touro Alumni

**FREE Admission for any Student Enrolled in a Law Program and Active/Retired Judges**

To register online [click here](#)

or go to: <https://tlccommunity.tourolaw.edu/events/annual-land-use-national-conference>



**TOURO UNIVERSITY**  
JACOB D. FUCHSBERG LAW CENTER  
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For more information, call (631) 761-7064.  
Questions? Email [events@tourolaw.edu](mailto:events@tourolaw.edu).

# PROGRAM SCHEDULE

## Tuesday, February 7, 2023 - Webinar 1 Case Law Update and Current Regulatory Issues Explored

### 1:00-1:05 p.m. - Welcome and Course Overview

#### SPEAKERS:

Elena B. Langan, Dean and Professor of Law, Touro Law Center  
Frank Schnidman, Land Use Institute Chair, DeLand, FL

### 1:05-2:20 p.m. - Update on Planning, Land Use, and Eminent Domain Decisions

A panel discussion of recent court decisions, providing a common foundation for all registrants to build a better understanding of the current state of land use law. Among the subject areas where cases will be addressed (subject to change) are: Affordable Housing/Housing the Homeless; Agricultural Land Preservation; Climate Change; Eminent Domain; Exactions/Impact Fees; Historic Preservation; Land Conservation; Religious Land Use; Takings, Vested Rights; Wineries and Micro Breweries; and Wetlands.

#### SPEAKERS:

Amy Brigham Boulris, Gunster, Miami, FL  
Hon. Peter Buchsbaum, Judge, New Jersey Superior Court (ret.),  
Stockton, NJ  
W. Andrew Gowder, Jr., Austen & Gowder, LLC., Charleston, SC  
Deborah Rosenthal, Fitzgerald Yap Kreditor, LLP, Irvine, CA  
Michael Allan Wolf, Prof. of Law, University of Florida, Gainesville, FL

#### MODERATOR:

Patricia E. Salkin, Land Use Institute Co-Chair; Senior Vice  
President, Academic Affairs, Touro University, New York, NY

### 2:20-2:30 p.m. - Break

### 2:30-3:50 p.m. - Federal Laws, Regulations, and Programs Affecting Local Land Use Decision-Making

The Federal government continues to encroach upon local government decision-making through a variety of policies, programs, and Executive Orders. This session presents major current issues as they relate to environmental protection and real estate development at the local level. Among the topics to be overviewed from a regulatory and policy perspective (subject to change) are: Climate Change/Resiliency; Endangered Species; Hazardous Materials; Historic Preservation; Housing; National Flood Insurance Program; NEPA; Religious Land Use; Opportunity Zones; Water and Wetlands.

#### SPEAKERS:

Paul Boudreaux, Professor of Law, Stetson University College of Law,  
Gulfport, FL  
Dwight Merriam, FAICP, Attorney at Law, Weatogue, CT  
Deborah Rosenthal, Fitzgerald Yap Kreditor, LLP, Irvine, CA  
Michael Allan Wolf, Prof. of Law, University of Florida, Gainesville, FL

#### MODERATOR:

W. Andrew Gowder, Jr., Austen & Gowder, LLC, Charleston, SC

### 3:50-4:00 p.m. - Concluding Comments

#### SPEAKER:

Frank Schnidman, Land Use Institute Chair, DeLand, FL

## Wednesday, February 8, 2023 - Webinar 2 Keynote Address and Hot Topic Updates

### 1:00-1:05 p.m. - Welcome and Course Overview

#### SPEAKER:

Michael Lewyn, Professor and Director of the Institute on Land Use  
and Sustainable Development, Touro Law Center, Central Islip, NY

### 1:05-2:20 p.m. - Annual Richard F. Babcock Faculty Address: "Theft, Extortion, and the Constitution: Land Use Practice Needs an Ethical Infusion."

Richard F. Babcock was one of the twentieth century's greatest land use attorneys, and the first Chair of the predecessor to the Land Use Institute. In his honor, each year a selected faculty member presents a major address on a topic of substantial current interest. This session Keynote Address will be presented by California Attorney Michael Berger. Michael Berger has spent more than a half-century defending the rights of private property owners in court, including arguing four regulatory takings cases in the United States Supreme Court. Respondents will comment on the presentation, and ample time will be provided for participants' questions.

#### KEYNOTE SPEAKER:

Michael Berger, Manatt, Phelps & Phillips, LLP, Los Angeles, CA

#### RESPONSE PANEL:

Daniel R. Mandelker, Howard A. Stamper Professor of Law Emeritus,  
Washington University School of Law, St. Louis, MO  
Gideon Kanner, Prof. of Law Emeritus, Loyola Law School, Los Angeles

#### MODERATOR:

Frank Schnidman, Land Use Institute Chair, DeLand, FL

### 2:20-2:30 p.m. - Break

### 2:30-3:50 p.m. - Hot Topic Updates: Session 1

#### Marijuana and Land Use

#### SPEAKER:

Susan Trevarthen, Weiss Serota Helfman Cole+ Bierman, Fort  
Lauderdale, FL

#### Drive Throughs, Sidewalk Cafes and Food Trucks

#### SPEAKER:

Dwight Merriam, FAICP, Attorney at Law, Weatogue, CT

#### Infrastructure Issues

#### SPEAKER:

Richard J. Zapolski, Cameron Engineering, New York, NY

#### MODERATOR:

Alyse Delle Fave, Rigano LLC., Melville, NY

### 3:50-4:00 p.m. - Concluding Comments

#### SPEAKER:

Frank Schnidman, Land Use Institute Chair, DeLand, FL

## Tuesday, February 14, 2023 - Webinar 3 Hot Topics in Land Use

### 1:00-1:05 p.m. - Welcome and Course Overview

**SPEAKER:**

Patricia E. Salkin, Land Use Institute Co-Chair; Senior Vice President, Academic Affairs, Touro University, New York, NY

### 1:05-2:20 p.m. - Hot Topic Updates: Session 2

#### Climate Change and Sustainability

**SPEAKER:**

Dorian Dale, Suffolk County, Director of Sustainability & Chief Recovery Officer, Hauppauge, NY

#### Offshore Wind Energy Initiatives

**SPEAKER:**

Stephen R. Romine, Williams Mullen, Virginia Beach, VA

#### The Use of Eminent Domain for Redevelopment & Economic Development Projects

**SPEAKER:**

Robert H. Thomas, Joseph T. Waldo Visiting Chair in Property Rights Law, William & Mary Law School, Williamsburg, VA

**MODERATOR:**

Jennifer Casey, Casey Law Group, Chair Suffolk County Planning Commission, Huntington Station, NY

### 2:20-2:30 p.m. - Break

### 2:30-3:50 p.m. - Hot Topic Updates: Session 3

#### Group Homes

**SPEAKER:**

W. Andrew Gowder, Jr., Austen & Gowder, Charleston, S.C.

#### Accessory Dwelling Units (ADUs)

**SPEAKER:**

Paul Boudreaux, Prof. of Law, Stetson University College of Law, Gulfport, FL

#### Affordable Housing-Roadblocks to Regulatory Reform

**SPEAKER:**

Dwight Merriam, FAICP, Attorney at Law, Weatogue, CT

**MODERATOR:**

Michael Lewyn, Professor and Director of the Institute on Land Use and Sustainable Development, Touro Law Center, Central Islip, NY

### 3:50-4:00 p.m. - Concluding Comments

**SPEAKER:**

Frank Schnidman, Land Use Institute Chair, DeLand, FL

## Wednesday, February 15, 2023 - Webinar 4 Ethical Considerations for the Land Use Practitioner and Government Lawyer; and Diversity, Inclusion and Bias Considerations Facing the Legal Profession

### 1:00-1:05 p.m. - Welcome and Course Overview

**SPEAKER:**

Richard Eisenberg, Of Counsel, Meyer, Suozzi, English & Klein, P.C., Garden City, NY; Adjunct Professor of Law, Touro Law, Central Islip, NY

### 1:05-2:45 p.m. - Ethical Considerations for the Land Use Practitioner and Government Lawyer

**SPEAKERS:**

Patricia E. Salkin, Land Use Institute Co-Chair; Senior Vice President, Academic Affairs, Touro University, New York, NY

A. Thomas Levin, Meyer, Suozzi, English & Klein, P.C., Garden City, NY

Julie Tappendorf, Ancel Glink, P.C., Chicago, IL

**MODERATOR:**

Richard Eisenberg, Of Counsel, Meyer, Suozzi, English & Klein, P.C., Garden City, NY; Adjunct Professor of Law, Touro Law, Central Islip, NY

### 2:45-3:00 p.m. - Break

### 3:00-3:50 p.m. - Diversity, Inclusion and Bias Considerations Facing the Legal Profession

**SPEAKERS:**

Graham C. Grady, Taft Stettinius & Hollister LLP, Chicago, IL

Jim Montes, Assistant Dean, Touro Law Center, Central Islip, NY

**MODERATOR:**

Beth Gazes, Taylor, Eldridge & Endres, PC, Smithtown, NY

### 3:50-4:00 p.m. - Concluding Comments and Announcement of the Live and In-Person 2023 Land Use Institute

**SPEAKER:**

Frank Schnidman, Land Use Institute Chair, DeLand, FL

### Virtual Closing Reception to Follow

## Speakers

Frank Schnidman, Land Use Institute Chair, DeLand, FL  
Patricia E. Salkin, Land Use Institute Co-Chair; Touro University, New York, NY  
Elena B. Langan, Touro Law Center, Central Islip, NY

Michael Berger, Manatt, Phelps & Phillips, LLP, Los Angeles, CA  
Paul Boudreaux, Stetson University College of Law, Gulfport, FL  
Amy Brigham Boulris, Gunster, Miami, FL  
Hon. Peter Buchsbaum, New Jersey Superior Court (ret.), Stockton, NJ  
Jennifer Casey, Suffolk County Planning Commission, Huntington Station, NY  
Dorian Dale, Suffolk County, Director of Sustainability & Chief Recovery Officer, Hauppauge, NY  
Alyse Delle Fave, Rigano LLC., Melville, NY  
Richard Eisenberg, Meyer, Suozzi, English & Klein, P.C., Garden City, NY  
Beth Gazes, Taylor, Eldridge & Endres, PC, Smithtown, NY

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Daniel R. Mandelker, Washington University School of Law, St. Louis, MO  
Dwight Merriam, FAICP, Attorney at Law, Weatogue, CT  
Jim Montes, Touro Law Center, Central Islip, NY  
Stephen R. Romine, Williams Mullen, Virginia Beach, VA  
Deborah Rosenthal, Fitzgerald Yap Kreditor, LLP, Irvine, CA  
Julie Tappendorf, Ancel Glink, P.C., Chicago, IL  
Robert H. Thomas, William & Mary Law School, Williamsburg, VA  
Susan Trevarthen, Weiss Serota Helfman Cole+ Bierman, Fort Lauderdale, FL  
Michael Allan Wolf, Prof. of Law, University of Florida, Gainesville, FL  
Richard J. Zapolski, Cameron Engineering, New York, NY