Brownfields & Brownfield Redevelopment
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Phillips Lytle remains on the leading edge of representing developers, lenders and municipalities in the redevelopment of brownfields. Our experience and expertise in this area helps our municipal, lending, developer and manufacturing clients successfully transform brownfield sites into new and profitable commercial and industrial developments.

With assistance from attorneys in other practice areas, including Corporate, Real Estate and Tax, our Environmental attorneys provide counsel to clients with respect to matters that involve:

- Working with technical consultants to evaluate and select cost-effective remediation plans that are consistent with redevelopment plans
- Pre-acquisition negotiations for local, state and federal grants and tax credits
- Pre-acquisition negotiations with state and federal regulatory agencies to quantify cleanup costs and limit purchaser liability, as well as address any past costs incurred by those agencies
- Pre-acquisition negotiations of agreements with state and federal regulatory agencies to limit liability
- Procurement of insurance to spread and limit risk and to protect the value of the redevelopment project
- Assembling project development teams including prior owners, developers and future owners/tenants

At Phillips Lytle, we have experience in a wide range of brownfield redevelopment cases across the State that include:

- Assisted with the conversion of a former manufacturing facility that was on New York State's list of inactive hazardous waste sites into a modern manufacturing facility. According to the New York State Department of Environmental Conservation (NYSDEC), this facility was the first of its kind and helped to set the standard for brownfield redevelopment in the State. Prior to the developer's acquisition of the land, Phillips Lytle helped the parties resolve the environmental cleanup issues by negotiating with state and federal regulators to establish the level of cleanup necessary to develop the project. Phillips Lytle negotiated a voluntary cleanup agreement with the State, then assisted with the applications for local, state and federal grant and bond support. This support was necessary to fund the cleanup and purchase, and to develop the site. With Phillips Lytle's guidance and representation, the county IDA and the private developer helped rid the community of an eyesore that posed environmental risks, and, at the same time, built a functioning manufacturing facility.
- Represented Honeywell International Inc. on matters related to the remediation and redevelopment by a non-affiliated developer of a former 45-acre plant site located along the Buffalo River in Buffalo, NY. This project involves working with a developer to facilitate a cost-effective remediation of the site and future redevelopment. Phillips Lytle is directly responsible for representing Honeywell on issues related to NYSDEC's Brownfield Cleanup Program.
- Represented BQ Energy, developer of a 20 MW wind energy and 4 MW solar energy projects on a large urban brownfield. Phillips Lytle obtained the required legal and regulatory approvals for the wind project in approximately 90 days. These renewable energy projects, which sit on 40 acres of the former Bethlehem Steel Manufacturing Plant in Lackawanna, NY, obtained significant incentives through NYSDEC's Brownfield Cleanup Program.
Represented a municipality's industrial development agency and community development agency in brownfield redevelopment and related New York and federal CERCLA, land use and environmental matters. We represented the redevelopment of 56 acres of waterfront property that includes multiple CERCLA and NYSDEC sites, reclassification of properties, addressing potential restrictions on residential redevelopment, environmental restoration projects, brownfield redevelopment projects, environmental easements involving institutional and engineering controls, off-site contamination and other issues – all in concert with ongoing environmental impact reviews, wetland, U.S. Army Corp. of Engineers and other permitting processes.

Brownfield Tax Credits

One of the key benefits under the New York State Brownfield Cleanup Program is significant tax credits that are available to brownfield redevelopers.

We have significant experience in maximizing and capturing the value of available tax credits for remedial costs and the cost related to the redevelopment of the site. We work with tax, environmental and project development attorneys in a team approach to structure the transaction with the goals of achieving the greatest speed to market and maximizing credits.

We have assisted numerous clients from program application through completion of the process to maximize the credits to which they are entitled.