



Practice Areas

- Environmental
- Zoning & Land Use
- Commercial Litigation

Education

- University at Buffalo School of Law, JD
- State University of New York at Cortland, BA

Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Western District of New York

Thomas J. Fucillo

PARTNER

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Thomas J. Fucillo is a partner in the Firm's Environmental, Zoning & Land Use and Litigation practice areas. A former judge advocate, NYS Department of Environmental Conservation Regional Attorney, and private practitioner with over 30 years of legal experience, Mr. Fucillo primarily concentrates his practice on environmental law, including due diligence, permitting, compliance, and enforcement issues; environmental and land-use litigation before state and federal courts; and administrative legal practice before various state agencies.

He has substantial experience litigating Article 78 challenges to determinations by public bodies, including in environmental and land-use disputes. He guides developers and municipalities through the SEQRA process and related right-to-build issues and represents private entities in CERCLA and Navigation Law (oil spill) litigation. He conducts environmental due diligence on behalf of applicants, developers, and lenders, relying on his extensive background in regulatory and compliance issues.

Mr. Fucillo is also experienced at representing Class 1 railroads in all aspects of environmental legal practice, including litigation and regulatory and permitting issues such as preemption. He also represents petroleum-distribution companies in bulk-storage and oil spill issues and has represented permittees with respect to NYS Liquor Authority licensing and enforcement issues.

Representative Matters

- Assisted developer of corporate headquarters in obtaining a Brownfield Cleanup Agreement from NYSDEC.
- Representing a Class I railroad in settlement of longstanding CERCLA and Natural Resource damage claims by the Justice Department and third party claims by a PRP.
- Settled a NYSDEC enforcement action on favorable terms involving a mine in Washington County involving violations of mining plan and requiring offsite remediation.
- Assisted national pipeline company in obtaining access to property subject to an easement for necessary maintenance, which was being denied by the landowner.
- Represented Westchester County Planning Board in a SEQRA lead agency dispute over a water filtration facility.
- Represented the Greater Syracuse Land Bank in negotiation of a favorable Memorandum of Agreement with NYSDEC regarding acquisition of impacted properties for redevelopment.

- Represent a solar developer before Planning Board's in Onondaga and Oneida County.
- Received a favorable decision defending an Onondaga County Planning Board in an Article 78 proceeding regarding dismissal of site plan application for abandonment.
- Received a favorable decision defending a solar developer in an Article 78 proceeding in Oneida County.
- Recently presented to the NYS Association of Land Banks on CERCLA and NYS Navigation Law provisions relevant to a municipality's acquisition of contaminated property for redevelopment.

Honors & Recognitions

- Rated, AV Preeminent, Martindale-Hubbell
- Selected, *The Best Lawyers in America* (2008-2021)
- Selected, Environmental Law, "Lawyer of the Year" in Syracuse, *The Best Lawyers in America* (2015, 2018, 2020)
- Selected, Litigation- Environmental, "Lawyer of the Year" in Syracuse, *The Best Lawyers in America* (2014)
- Selected, New York – Upstate, *Super Lawyers* (2013-2020)

Press & Publications

News

- Noted Environmental Practitioner and Former NYS Department of Environmental Conservation Regional Attorney Thomas J. Fucillo Joins Hancock Estabrook, LLP