

Renewable Energy

The multi-disciplinary team of attorneys at Hancock Estabrook understand the legal intricacies of developing, building and operating successful renewable energy projects. We counsel developers, private investors, municipal boards, school districts and other energy entities efficiently through the various stages of permitting, formation, financing and operation of energy project development in New York State. As the landscape of renewable energy evolves, we assist clients as they navigate state and federal programs, policies and regulations.



The Renewable Energy team consists of attorneys from our Environmental, Real Estate, Zoning & Land Use, Litigation and Public Finance practices that provide holistic legal counsel on all aspects of renewable wind and solar projects. Our attorneys are knowledgeable and prepared to provide effective representation for clients with renewable energy needs and have counseled clients through a variety of matters including right to build concerns, local approvals from municipal boards, lease negotiations, PILOT agreements, real property tax valuations, applications and assistance with incentive plans, land use and zoning approvals and associated permitting. Our attorneys have a firm understanding of the legal, regulatory, business, technical, and political issues that surround projects and provide sound strategies for achieving our clients' goals.

Formation & Planning

We assist clients in structuring and planning proposed solar and wind energy projects. Our services include assessments of portfolios and resources, strategic plans for growth and community impact. From startups and emerging businesses and to publicly-traded corporations, we help clients create a foundation for their business with careful consideration given to liability, tax obligations and energy policies when establishing project structures.

Land Use & Zoning / Right to Build

We are regularly retained to assist clients through the intricacies of the local and state approval process, including compliance with the State Environmental Quality Review Act (SEQRA) process. Our goal is to assist our clients through the proper approval process to ensure that any approval that is challenged will be upheld by the courts. We have successfully challenged and defended numerous municipal approvals in Article 78 proceedings in state court. We represent applicants, municipalities, and school districts regarding all areas of zoning and land use compliance. Our Renewable Energy team has extensive experience representing clients before Town, Village and City Boards, zoning boards of appeal, municipal planning boards and historic preservation boards to ensure compliance with applicable local, state and federal laws.

Environmental Compliance

Our attorneys provide clients with comprehensive assessments audits to ensure compliance with current environmental regulations, as well as assistance in siting components of the project based upon the environmental limitations presented by the property such as wetlands or deed restrictions. We advise clients on complex property acquisitions, permitting and licensure. Due to the nature of renewable energy regulations our team routinely interacts with state agencies including PSC, New York State Energy Research and Development authority (NYSERDA) and the Department of Environmental Conservation (NYSDEC).

Real Estate

Hancock Estabrook has represented multiple municipalities, land owner groups and developers in complex real estate acquisitions and leasing projects, as well as acted as designated local counsel for an international energy company. Our team of attorneys have the necessary experience and knowledge to lead purchasers and developers through the legal obstacles facing any development project.

Finance

Our attorneys assist developers, lenders, distributors and private investors to capitalize on the most advantageous combination of local, state and federal incentives available for renewable energy development projects. Hancock Estabrook is a nationally recognized provider of bond counsel services and is listed in The Bond Buyer's Municipal Marketplace (also known as "The Red Book"). We handle tax exempt and taxable general obligation and revenue bonds and notes issued by municipalities, school districts, IDAs and civic development corporations as well as assist with financing structures including payments in lieu of tax agreements (PILOTs), asset-based financing and syndicated loan transactions.

Litigation

Avoiding costly litigation is always our goal. We focus on preventive practices and a two-track approach by aggressively pursuing viable claims and defenses as well as creative settlement options. Our attorneys provide advice and counsel on regulatory matters, real estate matters, Brownfield Program project management, remediation matters, internal environmental audits and establishing environmental prevention programs, environmental litigation matters, and toxic exposure matters.

Representative Matters

- Counseled in the design, negotiation and implementation of payment-in-lieu-of-tax (PILOT) agreements for a large scale solar client with municipal Industrial Development Agencies ("IDAs")
- Representation of multiple solar development companies relative to municipal zoning, SEQRA review, and land use litigation regarding the development of multiple solar array projects in Central New York
- Representation of municipalities reviewing wind energy projects throughout the state to assist in properly reviewing the projects, including defending litigation commenced by opponents to the wind projects
- Served as local counsel to an international renewable energy company involving solar lease agreements

- Represented a group of land-owners in the formation of a conservation trust with leasing protections in relationship to a wind energy project
- Successful dismissal of an Article 78 proceeding involving a renewable wind project in Central New York
- Obtained LEED-Platinum certification for a large scale commercial construction project that included renewable solar power
- Served as lead counsel to lenders in numerous syndicated loan transactions and asset-based financing transactions
- Successful representation of municipal clients in the consideration of remote net metering Photovoltaic (“PV”) solar projects
- Represented a solar development company regarding the composition of its form ground lease for use in New York State
- Inter-municipal representation involving related IDAs, regarding exemptions applicable to a PV Solar project
- Successfully litigated real property valuations and quiet title disputes for a solar project in the Finger Lakes region