



Kathleen M. Bennett

Member

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Profile

Kathleen is chair of the firm's tax assessment, condemnation and property valuation practice group and a member of the firm's environmental practice group. She has 20 years' experience in environmental, land use and eminent domain matters.

Kathleen has extensive experience counseling utilities, Industrial Development Agencies, public authorities, municipalities and school districts on issues relating to compliance with the New York State Environmental Quality Review Act and the acquisition of private property pursuant to the Eminent Domain Procedure Law.

Kathleen has extensive knowledge of the New York State Environmental Quality Review Act (SEQRA) and has guided numerous project sponsors, municipalities, regional agencies, IDAs and public authorities through the environmental review process. Throughout her career, she has addressed numerous SEQRA-related issues including challenges to lead agency status, segmentation, rescission/amendment of negative declarations, the environmental impact statement process, generic environmental reviews, scoping, etc. Kathleen has particular experience in land use and SEQRA litigation and has been involved in a number of Article 78 proceedings. She has represented project sponsors, public authorities, school districts and municipalities in connection with the defense of Article 78 proceedings challenging land use and SEQRA-related decisions by these entities. In addition to SEQRA matters, Kathleen has worked on matters involving local land use approvals (zone changes, site plans, subdivisions, variances, PUDs) and state and federal regulatory compliance issues, particularly in the areas of wetlands, historic preservation, storm water management and mining.

Kathleen also has successfully acted as condemnor's counsel in planning, strategy and litigation concerning the acquisition of property interests by eminent domain in a variety of major projects including the development of a health care campus, regional transportation facilities, industrial parks, water supply easements, and natural gas and electric transmission lines. Her experience includes counseling clients with regard to access issues prior to condemnation and acquisition of federal conservation easements. She has significant experience reviewing appraisal reports, addressing complex valuation issues, and negotiating compensation awards prior to litigation. She also has specific experience advising clients that receive federal funds with respect to the requirements of the Uniform Relocation Act. Kathleen has represented condemnees in all aspects of eminent domain litigation, including challenges to the issuance of findings and determinations made

Education

- University at Buffalo School of Law (J.D., *magna cum laude*, 1998)
- Colgate University (A.B., *magna cum laude*, 1995)

Bar/Court Admissions

- New York
- U.S. District Court for the Northern District of New York

Practices

- School Law
- Real Estate and Construction
- Municipalities
- Higher Education
- Agribusiness
- Toxic Tort and Environmental Litigation
- Tax Assessment, Condemnation & Property Valuation
- Property
- Environmental and Energy

pursuant to the Eminent Domain Proceedings Law and defending claims for just compensation.

In addition to her eminent domain experience, Kathleen has also represented numerous institutional, industrial, commercial, residential, school district and municipal clients in connection with property tax assessment litigation and exemption administration for properties involving industrial development agencies, public authorities, power plants, mines, shopping malls, rental properties, hotels, colleges and universities and other not-for-profit entities.

Representative projects include, but are not limited to, the Mohawk Valley Health System Integrated Health Care Campus, the Lago Resort and Casino, Colgate University Ho Science Center, Public Authority Transit Facilities, large-scale campus improvement projects, the Marcy Nanocenter at SUNYIT, underground gas pipelines, overhead transmission lines, and underground gas storage areas.

Honors & Affiliations

- Listed in:
 - *New York Super Lawyers 2019*®, Environmental
 - *Martindale-Hubbell*®, AV Preeminent Rated
- New York State Bar Association, Environmental and Energy Law Section
- Onondaga County Bar Association, Environmental Law Section
- Phi Beta Kappa

Representative Presentations

- Dealing With Special Zoning Issues and Challenging a Zoning Determination, National Business Institute Seminar, June 7, 2017
- Proposed Amendments to the State Environmental Quality Review Act (SEQR), New York Construction Materials Association 2017 Operations Workshop, February 22, 2017
- Moderator, Legislative and Regulatory Updates, New York State Wetlands Forum 2016 Annual Conference, April 6, 2016

Other Activities

- President, Save the County, Inc.
- Past President, Leadership Greater Syracuse
- Board Member, Central New York Land Trust
- Board Member, Cicero Little League
- Board Member, New York State Wetland Forum