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## New York's Professor John R. Nolon: A National Leader in Land Use Law with a Large Impact Across the Hudson Valley and the State of New York

Patricia E. Salkin  
*Touro Law School*, [psalkin@tourolaw.edu](mailto:psalkin@tourolaw.edu)

Samuel Stewart  
*Elisabeth Haub School of Law at Pace University*

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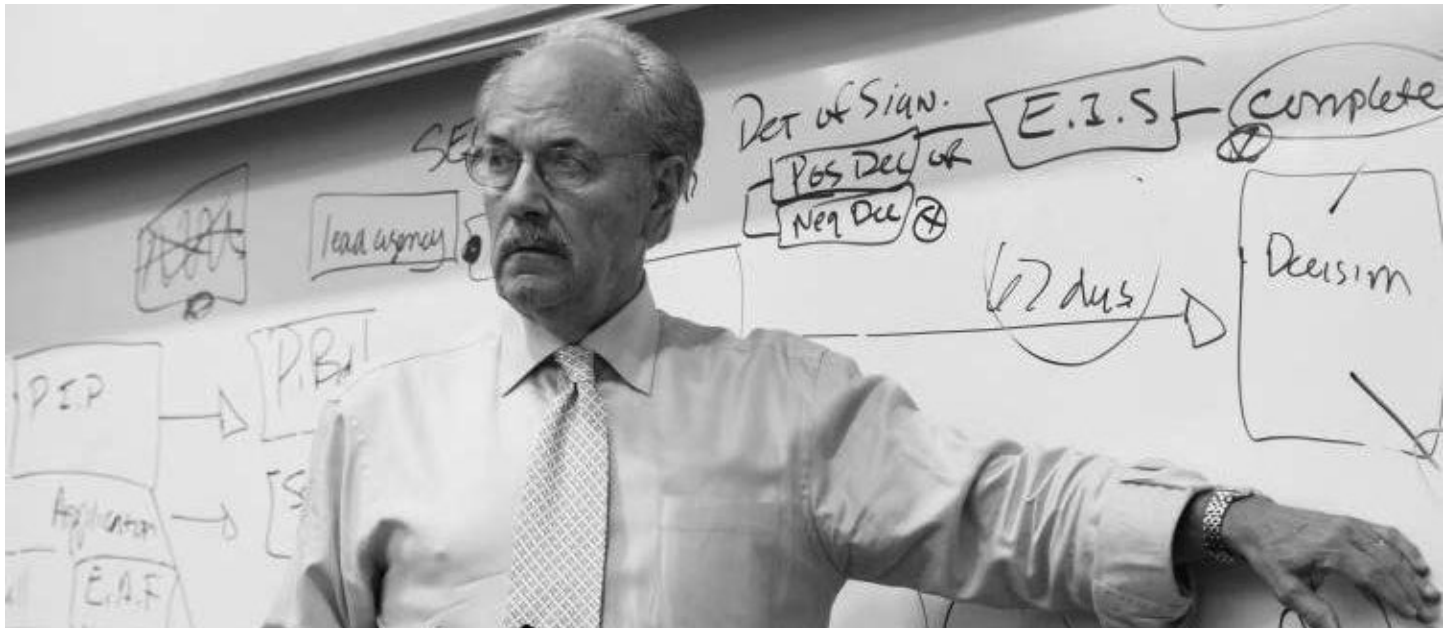
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# New York's Professor John R. Nolon: A National Leader in Land Use Law With a Large Impact Across the Hudson Valley and the State of New York

By Patricia E. Salkin and Samuel Stewart



## I. Introduction

John R. Nolon is a Distinguished Professor of Law Emeritus at the Elisabeth Haub School of Law at Pace University who is widely recognized as a leading national expert in land use law.<sup>1</sup> As he steps down from active teaching to supervising student research and publications, this article reflects not only on his contributions as a national thought leader in the field, but also on how he has had a hand in changing the land use and conservation patterns in New York while promoting affordable housing and combating discrimination.

Discussed in more detail below, Professor Nolon not only taught his law and environmental policy students, but he literally got in the dirt with hundreds of municipal officials and citizen planners across New York to teach them strategies for planning and regulating land use patterns that would achieve desired results. He also had a hand in helping to shape reforms to land use laws and regulations, as well as programmatic policies in New York through his work with state and local officials and advocates.<sup>2</sup>

While John Nolon may be leaving the podium and whiteboard in the law school classroom, he continues to draw attention to key issues through his writing and his work with students who desire to learn from the expert. His current topics of interest and concern are sustainable development, climate change,<sup>3</sup> housing insecurity,<sup>4</sup> racial inequity,<sup>5</sup> and the impact of the COVID-19 pandemic on land use.<sup>6</sup> Today, he

and his students are researching and publishing on Climate Resilient Development (CRD): the recently formulated prescription of the Intergovernmental Panel on Climate Change (IPCC) for managing the devastating effects of our changing climate.<sup>7</sup> Their work can be followed on the Land Use Law Center's Twitter account (@LULC) and on the Pace Environmental Law Program's *GreenLaw* blog.<sup>8</sup>

Professor Nolon has shaped the field of land use law in a number of ways, most notably through his extensive teaching career, his dedication to helping professionals develop a well-rounded understanding of land use law, and his publications on a wide variety of pressing land use issues.

John Nolon also stays networked with professionals across the country who are committed to sustainable development. For example, he is a member of the advisory board of the online Sustainable Development Code Project,<sup>9</sup> a final level reviewer of law review articles for publication in Thomson Reuters' *Land Use and Environment Law Review*, and an advisor to the *State & Local Government* eJournal.<sup>10</sup>

On several occasions, he has gathered several distinguished law professors from other law schools to help develop and publicize new areas of law and teaching, including local environmental law, hazard mitigation planning, smart growth, climate change management, and practice-oriented pedagogy in the law school platform.<sup>11</sup> Professor Nolon prioritizes spending time with junior faculty, offering mentoring and support,

and inspiration for teaching and scholarly pursuits on topics related to sustainable development. Following a meeting at Pace Law School with emerging early career environmental and land use law professors, he published an article in the *Journal of Legal Education* on the pedagogy of land use at law schools across the country, sharing results of a survey of land use law professors across the country.<sup>12</sup>

## II. Land Use Law Center

John Nolon maintains his role as co-counsel to the Land Use Law Center of Pace University, which he founded in 1993 to foster the development of sustainable communities and regions through promoting innovative land use strategies and dispute resolution techniques.<sup>13</sup> Its early contribution to the field was to identify, define, and implement the practice of local environmental law. His students in the early 1990s were the first to realize that many local governments in the U.S. were adopting purely environmental laws, notably ones that protected certain species and their habitats, which did not fall under the jurisdiction of the federal government. With his encouragement they collected nearly 200 such laws. He then wrote about local environmental laws as a discrete area of practice, held a national symposium on the topic, then authored several books on the field.<sup>14</sup>

Under Professor Nolon's guidance over the past 30 years, the Center's programs have provided countless opportunities for students of Pace Law School to gain in-depth, practical experience preparing them to become excellent practitioners serving private, public, and non-governmental clients.

## III. John Nolon's International Reach

Shortly after founding the Land Use Land Center, Professor Nolon was a Fulbright scholar in international comparative land use law from 1994 to 1995, during which time he developed a framework for sustainable development Law.<sup>15</sup> A collection of articles as a result of this work, titled *Framework Laws: The Key to Sustainable Development in the Americas*, was published in a symposium edition of the *Pace Environmental Law Review* and featured 15 articles by Argentinian leaders and 12 articles by American colleagues.<sup>16</sup> Professor Nolon's work was also published in Argentina in Spanish. In addition to this work, he edited two books for Cambridge University Press on comparative land use law.<sup>17</sup> His international work has also been informed by his invited participation in major conferences in other countries. For example, his participation in the 2004 international symposium, *Comparative Land Use Law: Achieving Sustainable Development* held in Nairobi, Kenya, helped form the basis of his article, "Comparative Land Use Law: Patterns of Sustainability."<sup>18</sup>

His work on comparative international law informed his work in Mexico, Brazil, and the Dominican Republic where social values are scripted into federal and provincial constitutions and statutes and where municipal governments draw considerable power from cultural and political norms, even in the absence of clear delegated land use authority. This cemented his understanding that land use practice is intrinsically local. He was one of several authors of chapters on hazard management who wrote on hazard mitigation practices in several different countries.<sup>19</sup>

## IV. Teaching Career: Shaping the Field of Land Use Law Through Tailored Practical Learning Experiences

Professor Nolon began teaching at Pace Law School in 1988. He has taught nearly 5,500 students at Pace Law School (now the Elisabeth Haub School of Law), at Yale University's School of the Environment, and at Columbia University School of Law in various courses, including Land Use Law, Property, Environmental Dispute Resolution, Lawyers' Role in Real Estate Transactions, Local Environmental Law, Regional and City Planning, and New York City Land Use Law. His teaching emphasizes the transactional, regulatory, and statutory influence of law against the background of judicial decisions. He encourages students to think about how land use law can be used to achieve mutual gain solutions among disputants and about larger societal problems, such as how local governments can address the lack of affordable housing and the effects of climate change. Students not only leave his classroom with a detailed understanding of the history of land use law and how current development patterns were shaped by decades of land use decisions, but also how the field can be redefined to correct historical inequities that resulted from previous development patterns. Professor Nolon provides a unique perspective and encourages his students to drive change in the field.

Outside of the classroom, the Land Use Law Center serves as a practical laboratory for students who conduct field work on behalf of local and state agencies and NGOs. Professor Nolon and his daughter, Adjunct Professor Jennie Nolon, have designed externship programs that immerse students in the Center's work. Local officials and stakeholders raise questions about current issues, and students do research to find strategies that can be adapted to local circumstances within the legal authority of municipalities to adopt and enforce. Professor Nolon works directly with each student, dedicating time to help them refine their work.

This academic year, Professor Nolon has assembled a team of 40 students who are building a framework for the implementation of Climate Resilient Development, publishing over two dozen journal articles and blogs on topics

such as the historical development of municipal climate change management, LEED for cities, low carbon building materials, decarbonizing transportation, equitable transit oriented development, the reduction of excessive urban parking, low impact development, no net tree loss ordinances, resilient coastlines, and enhancing biological sequestration.<sup>20</sup> Under Professor Nolon's guidance, a select group of land use scholars evaluated the IPCC's definition of CRD, selected examples of exemplary local land use climate management strategies, and developed an evaluative methodology to conform them to the components of CRD. The team published an article detailing the role of local governments in advancing CRD in the *Environmental Law Reporter* in November 2022.<sup>21</sup>

## V. The Land Use Leadership Alliance Training Program (LULA)

In establishing the Land Use Law Center, Professor Nolon had multiple audiences in mind. He developed a website with free information to help local officials and members of the public better understand what land use planning and regulation entailed, posting definitions, summaries of key cases and offering examples of best practices. As the internet grew in popularity, so did the Center's website, appearing at the top of many search engines for applicable information. Under Professor Nolon's direction, the Land Use Law Center developed the award-winning Land Use Leadership Alliance (LULA) Training Program.<sup>22</sup> The multiple-day training program was founded in 1995 to address land use issues in the sprawling Hudson Valley Region of New York State. Since then, it has expanded to train leaders in New Jersey, Connecticut, Pennsylvania, Utah, and Colorado. Its curriculum addresses urban land use issues, affordable housing, economic development, and various environmental issues that arise in the land use planning process. Through this program, the Center provides technical and process tools to local leaders whose decisions shape future development. Since 1995, over 3,500 local leaders have participated in the LULA Training Program and eight intermunicipal councils have been created as a result of the LULA program's influence. Surveys of the leaders who graduate from the Center's training program indicate that over 75 percent of them effect needed change in their communities: sustainable development in action. The program has greatly enhanced the ability of local leaders to use innovative techniques to shape land use patterns and encourage smart growth, to implement smart growth strategies successfully, to identify growth districts, to streamline the development process, and to resolve controversies that typically stall the development approval process.

In shaping the practice of land use law, the Center continues to identify respected local land use leaders, provide training and technical assistance, and work with them on strategies that create balanced patterns of land development and conservation. More recently to address the affordable housing crisis in Westchester County, the Center has tailored the LULA program to educate local housing advocates and municipal officials regarding the development of affordable housing, including site feasibility, design considerations, zoning restrictions, funding and finance challenges, and explanation of pro-formas.

The LULA training program's beneficial and widespread impact was recognized by the American Planning Association (APA) in 2009, when John Nolon received the National Leadership Award for Planning Advocates.<sup>23</sup> The program was described by the APA as "the most extensive land use leaders training program in the country."<sup>24</sup> The LULA training program reflects Professor Nolon's commitment to community education.

## VI. Professor Nolon's Publications Have Shaped the Field of Land Use Law

In his capacity as a leading land use scholar, Professor Nolon has published 15 books, eight chapters, 67 law review articles, over 50 journal articles, and over 50 columns for the *New York Law Journal*.<sup>25</sup> Together with Professor Patricia Salkin, Professor Nolon has co-authored the oldest land use law casebook, now entering its 10th edition (and professors Stephen Miller and Jonathan Rosenbloom have joined as co-authors).<sup>26</sup> He also worked with Professor Salkin to publish *Land Use Law in a Nutshell*, a summary and exploration of land use law, that serves as a resource for students and professionals.<sup>27</sup> These two books, used by both law students and graduate planning students, are an important contribution as they frame the pedagogy of land use and sustainable development law for future generations of practitioners in this field. Together, Salkin and Nolon also published a *Nutshell on Climate Change and Sustainable Development Law*, which at the time of publication, was one of the first books for planning and law students on the topic.<sup>28</sup>

John Nolon authored a series of books written for both citizen and professional planners, lawyers and other policy-makers and advocates involved in sustainable development. This series used dirt or "ground" as the unifying theme. Titles in the series include: *Well Grounded: Shaping the Destiny of the Empire State*, *Local Land Use Law and Practice*<sup>29</sup> (which he then published a national companion, *Well Grounded: Using Local Land Use Authority to Achieve Smart Growth*),<sup>30</sup> *Well Grounded: Primer for Local Government Officials and Citizens*,<sup>31</sup> *Open Ground: Effective Local Strategies*

for *Protecting Natural Resources*,<sup>32</sup> *New Ground: The Advent of Local Environmental Law*,<sup>33</sup> and *Losing Ground: A Nation on Edge*.<sup>34</sup> When asked how he came up with the series theme, John Nolon responded, “When I finished the first edition of *Well Grounded* I was searching for a title. I spent some time with a friend explaining the land use system and he volunteered the thought that the system sounded very ‘well grounded.’”<sup>35</sup> He didn’t mention it as a book title, but it and its iterations sounded like good titles for this and related other books.

Most recently, Professor Nolon published *Choosing to Succeed: Land Use & Climate Control*,<sup>36</sup> a book that evaluates the role that land use law can play in mitigating and adapting to climate change. His views align with the recent reports from the Intergovernmental Panel on Climate Change, which introduced climate resilient development as a local solution to a global problem.

The importance of his scholarship is evidenced by his influence on other land use scholarship, land use cases, and congressional hearings. On the Social Science Research Network, his 67 uploaded papers have over 8,700 downloads worldwide.<sup>37</sup> His work has been cited in a number of cases to explain complex land use issues, including *Hills v. Town of Wells*, 254 A.3d 1161 (ME 2021),<sup>38</sup> *Hahn v. Hagar*, 153 A.D.3d 105 (N.Y. 2d Dep’t, 2017),<sup>39</sup> *EQT Production Company v. Borough of Jefferson Hills*, 208 A.3d 1010 (PA 2019).<sup>40</sup> In addition, his work has been cited in over 20 briefs (four briefs to the U.S. Supreme Court,<sup>41</sup> one brief to the Ninth Circuit Court of Appeals,<sup>42</sup> one brief to the Second Circuit Court of Appeals,<sup>43</sup> two briefs to the South Carolina Court of Appeals,<sup>44</sup> one brief to the North Carolina Court of Appeals,<sup>45</sup> one brief to the Maryland Court of Appeals,<sup>46</sup> three briefs to the New York Court of Appeals,<sup>47</sup> one brief to the Supreme Court of Ohio,<sup>48</sup> one brief to the Vermont Supreme Court,<sup>49</sup> and one brief to the New York Appellate Division, Second Department.<sup>50</sup> Further, his work is noted in multiple volumes of *McKinney’s*,<sup>51</sup> and in statutory compilations on other states.<sup>52</sup>

## VII. Integrating the Complexity of Sustainable Development: Curating Change

When Professor Nolon founded the Land Use Law Center in 1993, sustainable development law was in its infancy. The Rio Accords had just been signed<sup>53</sup> and President Clinton had just established the Council on Sustainable Development.<sup>54</sup> Professor Nolon engaged the council and urged it to let the Land Use Law Center become a pilot project. The council agreed and the newly created Center formed an advisory group representing all land use stakeholders in the Hudson River Valley. The ques-

tion it addressed was whether, under then current land use trends, the valley would be a sustainable region by 2043, 50 years hence. The group concluded that it would not; urban sprawl—the rate at which land would be subdivided under current large lot zoning by over 250 local governments in the valley—would reduce the open space from 70% at the time of the study to only 30% in 50 years. The disappearance of such an astonishing amount of undeveloped land would bring with it the loss of biodiversity, diminished ecosystem services, and uneconomical infrastructure costs. This, the Center, and its advisory group concluded, was unsustainable environmentally, economically, and equitably.

When asked by the council what could be done to reverse this trend, the Center turned to *complexity theory*, a new idea in land use scholarship, and embraced the connectivity imperative that the theory prescribed.<sup>55</sup> It held that for complex adaptive systems to survive threats or take advantage of emerging opportunities, all of their component parts must be connected – communicating with one another, assessing risks and opportunities and making adjustments accordingly. *Complex adaptive systems* include ecosystems, businesses organizations, municipal governments, and even regions ruled by the land use plans and laws adopted by multiple, disconnected local governments. It was necessary to train local land use leaders and help them to learn how to communicate among their local land use boards internally and across municipal borders regionally to recognize and address the common threat of declining sustainability.

The Center, based on Nolon’s research, also studied the principal of *subsidiarity* and its insight that responsibility for solving problems should be delegated to the lowest level of government empowered to address those problems.<sup>56</sup> To those who argued that many local governments have insufficient funding and technical ability to respond effectively, Nolon responded by posing *collaborative subsidiary* as an antidote. Through work in the field, he observed that successful sustainability strategies usually emerged from the bottom up (municipal governments with legal power to regulate private sector development) but were typically aided by financial and technical assistance from state and federal agencies and the private sector.<sup>57</sup>

From this, the Center’s attention turned to *diffusion theory* which explains how positive change happens. It requires that respected local leaders adopt strategies used in peer communities and adapt those strategies to their particular circumstances. The Center early on was receiving many requests from local leaders to help with various problems; it was also working with student scholars looking for real life experiences to build their legal skills and burnish their practical credentials.<sup>58</sup>

From its earliest experiences with land use law reform, the Center knew that with change comes disputes that can derail positive reforms or be settled through mutual gains mediation among stakeholder groups through interest based decision making.<sup>59</sup> After consultation with nationally prominent mediators at the Consensus Building Institute and its Consensus Handbook,<sup>60</sup> the Center dedicated a significant portion of its leadership training programs to teaching effective mediation methods of achieving stakeholder consensus to adopt needed land use reforms.

Assembling these parts became the responsibility of Center Executive Director Jessica Bacher and Deputy Director Tiffany Zezula: adjunct professors who teach advanced land use and environmental dispute resolution. Without realistic grounding in mediated land use resolution, trained land use leaders may learn about needed land use strategies but fail to get them adopted. To connect the dots, the Center continues the LULA program and provides direct technical assistance to respected local leaders and municipalities.

### VIII. Conclusion: The Ingredients of Success

Professor Nolon's contributions are recognized at the state and national levels. As noted above, in 2009, he was presented with the National Leadership Award for a Planning Advocate by the American Planning Association.<sup>61</sup> The International City/County Management Association presented its Honorary Membership Award to Professor Nolon in 2014, its highest award to a person outside the city management profession for exemplary service to local government.<sup>62</sup> The New York Planning Federation presented him with its Lifetime Achievement Award in 2018, recognizing his contributions to the field. Each year, the *Pace Environmental Law Review* sponsors a national John R. Nolon student writing competition.<sup>63</sup> Pace Law School honors his continuing legacy at graduation each spring by presenting the John R. Nolon Student Achievement Award, which recognizes a student who has made significant contributions to the mission of the Land Use Law Center.<sup>64</sup>

Professor Nolon's dedication to providing practical learning experiences for his students and land use professionals has further contributed to his position as a national leader in the field. A number of his students have gone on to work in the field of land use law, both in the private and public sectors, applying the knowledge and skills they acquired under his direction. Having educated over 8,000 students and professionals and published numerous books and articles, Professor Nolon's influence on land use law extends across the country and across the globe.



The prescription for his success begins with consulting and contributing to evidence-based scholarship to identify best practices for promoting sustainable development. Then, starting at the local level, finding and convening respected local leaders, asking them the right questions, and listening to them describe critical issues regarding economic development, jobs, housing, equity, resource conservation, and public health. It includes finding and exploring case studies through creative student research finding examples of where successful leaders have solved such problems in similar communities. Where state or federal officials administer financial or technical aid programs, they are consulted and brought into conversation with local leaders. Next is understanding and teaching in practical ways community-based decision making—respectful methods of realizing stakeholder interests to effect mutual gains.

According to Professor Nolon, this prescription works best where trainers, leaders, students, and advisers all share the optimistic understanding that we have a long history of successful problem solving working from the ground up with those who have their eye on shared crises and opportunities: *Champions of Change*.<sup>65</sup>

**Patricia E. Salkin** is senior vice president for academic affairs and provost for the Graduate and Professional Divisions at Touro University. She is the former dean of the Touro University Jacob D. Fuchsberg Law Center, where she is currently a professor of law. Salkin has been a collaborator and colleague of John Nolon for decades and they have spent meaningful time working together on land use and sustainable development reform.

**Samuel Stewart** is a 2L student at Pace Law studying environmental law. He is Professor Nolon's research assistant and has worked with the Land Use Law Center since May 2022.

## Endnotes

1. Pace Law School, *John R. Nolon*, <https://law.pace.edu/faculty/john-r-nolon> (last visited Mar. 11, 2023).
2. The first round of Regional Economic Development Council grants managed by the New York State Energy Research Development Authority (NYSERDA) incorporated strategies developed by the Land Use Law Center to implement the USGBC's LEED for Neighborhood Development rating system; Similarly, the Department of Environmental Conservation's Climate Smart Communities has incorporated dozens of criteria for rating climate management strategies developed by the Center. The Department of State is currently in conservation about joint work on developing a framework for implementing Climate Resilient Development. The Center has partnered with dozens of local governments in working on state-funded programs.
3. For a summary on his ongoing Climate Resilient Development project, see John R. Nolon, "Sustainable Development for All"—*The IPCC Calls for Climate Resilient Development to Adapt to and Mitigate Climate Change*, *GreenLaw* (Mar. 21, 2022), <https://greenlaw.blogs.pace.edu/2022/03/21/sustainable-development-for-all-the-ipcc-calls-for-climate-resilient-development-to-adapt-to-and-mitigate-climate-change/>.
4. For his most recent work on housing, see John R. Nolon, *Pandemics and Housing Insecurity: A Blueprint for Land Use Law Reform*, 46 *Vt. L. Rev.* 422 (2022).
5. For a publication stemming from Professor Nolon's research interests, see, William West, *Racial Impact Assessment in Land Use Planning and Zoning Comes to New York*, 22 *N.Y. Zoning L. & Prac. Rep.* 7 (2022). for a publication stemming from Professor Nolon's research interests.
6. See John R. Nolon, *Introducing the Land Use, Human Health, and Equity Project*, *GreenLaw* (Oct. 21, 2020), <https://greenlaw.blogs.pace.edu/2020/10/21/reframing-sustainability-introducing-the-land-use-human-health-and-equity-project/>, for a summary of the "Four Pandemics Project."
7. *Summary for Policymakers, in Climate Change 2022: Impacts, Adaptation, and Vulnerability, Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (H.O. Portner et al., eds., Cambridge U. Press Feb. 28, 2022) [hereinafter *Summary for Policymakers, WG II*], [https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf).
8. Pace University, *GreenLaw*, <https://greenlaw.blogs.pace.edu/> (last visited Mar. 12, 2023).
9. See Advisory Committee, *Sustainable Dev. Code*, <https://sustainablecitycode.org/team/#1552769813563-0b69f6f3-0f02> (last visited Mar. 12, 2023).
10. See State & Local Government eJournal (Social Science Research Network), See <https://hq.ssrn.com/Journals/ViewIssue.cfm?JI=2399194&I=17&V=10&T=CMBO> (visited 3/16/2023).
11. John R. Nolon, *New Ground: The Advent of Local Environmental Law* (2003) [hereinafter *New Ground*]; John R. Nolon, *Open Ground: Effective Local Strategies for Protecting Natural Resources* (2003) [hereinafter *Open Ground*]; John R. Nolon, *Losing Ground: A Nation on Edge* (2007) [hereinafter *Losing Ground*]; John Nolon, *Choosing to Succeed: Land Use Law and Climate Control* (2021) [hereinafter *Choosing to Succeed*]; Nolon et al., *Towards Engaged Scholarship*, 33 *Pace L. Rev.* 821 (2013).
12. John R. Nolon and Patricia Salkin, *Practically Grounded: Convergence of Land Use Law Pedagogy and Best Practices*, 60 *J. of L. Educ.* 519 (Feb. 2011). See, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1540713](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1540713) (site visited 3/16/2023).
13. John R. Nolon & Jessica A. Bacher, *Changing Times—Changing Practice: New Roles for Lawyers in Resolving Complex Land Use and Environmental Disputes*, 27 *Pace Env't L. Rev.* 7 (2009).
14. This and other accounts of Professor Nolon's work discussed in this article are taken from an interview with the author on March 14, 2023. On file with the author; *New Ground*, *supra* note 11; *Open Ground*, *supra* note 11.
15. See John R. Nolon, *International Comparative Land Use Law*, Fulbright Scholar Program, <https://fulbrightscholars.org/grantee/john-nolon> (last visited Mar. 12, 2023).
16. Symposium, *Framework Laws: The Key to Sustainable Development in the Americas*, 13 *Pace Env't L. Rev.* (1996).
17. IUCN Acad. Env't L. Rsch. Stud., *Compendium of Land Use Laws for Sustainable Development* (John R. Nolon ed., Cambridge University Press, 2006); IUCN Acad. Env't L. Rsch. Stud., *Comparative Land Use Law and Sustainable Development* (John R. Nolon ed., Cambridge University Press, 2006).
18. John R. Nolon, *Comparative Land Use Law: Patterns of Sustainability*, 37 *Urb. Law.* 807 (2005).
19. *The Cambridge Handbook of Disaster Law and Policy: Risk, Recovery, and Redevelopment* (Susan K. Kuo, John Travis Marshall, Ryan Rowberry eds., 2022).
20. For an introduction to the Climate Resilient Development project, see John R. Nolon, "Sustainable Development for All"—*The IPCC Calls for Climate Resilient Development to Adapt to and Mitigate Climate Change*, *GreenLaw* (Mar. 21, 2022), <https://greenlaw.blogs.pace.edu/2022/03/21/sustainable-development-for-all-the-ipcc-calls-for-climate-resilient-development-to-adapt-to-and-mitigate-climate-change/>.
21. Ethan Baer et al., *Local Solutions to the Global Crisis: A Guide to Climate-Resilient Development*, 52 *Env't L. Inst.* 10885 (Nov. 2022), <https://www.elr.info/sites/default/files/files-general/52.10883.pdf>.
22. See *Land Use Leadership Alliance Training Program*, Pace U., <https://law.pace.edu/land-use-leadership-alliance-training-program> (last visited Mar. 12, 2023).
23. See *Awards & Accomplishments*, Pace U., <https://law.pace.edu/awards-accomplishments> (last visited Mar. 12, 2023).
24. See <https://law.pace.edu/land-use-leadership-alliance-training-program> (site visited 3/16/2023).
25. See John R. Nolon, *Curriculum Vitae*, Pace U. (2023), <https://law.pace.edu/sites/default/files/faculty/cv/jnoloncv.pdf>.
26. John R. Nolon et al., *Land Use and Sustainable Development Law, Cases and Materials* (9th ed. 2017) ("The predecessor of this casebook was first produced on a mimeograph machine in 1954 by Professor Jacob H. Beuscher at the University of Wisconsin School of Law. The book was revised in the late 1950s, again in 1964 and 1966, and then in 1969, it became the first book on the subject of land use in West's American Casebook Series." *Id.* at Preface)
27. John R. Nolon & Patricia E. Salkin, *Land Use Law in a Nutshell* (1st ed. 2007, 2nd ed. 2017).
28. John R. Nolon & Patricia E. Salkin, *Climate Change and Sustainable Development Law in a Nutshell* (1st ed. 2010).
29. John R. Nolon, *Well Grounded: Shaping the Destiny of the Empire State* (1998).

30. John R. Nolon, *Well Grounded: Using Local Land Use Authority to Achieve Smart Growth* (2001).
31. John R. Nolon, *Well Grounded: Primer for Local Government Officials and Citizens* (1998).
32. Open Ground, *supra* note 11.
33. New Ground, *supra* note 11.
34. Losing Ground, *supra* note 11.
35. Conversation with John Nolon, December 2022, notes on file with the authors.
36. See Choose to Succeed, *supra* note 11.
37. See [https://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=39877](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=39877) (site visited 3/16/2023).
38. *Hills v. Town of Wells*, 254 A.3d 1161 (Me. 2021) (providing that the ZBA denial of a variance should have been affirmed by the court below, because, among other reasons, the overlay district would not permit it. In discussing overlay zoning, this case cites to Professor Nolon's article, *In Praise of Parochialism: The Advent of Local Environmental Law*, 26 Harv. Env't. L. Rev. 365, 391 (2002), which states that "[o]verlay zoning is a flexible zoning technique that allows a municipality to limit development in certain environmentally sensitive areas. An overlay zone is a mapped overlay district superimposed on one or more established zoning districts. Environmental overlay district boundaries may be drawn to follow the boundaries of a natural resource, such as a watershed or floodplain. An overlay zone supplements the underlying zoning standards with additional requirements that can be designed to protect the natural features in an important environmental area. A parcel within the overlay zone is regulated simultaneously by two sets of zoning regulations: the underlying zoning district provisions and the overlay zoning requirements. A unique natural or aesthetic resource area, such as a pine barren, wetland resource area, watershed, or tidal basin, can be identified and protected in this way.").
39. *Hahn v. Hagar*, 153 A.D.3d 105 (N.Y. App. Div. 2017) (stating that three siblings could not compel the sale of a fourth sibling's development rights on a jointly owned property. In discussing development rights, this case quotes Professor Nolon's article, *Historical Overview of the American Land Use System: A Diagnostic Approach to Evaluating Governmental Land Use Control*, 23 Pace Env't L. Rev. 821, 844 (2006), stating "[s]tate law allows New York municipalities to establish transfer of development rights programs that concentrate development in receiving districts and provide for the transfer of development rights from sending districts").
40. *EQT Production Company v. Borough of Jefferson Hills*, 208 A.3d 1010 (Pa. 2019) (discussing the evidentiary requirements in conditional use permit approval in an overlay district. In its discussion of the overlay district, the Court states that "[o]verlay districts, as their name implies, are zoning districts which are superimposed on a zoning map over already existing zoning districts, and feature additional land use rules beyond those governing the underlying zoning district," citing Jennie C. Nolon & John R. Nolon, *Zoning and Land Use Planning*, 40 Real Est. L.J. 237, 250 (2011)); *Land Use for Economic Development in Tough Financial Times*, 40 RELJ 237 (2011).
41. Brief for American Planning Association as Amicus Curiae in Support of Respondents at 24, *Rapanos v. United States*, 547 U.S. 715 (2006), Nos. 04-1034, 04-1384, 2006 U.S. S. Ct. Briefs LEXIS 81 (providing that the "days of Euclidean zoning are rapidly fading" and citing to John R. Nolon, *Flexibility in the Law: The Re-Engineering of Zoning to Prevent Fragmented Landscapes*, N.Y.L.J. (Feb. 18, 1998) in support of its argument); Brief for National Conference of State Legislatures et al. as Amici Curiae in Support of Petitioner at 18, *Weyerhaeuser Co. v. United States Fish & Wildlife Serv.*, 139 S. Ct. 361 (2018), No. 17-71, 2018 U.S. S. Ct. Briefs LEXIS 1796 (quoting John R. Nolon, *A Historical Overview of the American Land Use System: A Diagnostic Approach to Evaluating Governmental Land Use Control*, 23 Pace Env't L. Rev. 821, 853 (2006) to support their argument that state-level solutions are not as effective at the local level due to the specificity of local concerns); Brief for Colorado Chapter of the American Planning Association as Amicus Curiae in Support of Petition for a Writ of Certiorari at 6, *Board of County Comm'rs of Coudre County v. Rocky Mt. Christian Church*, 562 U.S. 1136 (2011) (*cert. denied*), No. 10-521, 2010 U.S. S. Ct. Briefs LEXIS 2967 (highlighting the importance of comprehensive planning, citing to John R. Nolon, *The Future of Our Land: Presidential Leadership*, 60 Plan & Env't L. 1, 4-5 (2008)); Brief for National League of Cities et al. as Amici Curiae Supporting Respondents, *Engine Mfrs. Ass'n & Western States Petroleum Ass'n v. South Coast Air Quality Mgmt. Dist.*, 541 U.S. 246 (2004), No. 02-1343, 2003 U.S. S. Ct. Briefs LEXIS 929 (arguing that environmental federalism and state and local government interests would be eroded by Petitioner's narrow reading of the Clean Air Act, citing John R. Nolon, *In Praise of Parochialism: The Advent of Local Environmental Law*, 26 Harv. Env't L. Rev. 365, 413 (2002)).
42. Brief for National League of Cities et al. as amici curiae in Support of Defendants-Appellees at 15, *Engine Mfrs. Ass'n & Western States Petroleum Ass'n v. South Coast Air Quality Mgmt. Dist.*, 498 F.3d 1031 (9th Cir. 2007), No. 05-56654, 2006 U.S. 9th Cir. Briefs LEXIS 1235 (highlighting that a variety of scholars have emphasized the role state and local governments play in cooperative federalism and citing John R. Nolon, *In Praise of Parochialism: The Advent of Local Environmental Law*, 26 Harv. Env't L. Rev. 365, 413 (2002)).
43. Brief for Plaintiff-Appellant at 24, *Easton LLC v. Inc. Village of Muttontown*, 2012 WL 3066590 (C.A.2) (explaining that rational reasons to impose a moratorium include seeking to prevent a race between government planners who need time to consider zoning changes and landowners who want to develop their property under the existing rules, citing John R. Nolon et al., *Land Use and Community Development: Cases and Materials*, 617 (7th ed. 2008)).
44. Initial Brief for University Hills Neighborhood Association at 14, *Univ. Hill Neighborhood Ass'n v. City of Columbia, City of Columbia Design and Dev. Rev. Comm'n, and Trinitas Ventures, LLC*, No. 2022-00389, 2022 WL 39999609 (S.C. App); Brief for University Hills Neighborhood Association at 14, *Univ. Hill Neighborhood Ass'n v. City of Columbia, City of Columbia Design and Dev. Rev. Comm'n, and Trinitas Ventures, LLC*, No. 2022-00389, 2022 WL 16541239 (S.C. App) (explaining that South Carolina follows the approach of "two sets of zoning requirements" is areas with overlay zoning, citing John R. Nolon & Patricia Salkin, *Land Use in a Nutshell* 218 (2006)).
45. Brief for Respondent at 12, *Visible Properties LLC v. Vill. Of Clemmons*, 876 S.E.2d 804 (N.C. Ct. App. 2022), No. 21-398, 2021 WL 6112016 (N.C. App.) (explaining that overlay districts are subject to two sets of zoning regulations, citing John R. Nolon, *An Environmental Understanding of the Local Land Use System*, 45 Env't. I. Rep. News & Analysis 10215, 10229 (2015)).
46. Brief for American Planning Ass'n & Maryland Chapter of the APA as Amici Curiae in Support of Petitioners, *Trail et al. v. Terrapin Run, LLC et al.*, 943 A.2d 1192 (Md. 2007), No. 44, 2007 WL 3170453 (Md.) (citing to John R. Nolon, *The Future*



- of *Our Land: Presidential Leadership*, 60 Plan. and Env't L. 1 (2008). to explain the importance of comprehensive plans in guiding development).
47. Brief of Manhattan Borough President Scott M. Stringer and Elected Officials to Protect New York as amicus curiae in Support of Defendants-Respondents, *Norse Energy Corp., USA v. Town of Dryden et al.*, 21 N.Y.3d (N.Y. 2013), No. 2013-00245, 2013 WL 8812365 (N.Y.) (explaining that the purpose of the Home Rule is to permit local control over local problems without state interference, citing John R. Nolon, *The Erosion of Home Rule Through the Emergence of State-Interests in Land Use Control*, 10 Pace Env't L. Rev. 497, 505 (1993)); Brief for the Building and Realty Institute of Westchester & the Mid-Hudson Region as amicus curiae in Support of Respondents-Appellants, *Matter of Riverkeeper, Inc. v. Planning Bd. of Town of Southeast*, 881 N.E. 2d 172 (N.Y. 2007), 2007 WL 4331761 (N.Y.) (quoting John R. Nolon, *Shattering the Myth of Municipal Importance: The Authority of Local Government to Create Affordable Housing*, 17 Fordham Urb. L. J. 383, 387 (1989) to explain how affordable housing helps to create a well-balanced community); Brief of Professors Vicki Been, Richard Briffault, Nestor Davidson, Clayton Gillette, Michael Heller, Roderick Hills, Eric Lane, John Nolon, Ashira Ostrow, Eduardo Penalver, Patricia Salkin, Christopher Serkin, and Stewart Sterk as amici curiae, *Norse Energy Corp., USA v. Town of Dryden et al.*, 21 N.Y.3d (N.Y. 2013), No. 515227, 2014 WL 3389147 (N.Y.).
  48. Brief of the The Planning Association and the Ohio Planning Conference as Amicus Curiae in Support of Defendant/ Appellants, 918 N.E.2d 501 (Ohio 2009), No. 08-0306, 2008 WL 4144045 (Ohio) (highlighting the importance of adopting comprehensive plans to guide future development, citing John R. Nolon, *The Future of Our Land: Presidential Leadership*, Planning and Env't L., Vol. 60., No. 1 (2008)).
  49. Brief for Appellees, *In re Snyder Group, Inc. v. PUD Final Plat*, 233 A.3d 168 (Vt. 2020), No. 2019-122, 2019 WL 3763738 (citing John R. Nolon, *An Environmental Understanding of the Local Land Use System*, 45 Env't L. Rep. 10215, 10231 (Vt.) (2015) to explain that state enabling acts that authorize the use of transfer development rights must be read carefully to determine for what purposes local TDR laws may be enacted).
  50. Brief for Respondent-Appellant, *Tavano v. Zoning Bd. Of Appeals of Town of Patterson*, 51 N.Y.S.3d 175 (N.Y. 2017), No. 2015-10091, 2018 WL 8244204 (N.Y.A.D. 2 Dept.) (explaining that uses that existed before the enactment of a zoning ordinance and are prohibited by the new ordinance are known as a nonconforming use, citing John R. Nolon, *Well Grounded: Shaping the Destiny of the Empire State* (2008)).
  51. See, e.g., N.Y. Gen. City Law, citing in notes to: John R. Nolon, *Grassroots Regionalism Through Intermunicipal Land Use Compact*, 73 St. John's L. Rev. 1011 (1999); and John R. Nolon, *Resolving Home Rule Conflicts and Settling Border Wars*, 224 N.Y.L.J. 5 (Oct. 18, 2000); NY ECL 6-0101, citing in the notes to *Land Use and Climate Change: Lawyers Negotiating Above Regulation*. John R. Nolon, 78 Brook. L. Rev. 521 (Winter 2013). John R. Nolon, *Changes Spark Interest in Sustainable Urban Places: But How Do We Identify and Support Them?*, 40 Fordham Urb. L. J. 1697 (2013); N.Y. Town Law 284 citing in the notes to John R. Nolon, *Grassroots Regionalism Through Intermunicipal Land Use Compact.*, 73 St. John's L. Rev. 1011 (1999), and *Resolving Home Rule Conflicts and Settling Border Wars*. John R. Nolon, 224 N.Y.L.J. 5 (Oct. 18, 2000); and NY Pub. Serv. Law § 160 (McKinney), in the notes citing to John R. Nolon, *Land Use and Climate Change: Lawyers Negotiating Above Regulation*, 78 Brook L. Rev. 521 (2013).
  52. See, e.g., CA Gov't T. 7, D. 1, Ch. 3 Art. 10.5 in references and annotations, *Managing Climate Change Through Biological Sequestration: Open Space Law Redux*. John R. Nolon, 31 Stan. Env'tl. L. J. 195 (2012).
  53. U.N. Conference on Environment and Development, Rio Declaration on Environment and Development, U.N. Doc. A/ CONF.151/26/Rev.1 (Vol. 1) (Aug. 12, 1992).
  54. Executive Order 12852 (1993), "Sustainable development is broadly defined as economic growth that will benefit present and future generations without detrimentally affecting the resources of biological systems of the planet...."
  55. John R. Nolon, *Champions of Change: Reinventing Democracy Through Land Law Reform*, 30 Harv. Env't. L. Rev 1, 11-13 (2006).
  56. Nolon, *supra* note 11.
  57. John R. Nolon, *Calming Troubled Waters: Local Solutions*, 44 Vt. L. Rev. 1, 7-9 (2019).
  58. John R. Nolon et al., *Practically Grounded: Convergence of Land Use Law Pedagogy and Best Practices*, J. of Legal Educ. (2011). This article argued that the changing dynamics in the field of land use and sustainable community development law demand that land use law professors rethink the way in which they prepare law students to practice law in this area. This needed paradigm shift converges with the growing momentum of the best practices movement which urges law schools to dramatically revise the curricular approach to legal education, arguing that traditional models are no longer effectively serving the goal of producing competent and fully prepared new lawyers. A perfect storm is present and a unique opportunity exists through the application of many "best practices" concepts for land use law faculty to lead the academy in reinventing curriculum and teaching strategies to better prepare students for the practice of law. A brief history of the best practices movement is described in The article concludes with the observation that the shortcomings of the traditional casebook approaches to teaching land use within the four walls of the classroom can be easily converted into exciting opportunities that engage student learners, stretch the limits of student creativity, continue to instill and refine a sense of professionalism in law students and, consistent with the findings and recommendations of the Best Practices report and related literature, prepare students to be more effective lawyers when they graduate.
  59. See Advisory Committee, *supra* note 9.
  60. See generally Consensus Building Institute, <https://www.cbi.org> (last visited Mar. 14, 2023); Lawrence Susskind et al., *The Consensus Building Handbook* (1999).
  61. American Planning Association, APA Awards 2009: John R. Nolon. See, <https://www.youtube.com/watch?v=qXg5dQV7qes> (site visited 3/16/2023).
  62. J. Justin Woods, Presenting Prof. Nolon w/Honorary ICMA Membership (2014). See, <https://www.youtube.com/watch?v=o6daDT6Rp5k> (site visited 3/16/2023).
  63. See *Pace Environmental Law Review Announces First Winner of the John R. Nolon Student Writing Competition*, 3L Christen Maccone, November 4, 2022. See, <https://law.pace.edu/ChristenMacconeNolonWritingCompetition> (site visited 3/16/2023).
  64. Edward Arriaza, Prof. John Nolon Honored at Pace University's Land Use Law Center Award Presentation, Westchester & Fairfield County Business Journals 12/23/2022). See <https://westfaironline.com/real-estate/prof-john-nolon-honored-at-pace-universitys-land-use-law-center-award-presentation/> (site visited 3/16/2023).
  65. See Nolon, *supra* note 55.