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# N.Y. Real Property Law Journal

A publication of the Real Property Law Section of the New York State Bar Association

**Bankruptcy Threats to Ground Leases**

**The Environmental Effects of Exclusionary Zoning:  
How Eliminating Single-Family Zoning Can Help in  
the Fight Against Climate Change**

**In Memoriam: George Elwood**





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# Member Spotlight: Josh Werbeck

Josh Werbeck is a member at Bousquet Holstein PLLC. He is chairperson of the firm's real estate group and serves on its board of managers. Bousquet Holstein has offices in Syracuse and Ithaca.

## 1. *What sparked your interest in real estate law?*

While looking for a place to live during law school, I found an inexpensive home that would cost about the same to buy with a monthly mortgage payment as most of the typical monthly rentals around campus. The home needed some work, but I thought I could renovate, live there, and rent to fellow students, which is what ended up happening. I learned what went into purchasing real property and the various issues that come up in leasing and maintaining real property. The details and nuances interested me from the very start. In law school, I appreciated the tangible, real aspect of studying real estate law. This was a subject you could visit, walk through, and reach out and touch. I have never lost interest.

## 2. *What advice would you give to law students who are interested in real estate law, or practicing lawyers who are interested in transitioning to this area of practice?*

In most of my work, I am relying on a good understanding of other areas of law. I was fortunate enough to study many different subjects in law school and rotate through several practice areas at my law firm. I consistently need to understand corporate law, trusts and estates law, and tax law (not to mention the occasional questions involving bankruptcy, matrimonial, and litigation). My advice to law students would be to take the black letter law courses that will give you a foundation in the subjects that will arise in practice. My advice for practicing lawyers would be to build on your experience from your existing areas of practice. For example, in real estate there is constantly a need for the precise writing that business attorneys utilize and the robust advocacy that litigation attorneys understand.

## 3. *Can you tell us a bit about the types of matters you handle on a day-to-day basis?*

I handle many traditional real estate matters, like commercial and residential purchases, sales, and financing transactions. I work extensively on leasing and landlord and tenant matters, including enforcement and workouts. Where I think I am different would be my experience with homeowner associations and condominiums, which is a growing practice for my team. I also practice extensively on liquor licensing matters and regularly work with restaurants, bars,

universities, and manufacturers, like wineries and distilleries.

## 4. *Do you have any predictions for New York real estate lawyers and the state real estate industry over the next year?*

I am interested to see how changes in the economy, including higher interest rates, affect the number and type of transactions we work on. My office remains busy and there is a steady flow of transactions, but will there be a slowdown? We are also mindful of our growing employment needs and the increasing number of open positions throughout the legal community. I am interested to see the employment changes and trends throughout the next year.

## 5. *What part of your job gets you out of bed each day?*

Although I work primarily on transactional matters, I still have the opportunity to advocate and convincingly move a matter in my client's favor. I think that, regardless of the area of practice, our work is primarily about advocacy, and I enjoy this. I am also moved to action when I am reminded that someone is counting on me to do a good job. Whether it is a single-family residential transaction or a multimillion-dollar development, it is likely the most important thing to my client at that time and they need me to do my best. Real estate lawyers have a distinct opportunity to shape the world around us. I am thrilled to work on development projects that build on the revitalization of my hometown and similar communities and to help plan the new and detailed mixed-use developments that my clients lead.

## 6. *What are the advantages you see of being a part of the Real Property Law Section of NYSBA?*

We have an incredible community of experienced and knowledgeable members who are also friendly and helpful. Our Section's online listserv community must be among the most, if not the most, active across the bar. It is easy to ask a question and obtain an answer or advice and it is fun to contribute or follow along with the discussions. We also have timely and helpful CLEs and enjoyable networking and social events. I have learned so much and made many new friends through the winter and summer meetings over the last few years. It is difficult to exaggerate the value of attending the meetings, meeting other practitioners, and learning from each other.

