



BRANDON R. COTTRELL

Partner

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Brandon is a transactional attorney who counsels borrowers, lenders, developers, owners, and investors in all aspects of commercial real estate transactions.

In his financing practice, Brandon represents borrowers, funds, banks, and other financial institutions in a variety of transactions including asset-based loans, factoring loans, permanent/term loans, bridge loans, construction loans, mezzanine loans, and revolving loans, with a particular emphasis on borrower-side financings. He also represents sponsors, funds, and investors with evaluating, negotiating and structuring preferred equity transactions, including joint ventures, private offerings, and convertible instruments.

Brandon previously worked in a prominent, state-wide public finance and economic development practice where he counseled industrial development agencies, local development corporations, municipalities, trustees, developers, lenders and investors on a variety of transactions, including private activity bonds, general obligation bonds, tax credit transactions, payments-in-lieu-of-taxes agreements and sales tax exemption benefits. He continues to devote a significant portion of his current practice on such transactions, with a particular focus on representing institutional lenders and trustees with respect to tax-exempt bond financing matters and renewable energy companies in IDA straight-lease transactions.

In his real estate development practice, Brandon represents buyers and sellers, developers, investors, and landlords and tenants. He regularly negotiates purchase and sale agreements, commercial leases (including ground leases), development agreements, construction contracts and general business contracts. Brandon has driven significant development and redevelopment projects from inception through completion, including casinos, golf courses and country clubs, hotels and resorts, shopping centers, medical office buildings, mixed-use buildings, single and multi-tenant retail facilities, solar and wind projects, battery storage systems, and student and senior housing.

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Rochester, NY 14625

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The Guaranty Building
140 Pearl Street
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Practices & Industries

Banking & Finance
Bond Counsel
Municipal Finance & Special Districts
Public Authority
Public-Private Partnerships
Real Estate Development
Real Estate Leasing
Renewable Energy
Tax Credits

Bar Associations

New York State Bar Association
Monroe County Bar Association

Admissions

New York

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Brandon also has substantial experience in drafting and negotiating legal opinions, particularly with respect to New York real estate finance transactions, and often serves as local counsel in connection with mortgage loan transactions and security interests in collateral under the Uniform Commercial Code.

Representative Matters

Finance:

- Represented lender in connection with a \$75,000,000 loan secured by a 375,000 square foot, 17-story office tower.
- Represented private fund in making a \$10,000,000 revolving line of credit and a \$12,000,000 term loan.
- Represented lead limited investor group in connection with a \$11,500,000 limited unit offering.
- Represented sponsor in raising \$6,000,000 of preferred equity in connection with redevelopment of a 45-acre mixed-use development (featuring retail space, office space and restaurants).
- Represented sponsor in raising \$19,000,000 of preferred equity in connection with construction of a 500 bed, 8-story student housing project.
- Represented institutional lender in tax-exempt bond financings with universities, ranging in size from \$8,000,000 to \$45,000,000.
- Represented not-for-profit borrowers in tax-exempt bond financings ranging from \$45,000,000 to \$100,000,000, serving as transaction counsel and with respect to on-going compliance matters.
- Represented borrower in acquisition financing for a 1,000-unit multi-family housing portfolio, with a regional lender bridge loan and refinanced with a Freddie Mac permanent loan.

Real Estate Development:

- Represented purchaser in acquisitions (and related leasing and financing) of multi-tenant retail shopping centers, both un-anchored and anchored with gross leasable areas of 25,000 square feet or more.
- Represented purchaser in acquisitions (and related leasing and financing) of multi-tenant office buildings with a gross leasable area of 75,000 square feet or more.
- Represented developer of a five-story mixed use building with retail, Class A office space and luxury apartments.

U.S. District Court for the Western District of New York

U.S. Bankruptcy Court for the Western District of New York

U.S. Tax Court

Education

SUNY Geneseo, B.S. Accounting, cum laude

Syracuse University College of Law, J.D., summa cum laude

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- Represented developer in the redevelopment of an existing office tower into a mixed-use building with ground floor retail, office space and affordable apartments.
- Represented developer of a 16-acre mixed-use project, which involved the renovation of existing buildings and new construction to create a mix of retail, general office, medical office and affordable apartments.
- Represented developer throughout acquisition, financing, leasing, construction and management of free-standing single or multi-tenant buildings (national retailers and quick service restaurants).
- Represented developer of a mixed use, LEED certified project involving 100,000 square feet of medical office space, 17,500 square feet of retail space, and a mix of affordable and luxury apartments.

Canada – U.S. Cross-Border:

- Represented U.S. subsidiaries of Canadian corporation in financings to acquire operating U.S. businesses, ranging from \$12,000,000 to \$52,000,000, and in working capital loans (guaranteed by Canadian parent) ranging from \$3,000,000 to \$8,000,000.
- Represented U.S. subsidiaries of Canadian corporation in financings to acquire industrial properties (for use by the U.S. subsidiaries) ranging from \$2,500,000 to \$10,000,000 (guaranteed by Canadian parent).
- Represented U.S. subsidiaries of Canadian corporation in cash-out refinancing loan transactions ranging from \$36,000,000 to \$50,000,000 in connection with equity-funded cannabis dispensaries.
- Represented U.S. and Canadian agriculture cooperative in \$100,000,000 (Canadian) revolving line of credit and \$10,000,000 (Canadian) equipment loan.

Bond Counsel / Public Finance:

- Acted as bond counsel for financings of construction or renovation of senior and affordable housing, libraries, charter schools, hospital systems, college campuses and continuing care communities.
- Represented IDAs and owners/developers in “straight lease” transactions to facilitate mortgage recording tax exemptions, sales and use tax exemptions and real property tax abatements for projects involving: solar and wind energy, battery storage, manufacturing and other industrial facilities, amusement parks, warehouses, office space and mixed-use developments.

Honors

- Listed, *Best Lawyers in America* Ones to Watch (Banking and Finance Law, Real Estate Law) 2024

Brandon graduated first in his class at Syracuse University College of Law. While at Syracuse, Brandon also received the following honors:

- Syracuse Law Review, editor
- Justinian Honor Society

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- Order of the Coif
- Pinnacle Academic Achievement Award
- Chancellor's Scholar
- 2015 Donald C. Alexander National Writing Competition, winner
- CALI Excellence for the Future Award Winner: Contracts; Legal Communications and Research I; Property; Legal Communications and Research III; Business Associations; Bankruptcy Law; and Corporate Compliance Law

Press Releases

Hodgson Russ LLP Announces New Partners
January 3, 2024

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*
August 17, 2023

Hodgson Russ LLP Relocates to New Facility in Rochester
November 2, 2022

Brandon R. Cottrell Joins Hodgson Russ
Hodgson Russ Press Release, March 2, 2021

Publications

New York Public Service Commission Commences Grid of the Future Proceeding
Hodgson Russ Renewable Energy Alert, April 23, 2024

Appellate Court Clarifies Scope of Required CLCPA Compliance and Confirms Ripeness Under SAPA for Challenges to Agency Declaratory Rulings
Hodgson Russ Renewable Energy Alert, April 3, 2024

EPA Finalizes Standards Impacting Hazardous Air Pollution Emissions at Gasoline Distribution Facilities
Hodgson Russ Environment & Energy Alert, March 29, 2024

Inter-Agency Fire Safety Working Group Releases Proposed Revisions to NYS Fire Code Related to Battery Energy Storage Systems
Hodgson Russ Renewable Energy Alert, February 22, 2024

Applicant's Partial Loss of Site Control Results in First ORES Denial of Section 94-c Permit Application
Hodgson Russ Renewable Energy Alert, February 20, 2024

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FY 2025 Executive Budget: Governor Hochul Proposes to Expedite and Consolidate Environmental Review and Permitting for Major Renewable Electric Generation and Transmission Facilities

Hodgson Russ Renewable Energy Alert, January 23, 2024

National Grid Petition Seeks Retroactive Cost Increases From Multiple Solar Projects, Ability to Increase Costs on Future Projects

Hodgson Russ Renewable Energy Alert, January 16, 2024

NYSERDA Reports on the Impacts of the Inflation Reduction Act and Submits Proposal Stretching Funding for Additional Solar Capacity

Hodgson Russ Renewable Energy Alert, January 11, 2024

2024 Draft Solar and Wind Valuation Model Under Real Property Tax Law § 575-b Released for Public Comment

Hodgson Russ Renewable Energy & Municipal Alert, January 3, 2024

NYISO Report Identifies a Reliability Need Beginning in 2025

Hodgson Russ Renewable Energy Alert, August 8, 2023

Social Media

<https://twitter.com/bcottrellesq>

Community & Pro Bono

- Volunteer Income Tax Assistance Program
- Trustee, Pittsford Community Library