

Land Use/Real Estate/Redevelopment

The development of real property in New Jersey has increasingly become more difficult. With fewer raw land sites available, redevelopment is often the only option. Yet redevelopment sites are frequently contaminated and/or burdened with legal encumbrances imposed over the years. In addition, developers of housing, whether for sale or rental, must contend with ever changing COAH requirements. Clearly, in today's climate the development process involves far more than a trip to a land use board.

Whether the matter is complex or simple our attorneys can handle all aspects of the land use process. Moreover, the firm's attorneys can add value to the process by making optimal use of statutes that permit payments in lieu of real estate taxes. Developers who have not successfully navigated the land use process can benefit from the firm's considerable experience successfully appealing land use denials. We have successfully pursued such appeals in the state courts, and increasingly in the federal courts, where the firm has been a leader in fashioning novel remedies.

Our services include the following:

- Major Site Plans - Applications and Appeals
- Major Subdivisions
- Zoning - variance applications, appeals and rezoning
- Redevelopment - Designation and planning
- PILOTs
- Grading Permits
- Special Use Permits
- Historic Preservation
- Affordable Housing/COAH
- Federal Fair Housing Amendments Act
- Rehabilitation Act
- Americans with Disabilities Act (ADA)
- Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Meadowlands/Highlands/Pinelands
- Easement Disputes
- Brownfields, and
- Open Space Preservation and Greenfields Funding

Our attorneys have represented clients in nearly every county in the state on a wide range of property types, including residential, commercial, industrial and institutional projects. Just a few of the more notable matters include the following:

- Sussex County: Approval of a 31-acre mixed-use commercial/residential site.
- Bergen County: Successfully defended a multi-million-dollar contamination action.
- Essex County: Approval of skilled nursing/assisted living campus. Approval secured in the Superior Court in reliance on a claim of discrimination under the Federal Fair Housing Act.
- Middlesex County: Approval of a 9-tank storage facility for the storage of 1.4 million barrels of gasoline.
- Monmouth County: Approval of an AIDS residence and service center. The approval was secured in federal court where the municipality was ordered to pay our client's legal fees and costs.
- Mercer County: Approval of a 289-unit hospital to residential redevelopment,
- Burlington County: Approval of a 76-unit assisted living facility. The approval was secured via a preliminary injunction in federal court. This was the first reported case where assisted living residents were found to be handicapped and entitled to reasonable accommodation in the application of land use regulations.
- Salem County: Approval of a residential drug and alcohol treatment facility in a residential zone. The approval was secured in federal court via a permanent injunction.

In addition to the uses mentioned above, the firm has been involved in shopping centers, houses of worship, parking facilities, trailer parks, hotels and restaurants, just to name a few.