

Steven G. Mlenak

PARTNER / CO-CHAIR, REDEVELOPMENT & LAND USE DEPARTMENT

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As the son of small business owners, I understand the importance of striking a balance between efficient legal guidance and practical business realities. Effective legal representation requires an approach filled with compassion, creativity, persistence and attention to detail, and I strive to deliver that to my clients each and every day.

Mr. Mlenak concentrates his practice in the areas of redevelopment, land use, zoning, and real estate development. His clients include property owners and developers engaged in mixed use, residential, industrial, commercial, office, retail and affordable housing development projects. Mr. Mlenak provides guidance from the initial project concept through to construction, including land use planning and approvals, permits and variances and appearances before municipal, county and state planning and zoning boards and agencies.

Mr. Mlenak counsels redevelopers, property owners and municipalities on all aspects of the redevelopment process, including the negotiation and drafting of redevelopment agreements, review of redevelopment area studies and redevelopment plans, drafting of redevelopment-related ordinances and resolutions, and appearances before redevelopment entities and governing bodies. He provides counsel regarding incentives and tax abatements available at the state and federal level, including the negotiation and drafting of financial agreements (PILOT) under the Long Term Tax Exemption Law. He is also well versed in assisting clients in applications for grants under various Economic Development Authority (EDA) programs, including incentives under the Aspire Program for projects that are utilizing low income housing tax credits (LIHTC). His work in this area is enhanced by the valuable legislative experience he

Departments

Real Estate
Redevelopment & Land Use

Practice Groups

Financial Incentives &
Economic Development
Community Association
Energy, Renewable Resources
& Sustainable Development
Higher Education
Cannabis Industry
Construction Contracting &
Risk Management

Education

Rutgers University School of
Law-Newark, J.D., 2011
University of Connecticut,
B.A., 2008

Bar Admissions

New Jersey, 2011
U.S. District Court, District of
New Jersey, 2011
New York, 2013

garnered while serving as Chief of Staff for a member of New Jersey's General Assembly, prior to entering private practice.

Mr. Mlenak also maintains a strong practice in the area of community association law, providing strategic guidance and general counseling to condominium and homeowners association clients across a broad range of legal issues. His work encompasses the interpretation and amendment of governing documents and by-laws, drafting contracts, collection of delinquent assessments, the enforcement of rules and regulations, operational and maintenance issues, the fiduciary responsibilities of board members, transition negotiations and litigation, Municipal Services Act compliance, and alternative dispute resolution. He further represents clients in construction defect litigation, Fair Housing discrimination cases and landlord-tenant matters.

Results may vary depending on your particular facts and legal circumstances.

HONORS & AWARDS

- American College of Real Estate Lawyers (ACREL) Fellow
- Selected for inclusion by *NJBIZ* as a 2023 "Forty Under 40" honoree
- Selected for inclusion in 2022 by *NJBIZ* on a list called "Leaders in Law"
- Selected for inclusion by the *New Jersey Law Journal* on the 2018 list of "New Leaders of the Bar," the publication's annual listing of outstanding attorneys under the age of 40 and practicing in New Jersey
- Listed in *Chambers USA* (a publication of Chambers and Partners) in the Real Estate: Zoning/Land Use practice area (2021 - present)
- Listed in *Best Lawyers: Ones to Watch* (a trademark of Woodward/White, Inc.) in the Land Use and Zoning Law and Real Estate Law practice areas (2021 - present)
- Listed in *Super Lawyers - New Jersey Rising Stars* (a Thomson Reuters business) in the Land Use/ Zoning and Real Estate: Business practice areas (2017 - present)
- Martindale-Hubbell® Peer Review Rated AV® Preeminent (a trademark of Internet Brands, Inc.) (2020)
- Recipient of the "2016 Speaker of the Year" award from the Community Associations Institute - New Jersey Chapter (CAI-NJ)
- Shared recipient of the "2014 Committee of the Year" award from the Community Associations Institute - New Jersey Chapter (CAI-NJ) for his work as a member of the National Legislative Action Committee - NJ
- While attending law school, Mr. Mlenak was a semi-finalist in the Nathan Baker Mock Trial Competition, and was a three-time merit scholarship recipient

Please visit our Award Methodology page for a description of the standard or methodology on which these accolades are based. Attorney Advertising: No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

REPRESENTATIVE MATTERS

Results may vary depending on your particular facts and legal circumstances.

- Mr. Mlenak obtained preliminary and final site plan and subdivision approval with variance and waiver relief from the Township of Woodbridge for a large mixed use project consisting of 376 apartment units in five buildings, two retail/restaurant buildings, clubhouse featuring a pool and other amenities, approximately 800 parking spaces, and ancillary site improvements.
- Mr. Mlenak represents housing providers such as property management companies, apartment complex owners, and community associations on their rights and obligations pertaining to reasonable accommodation and reasonable modification requests under New Jersey's Fair Housing Act and Law Against Discrimination. This representation includes the review, analysis and potential litigation of requests for emotional support/companion animals.
- Mr. Mlenak is part of the firm's team that represents the Parking Authority of the Town of Morristown. In this capacity, he has prepared and negotiated several parking license agreements, easement agreements, and other parking-related instruments on behalf of the Parking Authority. Mr. Mlenak also periodically serves as Counsel to the Parking Authority at its Board of Commissioners' meetings.
- Mr. Mlenak has successfully obtained local and state land use approvals for various developers/redevelopers and uses throughout New Jersey, including mixed-use projects, large multi-family projects including those with affordable housing components, automotive dealerships, warehouses, and other commercial and industrial uses.
- Mr. Mlenak has provided counsel to various District Management Corporations on behalf of Special Improvement Districts including the Morristown Partnership, Inc., the Newark Downtown District, the Downtown Paterson Special Improvement District, the Downtown Millburn Special Improvement District, and the Pompton Lakes Special Improvement District.
- Mr. Mlenak represented the redeveloper of a multi-million dollar mixed-use project in Linden comprised of 113 market-rate residential dwellings and over 16,000 SF of retail space. This representation included the preparation and negotiation of the redevelopment agreement and PILOT agreement, as well as coordination of the acquisition of private properties through agreement or condemnation by the City of Linden.
- Mr. Mlenak represents the St. Demetrios Greek Orthodox Church of Perth Amboy in connection with the redevelopment of its former community center into a multi-use facility comprised of a new community center, senior housing dwellings, a new chapel and priests' offices. This representation includes counseling with respect to the redevelopment area designation, preparation and negotiation of a redevelopment agreement, and the procurement of all necessary local approvals including preliminary and final site plan approval from the Perth Amboy Planning Board.
- Mr. Mlenak successfully objected to an application for preliminary and final site plans requiring d(1) use variances of a medical office complex on behalf of neighboring property owners concerned about the project's impacts on local traffic and drainage.

Steven G. Mlenak (Cont.)

- Mr. Mlenak obtained a money judgment on behalf of a condominium association against a developer for nearly \$200,000 in damages related to unsold commercial units held by the developer in the association. After selling all of the residential units in a Cape May condominium, the developer of the condominium refused to contribute towards the expenses of the building while continuing to own three large commercial units within the condominium. This left the maintenance and repair of the building solely to the individuals that purchased their homes from the developer to pick up the developer's short fall for years. Mr. Mlenak filed suit and, in a 15-page written opinion from the judge, successfully obtained a judgment of nearly \$200,000, including attorneys fees and interest against the developer for the association.
- Mr. Mlenak played a significant role in the redevelopment of a blighted unoccupied office building in downtown Linden into the new headquarters of an expanding regional laboratory. Representation included the negotiation and execution of an amended redevelopment agreement, financial agreement for a 5-year tax abatement, adoption of related municipal resolutions and ordinances, and assistance in obtaining preliminary and final site plan review approval from the Linden Planning Board.
- Mr. Mlenak was a member of the firm's team that advised an international Fortune 500 retailer with regard to millions of square feet of development in various locales, including redevelopment areas, tax abatement (PILOT) agreements, environmental remediation, redevelopment plans, state, regional, county and local approvals, zoning permits and certifications, miscellaneous agreements, construction permitting, and assisted in drafting leasing provisions.
- Mr. Mlenak played a significant role in representing a New Jersey condominium association in its successful appeal of a U.S. Bankruptcy Court decision. In *In re: Rones*, the Bankruptcy Court had ruled that Chapter 13 debtors could "strip" all but the 6 month priority portion of the condominium's lien by reasoning that the New Jersey Condominium Act only afforded a payment priority, rather than a true lien priority which would protect the lien as a secured claim. On appeal, the U.S. District Court for the District of New Jersey reversed the Bankruptcy Court and held that the limited priority granted condominium liens in the Act protects it from being stripped or crammed down in any way. The impact of the important ruling is that condominium debtors will now be required to pay back the entirety of the validly-filed condominium lien as a secured debt in order to have a Chapter 13 plan confirmed. Mr. Mlenak authored the appellate and reply briefs in the association's appeal during his tenure at a prior firm, and also coordinated with the Community Associations Institute-New Jersey Chapter (CAI-NJ) in its filing as *amicus curiae* in support of the association

UNIQUELY NJ

- New Jersey Builders Association; Redevelopment Counsel; Legislative Committee
- Community Associations Institute - New Jersey Chapter (CAI-NJ); Executive Committee and President-Elect; 2020 Membership Committee, Vice Chair; Ambassador Program; National Legislative Action Committee - NJ (former member and current Board Liaison)

- New Jersey State Bar Association; Land Use Law Section, Board of Directors and Chair, Legislative Committee
- NAIOP New Jersey
- Metropolitan Builders & Contractors Association of New Jersey
- U.S. Green Building Council
- Somerset Raritan Valley Sewerage Authority (Commissioner, 2014-2016; 2016-2021)
- New Jersey Assemblywoman Caroline Casagrande (Chief of Staff, 2011-2012)

MORE ACTIVITIES & EXPERIENCE

- Former judicial intern to The Honorable Sebastian P. Lombardi, New Jersey Superior Court (2009)

PRESENTATIONS & SPEAKING ENGAGEMENTS

Panelist, Are you Blighting our Town? How Municipal Officials Navigate the Politics of Redevelopment
Sponsor: *New Jersey Planning and Redevelopment Conference*, June 7, 2024

Faculty, 2024 Land Use Update – Session 2

Sponsor: *New Jersey Institute for Continuing Legal Education*, March 27, 2024

Panelist, Mixed-Use Development/Redevelopment

Sponsor: *Atlantic Builders Convention*, March 21, 2024

Lecturer, 2024 NJSBA Virtual Spring Conference

Sponsor: *New Jersey Institute for Continuing Legal Education*, March 7, 2024

Panelist, Oh, “Tutti Frutti”, Rock Your Understanding of Fiduciary Duty!

Sponsor: *Community Associations Institute, New Jersey Chapter*, October 19, 2023

Presenter, Administrative & Policy Resolutions Every Association Should Consider

Sponsor: *Associa Community Management Corp. of New Jersey*, September 13, 2023

Faculty, Land Use Institute 2022

Sponsor: *New Jersey Institute for Continuing Legal Education*, December 7, 2022

Presenter, Homeowner Leader Best Practices Roundtable Discussion

Sponsor: *Community Associations Institute - New Jersey Chapter*, September 20, 2022

Lecturer, Right-Sizing It: The Challenges and Opportunities of Parking for Redevelopment Projects

Sponsor: *2022 NJ Planning and Redevelopment Conference*, June 16, 2022

Panelist, Community Association / PRED Seminar

Sponsor: *New Jersey Builders Association*, April 7, 2022

Legislative & Regulatory Update

Sponsor: *New Jersey Builders Association*, March 4, 2022

Speaker, Land Use Update 2022

Sponsor: *New Jersey Institute for Continuing Legal Education*, February 23, 2022

Presenter, Sailing Through Annual Elections & Membership Voting

Sponsor: *CAI-NJ Conference & Expo*, October 21, 2021

Panelist, Mixed Use Development/Redevelopment

Sponsor: *Atlantic Builders Convention*, October 13, 2021

Presenter, The New Jersey Economic Recovery Act: A Strategic Look at New Jersey's New Incentives

Sponsor: *Association of Corporate Counsel New Jersey*, September 30, 2021

Presenter, Cannabis is Coming, Are You Ready?

Sponsor: *Downtown New Jersey*, June 18, 2021

Faculty, Planning for Parking

Sponsor: *New Jersey Institute for Continuing Legal Education*, May 26, 2021

Speaker, Land Use Update 2021

Sponsor: *New Jersey Institute for Continuing Legal Education*, March 3, 2021

Speaker, Redevelop NJ - Navigating Current Redevelopment Trends

Sponsor: *New Jersey Builders Association*, February 26, 2021

Panelist, Advanced Topics in Land Use – Permits, Parking, Pot, Standing and Design

Sponsor: *New Jersey Institute for Continuing Legal Education*, November 23, 2020

Panelist, Community Associations Seminar

Sponsor: *New Jersey Builders Association*, November 13, 2020

Presenter, ABC's of Housing Development

Sponsor: *American Society of Appraisers and the National Association of Insurance and Financial Advisors*, November 12, 2020

Speaker, Healthcare, Real Estate & COVID-19: Impacts, Challenges and Opportunities

Sponsor: *Greenbaum, Rowe, Smith & Davis LLP, NJ Hospital Association, NJ Healthcare Financial Management Association, and Medical Society of NJ*, November 10, 2020

Speaker, Executive Order 192

Sponsor: *Taylor Management Company*, November 4, 2020

Panelist, A Conversation About PILOT Programs and Redevelopment

Sponsor: *The Morning Spotlight*, November 3, 2020

Speaker, Latest Legal Resources and Forms

Sponsor: *New Jersey REALTORS®*, October 26, 2020

Presenter, Don't Sign the Proposal!

Sponsor: *Community Associations Institute - New Jersey Chapter*, September 23, 2020

Panelist, Legal Trends in Land Use Law & Environmental Law

Sponsor: *New Jersey Builders Association*, September 22, 2020

Presenter, Legislative and Regulatory Update

Sponsor: *New Jersey Builders Association*, September 14, 2020

Speaker, What is the "New Norm" for CAI-NJ Members? Virtually Navigating the the Good, the Bad & the Ugly of the World after COVID

Sponsor: *Community Associations Institute NJ Chapter*, June 12, 2020

Speaker, Ignite! Redevelopment: Understanding New Jersey's New Land Bank Law

Sponsor: *New Jersey Future*, March 6, 2020

Panelist, 2020 Land Use Update

Sponsor: *New Jersey Institute for Continuing Legal Education*, February 26, 2020

Speaker, Financial Considerations, Challenges and Opportunities of Redevelopment Projects

Sponsor: *New Jersey Redevelopment Authority*, October 24, 2019

Presenter, Emotional Service Animals and Other Reasonable Accommodations Under the Fair Housing Act

Sponsor: *Paralegal Association of New Jersey, Inc.*, September 25, 2019

Presenter, Landlord Tenant Guide to Service and Assistance Animals

Sponsor: *Lorman Education Services*, April 26, 2019

Presenter, The Anachronisms of Redevelopment and Land Use

Sponsor: *American Planning Association – New Jersey Chapter*, January 24-25, 2019

Speaker, Tax Abatements – Friend or Foe?

Sponsor: *New Jersey Builders Association and the American Planning Association New Jersey Chapter*, July 27, 2018

Panelist, Building a Better NJ: Regulatory, Legislative & Legal Update

Sponsor: *NAIOP NJ*, July 12, 2018

Presenter, Landlord Tenant Guide to Service and Assistance Animals

Sponsor: *Lorman Education Services*, February 27, 2018

Speaker, Evolving Markets and Lagging Policies in Land Use and Redevelopment

Sponsor: *American Planning Association New Jersey Chapter*, January 25, 2018

Speaker, 2017 Atlantic Builders Convention

Sponsor: *New Jersey Builders Association*, April 4-6, 2017

Speaker, Legislative Update

Sponsor: *CAI-NJ*, April 6, 2016

Speaker, Housing Discrimination and Reasonable Accommodations: A Hot Topics Primer for Board Members & Property Managers

Sponsor: *CAI-NJ Community Academic Institute*, March 21, 2016

Speaker, Legislative Update

Sponsor: *CAI-NJ*, March 15, 2016

Moderator, Managers Best Practices Roundtable

Sponsor: *CAI-NJ*, June 2015

Speaker, Legislative Update

Sponsor: *CAI-NJ*, May 2015

Instructor, Legal Responsibilities and Fair Housing

Sponsor: *New Jersey Apartment Association*, April 2015

PUBLICATIONS & ALERTS

Quoted, Board Roles: Who Does What

Cooperator News New York, February 2024

Co-Author, New Jersey Becomes Second State to Enact Legislation to Protect Structural Integrity of Residential Housing Structures Including Common Interest Communities

Greenbaum, Rowe, Smith & Davis LLP Client Alert, January 16, 2024

Quoted, Powering E-Devices Safely

Cooperator News New Jersey, December 8, 2023

Interviewed, Q&A: President Bully

Cooperator News New Jersey, August 1, 2023

Co-Author, An Overview of Amendments to the New Jersey Aspire Program

Greenbaum, Rowe, Smith & Davis LLP Client Alert, July 10, 2023

Quoted, Legal Q & A: Handling Harassment

Cooperator News New Jersey, Winter 2022

Quoted, A Starting Point: Insiders see growing (but measured) demand for new, more targeted state incentive program

Real Estate New Jersey, October 2021

Author, Radburn's Election Requirements for Smaller Communities

Community Trends, June 2021

Co-Author, The New Jersey Economic Recovery Act of 2020: An Overview of the New Jersey Community-Anchored Development Program

Garden State Focus, Spring 2021

Author, The New Jersey Economic Recovery Act of 2020: An Overview of the New Jersey Film & Digital Media Tax Credit Program

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 27, 2021

Author, The New Jersey Economic Recovery Act of 2020: An Overview of the New Jersey Emerge Program

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 1, 2021

Quoted, Greenbaum's Financial Incentives Chair on the Economic Recovery Act and 'Market Responsive' Niche Practice Groups

New Jersey Law Journal, March 17, 2021

Co-Author, The New Jersey Economic Recovery Act of 2020: An Overview of the New Jersey Community-Anchored Development Program

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 4, 2021

Author, The New Jersey Economic Recovery Act of 2020: An Overview of the New Jersey Aspire Program

Greenbaum, Rowe, Smith & Davis LLP Client Alert, February 25, 2021

Author, 2021 Market Forecast

Real Estate New Jersey, January 2021

Author, First Look: The New Jersey Economic Recovery Act of 2020

Greenbaum, Rowe, Smith & Davis LLP Client Alert, January 8, 2021

Co-Author, NJ Governor Phil Murphy Signs Executive Order 153 Permitting Outdoor Swimming Pools, Outdoor Recreation and Entertainment Facilities to Open

Greenbaum, Rowe, Smith & Davis LLP Client Alert, June 12, 2020

Co-Author, Department of Community Affairs Issues Substantial Regulations Affecting Common Interest Communities

Greenbaum, Rowe, Smith & Davis LLP Client Alert, May 21, 2020

Contributor, What Happens When a Management Company Fails to Comply?

Community Trends, May 2020

Author, Governor Murphy Signs Executive Order Allowing Tenants to Use Security Deposit to Pay Rent

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 28, 2020

Co-Author, An Overview of Recent Land Use Guidance and Legislation in New Jersey in Response to COVID-19

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 13, 2020

Author, New Jersey Expands Eligibility Criteria for Designating Certain Properties as Areas in Need of Redevelopment

Greenbaum, Rowe, Smith & Davis LLP Client Alert, October 2, 2019

Author, Governor Murphy Signs Important Foreclosure Reforms for Community Associations

Greenbaum, Rowe, Smith & Davis LLP Client Alert, May 2, 2019

Author, New Jersey Legislature Passes Important Foreclosure Reforms for Community Associations

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 28, 2019

Author, Two Appellate Division Rulings Impact New Jersey Redevelopment Law

Greenbaum, Rowe, Smith & Davis LLP 2019 Real Estate Update: Trending Issues & Topics of Interest, March 19, 2019

Co-Author, Opportunity Zone Opportunities Abound In New Jersey

Dimensions (New Jersey Builders Association), Fall 2018

Quoted, Unknowns Mute Buzz For NJ's Public-Private Partnership Law

Law360.com, August 24, 2018

Author, Understanding New Jersey's New Bathing Code Regulations

Dimensions (New Jersey Builders Association), Spring 2018

Co-Author, Proposed Legislative Changes to PILOT Programs May Negatively Impact Redevelopment in 2018

Greenbaum, Rowe, Smith & Davis LLP Client Alert, February 2018

Contributor, 2018 Real Estate Update: Trending Issues & Topics of Interest

Greenbaum, Rowe, Smith & Davis LLP Client Alert, February 2018

Quoted, Roundtable: Insights From Industry Leaders

Real Estate New Jersey, September 2017

Co-Author, Developing Parking Facilities in the Modern Day: Preparing for the Future

Real Estate Issues, published by *The Counselors of Real Estate*, April 2017

Contributor, 2017 Real Estate Update: Trending Issues & Topics of Interest

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 2017

Co-Author, How Self-Driving Cars, Uber, and the Urbanization of America Are Changing the Way Structured Parking Facilities Are Designed, Built and Financed

Dimensions, Winter 2017

Author, New Jersey's Condominium Lien Priority Under Attack by Fannie Mae and Freddie Mac

Community Trends, September 2016

Quoted, Show Me the Money: Collections, Foreclosure & Evictions

The New Jersey Cooperator, July 2016

Author, Court Rejects New Jersey Municipality's Attempt to Unilaterally Extend Affordable Deed Restrictions on Condominium Units

Greenbaum, Rowe, Smith & Davis LLP Client Alert, June 2016

Contributor, 2016 Real Estate Update: Trending Issues & Topics of Interest

Greenbaum, Rowe, Smith & Davis LLP Client Alert, March 2016

Author, U.S. District Court Reverses Bankruptcy Court in Important Victory for Condominium Associations

Greenbaum, Rowe, Smith & Davis LLP Client Alert, February 2016

Author, Year-End Review of Important 2015 Community Association Cases

Community Trends, December 2015

Author, What to Know About Service and Emotional Support Animals in Community Associations

Community Trends, October 2015

NEWS

Steven G. Mlenak Elected Fellow of American College of Real Estate Lawyers

April 10, 2024

Thirty-Four Attorneys from Greenbaum, Rowe, Smith & Davis Selected for Inclusion in 2024 Edition of New Jersey Super Lawyers

March 26, 2024

Steven G. Mlenak (Cont.)

Steven G. Mlenak to Receive 2024 President's Award from New Jersey Chapter of Community Associations Institute
February 14, 2024

Steven G. Mlenak Elected President-Elect of CAI-NJ
January 16, 2024

2024 Edition of *Best Lawyers* Recognizes 59 Attorneys in 38 Practice Areas: Twelve Greenbaum Lawyers Recognized on "Ones to Watch" List; Five Selected for "Lawyer of the Year" Recognition
August 17, 2023

Greenbaum Partner Steven G. Mlenak Recognized by *NJBIZ* as a "Forty Under 40" Honoree
August 10, 2023

Greenbaum, Rowe, Smith & Davis Recognized as Member of 2023 New Jersey Future Smart Growth Award-Winning Team for Downtown Westfield Redevelopment Project
August 4, 2023

2023 Chambers USA Guide Ranks Greenbaum, Rowe, Smith & Davis in Key Practice Areas and Recognizes 22 Attorneys as Leading Individuals
June 9, 2023

Steven G. Mlenak Elected Vice President of CAI-NJ
January 6, 2023

2023 Edition of *Best Lawyers* Recognizes 51 Attorneys in 36 Practice Areas: Nine Greenbaum Lawyers Recognized on "Ones to Watch" List; Seven Selected for "Lawyer of the Year" Recognition
August 18, 2022

Steven G. Mlenak and Steven Nudelman Recognized by *NJBIZ* on 2022 List Called "Leaders in Law"
April 29, 2022

Steven G. Mlenak Named Co-Chair of Redevelopment & Land Use Department
January 10, 2022