

Redevelopment & Land Use

The Redevelopment & Land Use Department at Greenbaum, Rowe, Smith & Davis focuses on all aspects of traditional development, redevelopment, zoning and land use in New Jersey. The attorneys in this practice area have extensive first-hand experience in navigating the political and economic realities of the state's development process. We have represented clients in projects of all sizes and levels of complexity throughout the state, including residential, industrial, retail, office and mixed-use development.

Our group possesses a comprehensive understanding of New Jersey's legislative and regulatory structure as it relates to supporting and incentivizing development and economic growth while concurrently protecting and conserving open space and the state's unique natural resource profile. A long history of representing private and public entities within New Jersey's development arena has provided our redevelopment and land use team with a balanced and sophisticated perspective regarding critical issues on both sides of the process.

The firm delivers effective, strategic, and hands-on continuity of representation to developers, builders, property owners and municipal entities throughout all phases of the development process. In coordination with our redevelopment and land use practice, attorneys in the firm's Real Estate Department are readily available to join the team and counsel clients on matters of a transactional nature.

Our land use and redevelopment attorneys are actively engaged in New Jersey's real estate community. They hold leadership positions, serve on and chair committees, speak on panels, and steer legislative initiatives through their involvement in leading industry groups including NAIOP, the New Jersey Builders Association, New Jersey Future, Downtown New Jersey, the League of Municipalities, CREW NJ, the Regional Plan Association, the Urban Land Institute, and the NJ Chapter of the American Planning Association.

Redevelopment

The firm has a demonstrated track record of success in guiding clients through the approval, financing and building of projects in New Jersey. We provide support and guidance from project inception to ribbon-

Department Contacts

Robert S. Goldsmith
T. 732.476.2620
rgoldsmith@greenbaumlaw.com

Steven G. Mlenak
T. 732.476.2526
smlenak@greenbaumlaw.com

Attorneys

Kenneth T. Bills

Michael J. Coskey

Justine A. DelVecchio

Steven Firkser

Sean R. McGowan

Lauren A. Perrella

Judah Skoff

cutting ceremony, and beyond.

Our representation in this area encompasses:

- Project siting, planning, design, and funding
- Property acquisition
- Interaction with developers, municipal planners and lawyers, state/county/local governing bodies, and state agencies
- Evaluation of population density, type of use, existing infrastructure, parking demand
- Drafting and negotiation of Redevelopment and Payment In Lieu of Taxes (PILOT) agreements
- Advising on specific issues in urban redevelopment, areas designated “in need of” redevelopment, transit-oriented development, downtown revitalization projects
- Counseling private developers, investors and governmental entities (including municipalities, counties, school districts and educational institutions) in the formation of public-private partnerships (PPP or P3), including the preparation and negotiation of PPP agreements, applications to the State, project labor agreements, and public-private leases and leaseback agreements
- Contracts and construction issues
- Environmental concerns
- Sustainable building and alternative energy initiatives
- Affordable housing issues and projects
- Condemnation and eminent domain actions

Parking is critical to redevelopment projects. In traditional development, the construction of surface parking is an environmentally undesirable but cost-efficient use. In redevelopment, especially in downtowns or urban centers, structured parking is a more desirable environmental solution, although it carries significantly higher construction and maintenance costs. The firm is experienced in crafting and negotiating creative, cost-conscious legal parking concepts including leveraging shared parking opportunities, third-party parking license agreements, payment-in-lieu-of-parking (PILOP) opportunities, and right-sizing parking spaces (both in quantity and dimension)

The firm has represented top-tier private developers on projects in Cranford, Harrison, Hoboken, Jersey City, Newark, Newton, Rahway, South Amboy, South Bound Brook, South Orange, Trenton, Wildwood, Woodbridge and Wood-Ridge, among many other locations.

Our attorneys have served as Special Redevelopment Counsel to municipalities including Atlantic City, Belmar, Chatham, Flemington, Long Branch, Millville, Morristown, New Brunswick, North Wildwood, Princeton, Robbinsville, Westfield, Park Ridge and Woodbridge.

Departments (Cont.)

Our experience as redevelopment counsel includes the representation of municipal governments and private entities before state and county boards, agencies and commissions. We have also played a significant role in the establishment, implementation, operation and success of numerous special improvement districts throughout the state. This representation has encompassed both transactional representation and significant litigation, giving us a broad base of expertise in redevelopment-related legal issues.

Land Use

Our land use and zoning attorneys are highly skilled at addressing the complex and often adversarial issues associated with securing approvals for new developments and the renovation or adaptive reuse of existing properties. This expertise extends to related environmental and regulatory matters encompassing state and federal compliance, planning and regulatory enforcement, as well as the representation of clients in obtaining and defending land use approvals before local boards and in trial and appellate courts.

The firm has represented clients in appearances before boards across New Jersey and in hundreds of municipalities – from Allamuchy to Egg Harbor and from Hoboken to Lambertville. They have earned the respect of board members and professionals throughout the state, and are widely recognized as knowledgeable professionals and strong advocates for the firm's clients.

Legal services in this area include:

- Zoning and land use planning
- Due diligence investigations
- Site plan, subdivision and variance applications before municipal zoning and planning boards
- Environmental permits
- Appearances before county planning boards, regional boards, administrative and regulatory agencies
- Prerogative writ actions, appeals of unfavorable land use decisions and defense of approvals
- Zoning, condemnation and other land use-related litigation in state and federal court

Project Financing

Our Redevelopment & Land Use Department can assist clients with obtaining funding for land development projects through a variety of public finance programs, tax abatements and economic stimulus incentives. Throughout the years, our team has crafted creative, flexible and complex financing solutions that have enabled our clients' projects to move forward to completion. Current funding options in the New Jersey market include:

- Redevelopment Area Bond (RAB) financing with municipalities
- Payments in Lieu of Taxes Agreements (PILOT)

Departments (Cont.)

- NJ Economic Development Authority (EDA) Funding
 - Tax exempt bond financing
 - Tax credits through NJ Aspire Program
 - Cost recovery through Brownfields and Contaminated Site Remediation Program
- Debt and equity financing
- Loans for urban revitalization projects
- Incentives for renewable energy and sustainable development initiatives
- Incentives for manufacturing and job creation through NJ Emerge Program

Special Improvement Districts

For more than two decades, the firm has represented and counselled numerous Special Improvement Districts (SIDs) throughout New Jersey. Of roughly 100 SIDs in the state, the firm has previously or continues to represent approximately one-half of them including those in Newark, Morristown, Belmar, Highlands, and Paterson. SIDs are unique public-private partnerships that often serve as an integral component to redevelopment and land use in downtown environs, and the firm has counselled its SID clients on various issues related to redevelopment, land use, and tax exemption.

OF NOTE

"Greenbaum, Rowe, Smith & Davis LLP is a superb group for real estate matters, with an active and robust practice across the entire spectrum of work. Handles varied zoning and land use projects involving mixed-use buildings, industrial premises and brownfield redevelopment sites, assisting with issues including the acquisition of planning permits and site approvals. Also demonstrates expertise in transactional work including sales, acquisitions, leases, financing and tax issues. The team displays further strength handling litigation matters along with environmental issues associated with development projects. Has extensive experience acting for regional and national developers, private equity investors and landlords and tenants."

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