

NJ Appellate Division Rules on Redevelopment Issue in Applied Monroe Lender, LLC v. Hoboken Planning Board

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In a March 9, 2018 unreported decision in the case Applied Monroe Lender, LLC v. Hoboken Planning Board, the New Jersey Appellate Division concluded that the developer of a property located within a designated redevelopment area in the City of Hoboken was required to be formally designated by the municipality as the redeveloper before having standing to pursue site plan approval from the City's Planning Board. Presumably, the same principle would apply to a subdivision or other municipal application for development in the redevelopment area. While such a requirement is not uncommon in redevelopment plans, in this case, it is interesting that neither the submission checklist nor the redevelopment plan explicitly required that the developer be formally designated as the redeveloper prior to pursuing planning board approvals, or prior to any applications for development being deemed complete. Instead, the court relied upon the practice, precedent and intent of the City of Hoboken to compel this requirement.

As a result, developers should determine at the outset of a project in a redevelopment area if they are required to be named as a redeveloper prior to proceeding with an application for development approvals. Some municipalities may also choose to defer this requirement until after development approvals have been granted. This too should be determined at the outset so that any anticipated requirements for such designation are reasonably anticipated before substantially investing in obtaining development approvals. Although, in either case, such action should basically amount to a technical requirement in a cooperative municipality, it could pose a considerable challenge, with possible takings implications, in a more recalcitrant municipality. Read the decision.

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