

Zoning and Land Use

The attorneys in the Sills Cummis & Gross land use practice represent major national, regional and local developers, property owners and public utilities on matters throughout the State of New Jersey in four broad areas: obtaining local and state land use approvals and permits; the redevelopment of blighted areas; litigating land use and redevelopment cases and conducting land use due diligence.

Land Use Approval and Permitting

New Jersey has some of the most complex, unique and innovative land use regulations in the country, made more complex by overlapping local, regional and state regulatory jurisdiction over enforcing these regulations. Additionally, New Jersey's relaxed standing rules allow frequent competitor objections and challenges to land use approvals. Sills Cummis & Gross land use attorneys expertly represent clients in connection with obtaining and defending rezonings, general development plan approvals, preliminary and final site plan approvals, preliminary and final subdivision approvals, an array of variance approvals, county approvals and state permits for mixed-use, retail, office, industrial, residential, service station/convenience store and solar farm projects.

Redevelopment

The redevelopment of New Jersey's blighted properties is governed by a multitude of different statutes, the plain meaning of which has been altered by numerous court decisions. The Firm's attorneys guide and assist redevelopers through this regulatory and judicial maze to achieve successful projects. This work includes the review of redevelopment area designations; the preparation and implementation of redevelopment plans; the preparation and negotiation of redeveloper agreements; the preparation and negotiation of financial agreements for long term tax exemptions (PILOTs) and RABs (redevelopment area bonds); obtaining Grow NJ tax credits and obtaining Economic Redevelopment Growth Grants (ERGGs).

Land Use and Redevelopment Litigation

Land Use litigation in New Jersey is highly specialized. The substantive law governing land use approvals is unique as are the procedural and evidentiary rules which govern challenges to land use approvals, denials and regulations. The Firm's land use lawyers appear before the New Jersey Superior Court Law and Appellate Divisions and the New Jersey Supreme Court and have successfully overturned governmental denials of land use approvals, defended land use approvals and challenged state land use regulations.

Land Use Due Diligence

The multiple and overlapping permits and approvals required for the use, development and redevelopment of real property in New Jersey make property acquisition and leasing a snare for the unwary unless the potential property owner or lessee conducts thorough due diligence. The Firm's

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lawyers conduct detailed due diligence investigations and reports, often under short time deadlines, on properties throughout the States of New York and New Jersey for major developers, insurance companies, corporations and money center financial institutions.

Representative Matters

Land Use Approval and Permitting

- Representing a major national developer in connection with the rezoning, general development plan approval and preliminary site plan approval for a smart growth, transit-oriented, mixed use development consisting of approximately 1 million square feet plus a hotel and multifamily residential units.
- Representing a publicly traded office REIT in obtaining the municipal and state land use approvals for a LEED Platinum, build-to-suit office building.
- Representing a major regional developer in obtaining preliminary and final site plan approval for a 44 story, 328 unit luxury high rise apartment building.
- Representing a publicly traded office REIT and retail REIT in obtaining the municipal and state land use approvals for a 331,000 square foot retail shopping center in southern New Jersey.
- Representing a public utility in obtaining use variance and site plan approvals for six solar farms.

Redevelopment

- Representing a national hotel operator in connection with an ERGG for a hotel.
- Representing a major national retailer in connection with all of its financial (PILOT) agreements and redeveloper agreements in the State of New Jersey.

Land Use and Redevelopment Litigation

- As part of a multiparty litigation, successfully challenging the State's affordable housing rules before the Superior Court Appellate Division on behalf of a national trade association.