Real Estate and Land Use Law

Flaster Greenberg's New Jersey and Pennsylvania real estate attorneys believe that your interests are best served by those who understand the totality of your business, therefore we are proud to provide comprehensive legal counsel and strategic planning for all your real estate needs.

Our Real Estate and Land Use Practice Group believes that our clients are best represented when their attorneys can understand and deal with an integrated business, not just narrow legal technicalities, which is our full-service firm's specialty. Our PA and NJ real estate attorneys take a practical, creative, and cohesive approach to achieving clients' objectives.

We represent variety of industry participants throughout New Jersey and Pennsylvania in virtually all aspects of real estate, including development, construction, land use, liquor license matters, taxation, and financing – from acquisition to development approvals, to project leasing and/or sale, and/or real estate joint ventures to condemnation, redevelopment, and environmental litigation.

We work with individuals and businesses on matters ranging from complex real estate joint ventures and alternative energy initiatives to general, land use and environmental litigation.

We represent a broad range of clients, including individuals and entities buying, selling, and operating investment properties, and local and national developers building individual and multifamily market rate and low- and moderate-income level residential units, shopping centers and other retail development, automotive and truck dealerships and office and industrial complexes. We also represent and are active in construction industry trade associations.

Read more about the matters we can help you with below.

Alternative and Renewable Energy

The need to embrace alternative and renewable energy initiatives in the United States is clear. This quickly growing industry represents possible solutions to some of our country's most pressing problems, including our current economic status and our dependence on fossil fuels. Situated as we are in the New Jersey/Pennsylvania/Delaware region, which is one of the nation's leading areas in solar installations, Flaster Greenberg is familiar with the progress of national alternative and renewable energy projects around the country, as well as those in this region. Our team is poised to assist with a full scope of legal, regulatory

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and planning services, responsive to the unique needs of the alternative and renewable energy industry.

To learn more about our Alternative and Renewable Energy Industry Group, please click here.

Condemnation

Our real estate and land use attorneys have been instrumental in resolving condemnation issues faced by both property owners and tenants. We help with pre-condemnation planning, challenges to condemnation, determining just compensation and litigation of claims.

Among the services we provide are:

- analyzing zoning/planning issues, and the potential damages that might arise from those issues
- fighting challenges to condemnation, such as blight determinations and public purpose
- working to obtain just compensation
- helping with relocation claims
- litigating claims in both federal and state courts

Condominium and Rental Multifamily Projects

Large residential developments often have special operating needs that may vary widely depending on the project structure or financing. We regularly represent ownership and management groups in establishing the documentation for long-term operation of these properties, whether in dealing with taxing authorities, tenants/owners, contractors, and/or revisions to the operating documents.

Construction Agreements & Contracts

Real estate development projects often require the services of architects, engineers, and contractors. Agreements governing the engagement of these professionals often involve millions of dollars in fees and implicate other issues, including plan and permit ownership and third-party liabilities. Our real estate attorneys have extensive experience in drafting and negotiating these contracts, as well as construction and demolition agreements for all sizes of projects and, when necessary, in handling all aspects of construction litigation.

Environmental Issues

Environmental laws and regulations can themselves be hazardous to the purchaser or developer of real estate. Our environmental attorneys identify and address potential and actual environmental problems resulting from the laws and regulations involving water, sewer, drainage, wetlands, and waterfront development, as well as mold and other toxic and hazardous substances, and represent clients before the federal and state agencies that implement and enforce the laws and regulations. We realize that the best way to deal with environmental laws is before the fact, identifying potential problems before they arise; but once they arise, we aggressively pursue proper resolutions for our clients.

Financing

We recognize the critical role that financing plays in many real estate transactions, and are well versed in the complexities of acquisition, construction, development, and permanent and secondary financing, including affordable housing construction and operation. By actively representing buyers, sellers, developers, lenders, and others, we understand the perspectives of all parties to a real estate financing transaction. In the often-chaotic real estate marketplace, we can assist our clients in both debt and equity structuring.

Joint Ventures

Real estate projects are often the result of collaboration between two or more parties or financed through the creation of joint ventures between developers and Real Estate Investment Trusts (REITs). Establishing and operating a successful joint venture requires legal knowledge of tax and commercial law, as well as real estate law, making our integrated approach to the practice of law especially helpful to the client contemplating a joint venture. Joint ventures may take the form of limited liability companies, partnerships, corporations, or simple contractual arrangements. No matter what the situation calls for, our highly experienced attorneys can craft a joint venture structure appropriate for the project at hand.

Land Use and Planning

State and local zoning, land use and environmental laws can sometimes present a crazy quilt of impediments to the construction or development of real estate. Flaster Greenberg attorneys help streamline the process, obtaining all required development approvals from municipal, county, state, and federal agencies. We are also adept at assisting our clients in obtaining the benefits of sponsored government assistance from tax abatements in designated urban opportunity zones and municipal streetscape grants. Flaster Greenberg attorneys are also experienced in water, sewer, and public utility law. Our Real Estate and Land Use Practice Group has extensive experience in litigating against those same authorities, when necessary.

Liquor Licenses

We handle all aspects of liquor licensing, including obtaining new licenses, transferring, or expanding existing licenses, and addressing violations.

Real Estate Leases

Representing both landlords and tenants in the drafting, negotiation and enforcing of commercial and residential leases, our attorneys have a deep understanding of the legal and business issues involved on both sides of the equation. Our Commercial Leasing Practice encompasses the full spectrum, from the short-term lease of a small office suite to complex agreements for anchor tenants of large shopping centers, and everything in between. We also understand that with commercial and residential leases, as with other legal documents, there is no one size fits all.

Real Estate Litigation

Our attorneys are experienced at handling real estate disputes in a variety of tribunals, from the state and federal court systems to arbitration and mediation venues. Where possible, we try to resolve disputes without litigation, knowing that the time and money devoted to litigation can often be used elsewhere. Where litigation is the proper alternative, however, we have the knowledge and experience to vigorously protect and advance the interests of our clients.

Real Estate Transactions

We provide assistance through all phases of the transaction, from price negotiations through closing, whether the transaction involves a single property or a portfolio of commercial properties in multiple states. Because we have experience representing buyers and sellers, we are adept at handling the typical and not-so-typical problems that can arise in a real estate transaction. These problems can range from title defects to financing problems to contaminated soil. Frequently, we can assist clients in designing and implementing creative solutions that enable even the most difficult transaction to go forward.

Residential and Commercial Development

Representing a wide variety of residential and commercial developers, our attorneys regularly deal with all significant real estate product types, including shopping centers, office and industrial complexes, restaurants, automotive and truck dealerships, golf courses, single-application commercial uses, residential subdivisions and multifamily and low- and moderate-income housing projects. We have extensive experience in all aspects of commercial leasing, including representing national retail tenants, REITs and industrial owners and developers. We structure and create both commercial and residential condominiums and associations, including obtaining all necessary approvals under municipal, state, and federal law in both Pennsylvania and New Jersey. We leverage our experience into practical advice and representation, regardless of the type of development contemplated.

Tax and Business Planning

The real estate industry is heavily influenced by tax considerations—federal and state income taxes as well as local real estate taxes. With its strong tax capabilities, Flaster Greenberg has attorneys who offer extra skill and advice from a practical perspective to the firm's real estate clients. We can help to structure joint ventures to maximize tax advantages; guide buyers and sellers of real estate through the complexities of a like-kind exchange or farmland assessment rollback taxes; assist in reducing municipal assessments through timely tax appeals; devise legal strategies to minimize ordinary income and maximize capital gain; and otherwise help to ensure that tax considerations are given their due weight in the overall planning for our clients.

To learn more about our real estate and land use attorneys, please expand the menu below.