



Jack Fersko

Partner

Practice Leader | Real Estate

 Roseland

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- Industrial, commercial and retail real estate transactions including acquisition, disposition and leasing, including build to suit and ground leasing, and alternative energy initiatives
- Representation in portfolio acquisitions and dispositions, complex development transactions, and debt and equity financing transactions
- Specialized experience in the impact of environmental issues on commercial real estate transactions in New Jersey

As a leader of the firm's real estate practice, Jack's work reflects his extensive experience as a commercial real estate and general business lawyer, which has enabled him to develop a highly analytical perspective on transactions by pinpointing the significant business and legal issues that are critical to a client's success. His legal services emphasize industrial, commercial and retail real estate activities, with a particular concentration on the acquisition, disposition and leasing of industrial properties, development and redevelopment projects, financing, environmentally impacted transactions, landlord-tenant issues, and alternative energy initiatives.

Clients seeking representation in sophisticated transactions – such as large-scale acquisitions, specialized assets or highly technical facilities such as data centers, mixed-use multi-class developments, or deals requiring complex financing structures utilizing a layered capital stack – leverage Jack's depth of knowledge and pragmatic approach to deal-making to realize both short-term goals and long-range business objectives. He is highly regarded, both in and beyond New Jersey, for his business insight and legal acumen by clients including real

estate developers, real estate investment trusts (REITs), commercial and industrial property owners/operators, commercial tenants, hospitals and healthcare systems, and real estate entrepreneurs and investors.

Jack has notable expertise related to the impact of environmental laws on commercial real estate transactions and New Jersey's transaction-triggered Industrial Site Recovery Act (ISRA), which requires owners and operators of certain industrial and commercial properties to investigate and clean up any environmental contamination prior to the sale or transfer of the property or cessation of business operations. His involvement in the acquisition and redevelopment of environmentally contaminated sites includes the successful negotiation of real estate agreements involving complex environmental transactional issues that impact both pre- and post-closing rights and obligations and related insurance agreements.

Jack also counsels clients on transactional issues and funding options related to alternative energy and solar development and the impact of these initiatives on leases and other agreements, including the negotiation and drafting of Engineering, Procurement and Construction Agreements (EPCs), Power Purchase Agreements (PPAs), contracts, rooftop leases, easement agreements and access agreements.

Areas of Focus

Practice Areas

- Real Estate
- Commercial Real Estate Acquisitions & Dispositions
- Commercial Real Estate Leasing
- Real Estate Brokerage
- Landlord & Tenant
- Energy & Renewable Resources
- Financial Incentives & Economic Development
- Environmental Issues in Real Estate Transactions & Redevelopment
- Redevelopment Plans & Agreements
- Construction
- Construction Contracting & Risk Management
- Data Center Development & Infrastructure

Industries

- Real Estate
- Energy, Public Utilities & Solid Waste
- Retail
- Manufacturing & Logistics
- Construction

- Healthcare
- Hospitality & Restaurants
- Regulated Products

Credentials

Bar Admissions

- New Jersey, 1979
- U.S. Supreme Court, 1986
- U.S. Court of Appeals, Third Circuit, 1995

Education

- Ohio Northern University, J.D., 1978
- Marietta College, B.A., 1975

Recognition

- American College of Real Estate Lawyers (ACREL) Fellow: Programs Committee, Chair; Changes in the Profession Task Force Committee, past Chair; Energy Subcommittee of Land Use and Environmental Committee, Chair; Land Use and Environmental Committee, past Chair; Board of Governors, former member
- American Bar Foundation Fellow
- Listed in *Chambers USA* (a publication of Chambers and Partners) in the Real Estate practice area (2004 – present)
- Listed in *The Best Lawyers in America* (a trademark of Woodward/White, Inc.) in the Real Estate Law practice area (2007 – present)
- Selected by *Best Lawyers* (a trademark of Woodward/White, Inc.) as 2022 Newark "Lawyer of the Year" in Real Estate Law
- Listed in *New Jersey Super Lawyers* (a Thomson Reuters business) in the Real Estate: Business, Environmental and Energy & Natural Resources, practice areas (2005 – present); listed by *Super Lawyers* as one of New Jersey's Top 100 Lawyers (2010 – 2014, 2017 - present)
- Listed in *Lexology Index Thought Leaders: USA* (published by Law Business Research Ltd.) in the area of Real Estate
- Martindale-Hubbell Peer Review Rated AV Preeminent (a trademark of Internet Brands, Inc.)
- Part of the team of professionals that received the 2016 "Industrial Deal of the Year" award from NAIOP New Jersey for the firm's work on the Elizabeth Logistics Center project
- Recipient of the NAIOP-NJ Legacy Award (2023)
- Recipient of the NAIOP-NJ Industry Service Award (2006) and President's Award (2005)

Of Note

- Throughout his career, Jack's thought leadership has included coordinating and presenting educational seminars for national and state bar associations, ACREL, NAIOP, and the International Council of Shopping Centers. He has lectured at Monmouth University's Kislak Real Estate Institute and at New York University and Columbia University's graduate school real estate programs. He is editor in chief of the three-volume treatise *Commercial Real Estate Transactions in New Jersey*, considered the definitive, step-by-step practice guide (published by the New Jersey Institute for Continuing Legal Education) and is the author of the "Environmental Issues in Commercial Real Estate Sales and Leases" chapter in the *Commercial Real Estate Transactions Handbook*, a comprehensive guide for professionals on the legal and practical aspects of commercial real estate deals.

Experience

Representative Matters

- Represented the sellers in the disposition of a landmark distribution facility in Jacksonville, Florida, leased under a complex, long-term triple-net lease to a major credit tenant, in a transaction exceeding \$90 million. Jack negotiated and drafted the purchase and sale agreement, guided the sellers through extensive buyer due diligence, and coordinated a successful closing that set a record sales price for the Jacksonville market, allowing the sellers to exit a 30-year investment at peak value.
- Represented affiliated entities of Avidan Management LLC in one of New Jersey's largest industrial real estate portfolio sales at the time, involving approximately 2.6 million square feet of office, warehouse, cold-storage, and bulk distribution space across multiple municipalities. The transaction included negotiation of five power purchase agreements covering more than 6 MW of solar production and was recognized as a finalist for NAIOP NJ's "Industrial Deal of the Year."
- Represented Avidan Energy Solutions in the planning, financing and construction of one of the country's largest roof-mounted solar installations, a 4.26-MW system in Edison. Jack led negotiation of EPC and power purchase agreements, coordinated real estate debt financing, advised on federal grant funding and the sale of SRECs. The firm's work supported the development of a system spanning 650,000 square feet and approximately 18,000 photovoltaic solar panels, supplying roughly 50% of the facility's energy needs and significantly reducing tenants' operating expenses.
- Advised on a joint venture between developer Jonathan Rose Companies and JP Morgan Chase on a mixed-use redevelopment project in South Orange, including title matters, redevelopment implementation, and negotiation of a \$38.5 million construction loan. The high-profile project, a 215-unit LEED certified apartment building, retail space and a 500+ space parking facility, represented a significant milestone in the revitalization of the municipality's downtown.
- Provided real estate and land use support in the firm's successful representation of Des Champs Laboratories, in which the New Jersey Appellate Division struck down an unauthorized NJDEP regulation that would have significantly expanded cleanup obligations under the IISRA.
- Represented the sellers in the sale of three commercial properties in New Jersey for an aggregate purchase price of \$80 million, resolving complex entity-interest history issues, open permits and violations, tenant

estoppels and SNDAs, title defects including outstanding judgments, transfers of security deposits via letters of credit, repair agreements, and broker-related issues to achieve a successful closing.

- Led a multidisciplinary team as real estate, land use, and public finance counsel to a private equity firm in its acquisition of the iPort 12 International Trade and Logistics Center in Carteret, a 1.26-million-square-foot logistics facility on a former brownfield and landfill site. The firm's representation included complex title and access issues, assumption and amendment of PILOT agreements, negotiations with multiple public entities, and coordination of a lender short sale tied to prior environmental remediation financing.
- Represented Terreno Realty Corporation in the \$29.8 million negotiated sale of an industrial property in Newark to a governmental agency in lieu of condemnation, addressing phased takings, tenant and environmental access issues, and valuation protections tied to potential future acquisitions.
- The firm has represented Federal Business Centers, Inc. in multiple complex acquisitions, dispositions, and financing transactions involving large-scale industrial and commercial properties throughout New Jersey, with aggregate transaction values exceeding \$140 million. Jack's representation has included a \$49.75 million acquisition of a 12-building commercial complex structured as replacement property in a Section 1031 exchange; sales of contaminated and vacant industrial land involving ongoing remediation, post-closing access, and strict exchange timing requirements; and fixed-rate and construction financing transactions for major industrial facilities negotiated during volatile credit-market conditions. Additional work involved lease terminations, tenant estoppels and SNDAs, environmental risk allocation, demolition planning for redevelopment, resolution of pad-site and cell-tower lease issues, and coordination of lender, environmental, and insurance stakeholders.
- Represented a client in a Florida real estate sale structured as a Section 1031 exchange, including pre-sale reorganization of multiple entities into a single holding company, negotiation of the sale of three parcels, coordination of tenant access and estoppels, and execution of exchange documentation.
- Represented a landlord in the negotiation of a large-format grocery lease involving exclusivity rights, coordination with a planned adjacent multifamily redevelopment, restructuring of a PILOT agreement, integration of a rooftop solar project, and lender coordination. Jack also negotiated a complex lease termination and lender-approved unwind.
- Represented an industrial property owner in the negotiation of a 79,000 square foot industrial lease requiring subdivision of a newly constructed building, early tenant access during construction, lender coordination, accommodation of a rooftop solar installation, and expedited municipal approvals.
- Represented a manufacturing client in the sale of an industrial property involving ISRA-triggered environmental liabilities, negotiating a sophisticated agreement shifting remediation obligations to the buyer, requiring environmental insurance, post-closing access rights, recorded institutional controls, and collateral securing ongoing obligations.
- Represented a solar energy owner and operator in connection with the sale of a 6.43-MW rooftop solar portfolio in New Jersey, including transfer of interconnection agreements, PJM GATS accounts, and power purchase agreements, and advising on utility rate implications. The firm previously represented this client in construction, financing, and PPA negotiation.

- Advising a real estate development, investment, and management firm on community solar and on-site renewable energy projects, including negotiation of long-term solar leases, transmission easements, and ongoing compliance with NJ BPU requirements.
- Represented sellers in structuring a \$98 million option-based sale of a multi-property industrial portfolio, addressing extensive title and environmental issues, allocation of remediation obligations, negotiation of environmental insurance, and recording of post-closing obligations binding future owners and lenders.

Affiliations

Memberships

- Commercial Real Estate Development Association, New Jersey (CREDA NJ): Board of Trustees (former member); Legal Action Committee; Energy & Sustainability Committee; Legislative Committee
- Commercial Real Estate Development Association (CREDA): Environmental and Infrastructure Committee (former Chair)
- Industrial and Office Real Estate Brokers Association Executive Committee
- New Jersey State Bar Association: Cannabis and Psychedelics Law Special Committee: Co-Chair, Corporate-Transactional Subcommittee; Corporate Sustainability, Cleantech, and Climate Change Special Committee
- American Bar Association: Real Property, Trust and Estate Law Section, Council Member; RPTE Section Committee on Groups and Substantive Committees, Co-Chair; Special Investors and Investment Structure Group, Council Representative; Government Submissions Task Force, former Chair; RPTE Section Leasing Group, former Chair; Section of Environment, Energy and Resources
- Jewish Bar Association of New Jersey

Personal

- Temple Sharey Tefilo-Israel, South Orange, NJ (past President)

Insights & More

Announcements

[Jack Fersko Selected for Inclusion in the 2026 Lawdragon 500 Leading Real Estate Lawyers Guide](#)

8.12.26

[Chambers USA 2026 Recognizes Greenbaum, Rowe, Smith & Davis Across 10 Practice Areas and 18 Individuals](#)

6.04.26

[Greenbaum, Rowe, Smith & Davis Named to 2026 NJBIZ Leaders in Real Estate, Construction and Design List](#)

4.22.26

[36 Greenbaum Attorneys Selected for Inclusion in 2026 Edition of New Jersey Super Lawyers](#)

3.20.26

2026 Edition of Best Lawyers Recognizes 54 Attorneys in 41 Practice Areas: Eight Greenbaum Lawyers Recognized on "Ones to Watch" List

8.21.25

2025 Chambers USA Guide Ranks Greenbaum, Rowe, Smith & Davis in Key Practice Areas and Recognizes 18 Attorneys as Leading Individuals

6.04.25

Thirty-Five Attorneys from Greenbaum, Rowe, Smith & Davis Selected for Inclusion in 2025 Edition of New Jersey Super Lawyers

3.19.25

2025 Edition of Best Lawyers Recognizes 56 Attorneys in 39 Practice Areas: Ten Greenbaum Lawyers Recognized on "Ones to Watch" List; Three Selected for "Lawyer of the Year" Recognition

8.14.24

2024 Chambers USA Guide Ranks Greenbaum, Rowe, Smith & Davis in Key Practice Areas and Recognizes 20 Attorneys as Leading Individuals

6.05.24

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

3.25.24

Jack Fersko Receives 2023 Legacy Award from NAIOP NJ

11.05.23

Who's Who Legal Recognizes Greenbaum Attorneys in 2023 Global Guides

9.18.23

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

8.16.23

Jack Fersko and Sean R. McGowan Profiled in Law360

2.20.23

Who's Who Legal Recognizes Greenbaum Attorneys as 2023 Thought Leaders in Real Estate

1.16.23

Who's Who Legal Recognizes Greenbaum Attorneys in 2022 Global Guides

9.08.22

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

8.17.22

Jack Fersko Elected a Fellow of the American Bar Foundation

7.13.22

Client Alerts

Will Rescheduling Cannabis Open the Industry to Increased Financing, Real Estate and Banking Opportunities?

6.05.24

New Jersey Imposes New Flood Hazard Disclosure Requirements on Sellers and Landlords

3.18.24

New Jersey Moves to Establish Database of Available Commercial Real Estate Properties

6.09.23

New Jersey Cannabis Regulatory Commission Adopts Initial Rules to Govern Personal Use Cannabis Industry: Landlords, Tenants & Others Should Note Real Estate Implications

8.23.21

President Trump Signs Second Emergency Stimulus Bill Allocating Additional Funding for Paycheck Protection Program

4.24.20

SBA Announces Rule Governing Paycheck Protection Program

4.06.20

Critical Update to CARES Act Paycheck Protection Program

4.01.20

Title I of the CARES Act: The Paycheck Protection Program and Loan Forgiveness Provisions

3.30.20

COVID-19 Insurance Update: Companies Should Evaluate Risk Management Tools in Place, Including Pollution Legal Liability (PLL) Insurance Policies

3.20.20

Publications

It's All About Evolving

3.19.24

Cannabis Leases: Landlord and Tenant Considerations

Jan/Feb 2024

The Challenge of Leasing to a Cannabis Facility

March 2023

Greenbaum Rowe Real Estate Co-Chairs Talk Practice Goals

2.09.23

Approvals for Cannabis Grow, Processing Sites Unleash New Demand for Already-Scarce Industrial Space

4.27.22

2022 Market Forecast

1.11.22

The Impacts of the Coronavirus Pandemic on Real Estate Contracts: Force Majeure, Frustration of Purpose, and Impossibility

January/ February 2021

NJ Real Estate Deals In Chokehold Amid COVID-19 Lockdown

3.26.20

Commercial Real Estate Transactions in New Jersey

2019

The Commercial Lease Formbook

2010

Brownfields – A Comprehensive Guide to Redeveloping Contaminated Property

2010

Commercial Real Estate Transactions Handbook

1.01.09

Condemnation: The Impact of Environmental Contamination on Property Valuation

2006

The Emerging Role of Environmental Insurance in Commercial Real Estate Transactions: Issues and Answers

2000

Seminars & Events

IOREBA Developer's Night

3.30.26

Advanced Topics in Commercial Leasing 2025

11.20.25

Advanced Commercial Leasing

11.13.24

Counseling Cannabis: Legal Essentials and Opportunities

6.11.24

Advanced Topics in Commercial Leasing: 2023

11.15.23

2023 Cannabis & Real Estate Conference

4.19.23

2023 ACREL Mid-Year Meeting

3.15.23

Negotiating Commercial Leases 2023

2.22.23

Advanced Topics in Commercial Leasing: 2022

11.16.22

2022 Real Estate Conference

4.12.22

Real Estate Legal Update

3.16.22

Negotiating Commercial Leases 2022

2.23.22

Latest Developments in Cannabis Law

10.27.21

Impact of the Pandemic on Commercial Leasing

4.21.21

Negotiating Commercial Leases 2021

2.24.21

Advanced Commercial Leasing and COVID-19: 2020/21 Update

12.02.20

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

11.09.20

The Impacts of the Coronavirus Pandemic on Commercial Leases

10.27.20

The Impacts of the Coronavirus Pandemic on Real Estate Contracts: Frustration of Purpose, Impossibility, Impracticability and Force Majeure

10.20.20

The Impacts of the Coronavirus Pandemic on Real Estate Contracts: Frustration of Purpose, Impossibility, Impracticability and Force Majeure

7.08.20

Small Businesses and the Impact of COVID-19

4.14.20

COVID-19 FALLOUT: How Does My Business Survive?

4.07.20

From the Ground Up: The Development of a Commercial Real Estate Project

11.10.16

Critical Issues in Drafting & Negotiating Office, Retail, Industrial & Ground Leases

12.12.13

Structuring Solar Development Financing, Leasing and Operating Agreements for Commercial Properties

9.19.13

Solar Panel Siting Negotiations: Leasing and Land Use Issues and Special Considerations for Government Property

5.03.13

Harvesting Income from Solar Development: Incentives, Documentation and Financing

4.25.13

Stick It Where The Sun Shines: Solar Development as the Next Real Estate Frontier

March 14-17, 2013