Jay A. Jaffe

Partner

Practice Leader | Environmental

Roseland

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- Representation of developers, manufacturers and other business clients on a wide range of environmental transactional and administrative legal issues
- Evaluation and management of environmental liabilities under New Jersey state and federal law in real property and other business transactions
- Acquisition, cleanup and redevelopment of contaminated properties and brownfield sites, including pre-acquisition due diligence and project cost recovery

Jay is an environmental attorney with specialized expertise in the legal aspects of addressing environmental contamination and liabilities and related business issues. With a concentration in environmental transactional and administrative law, he represents developers, property and business owners, landlords and tenants, manufacturers and other clients on a broad range of environmental legal issues. This includes issues associated with environmental contamination and pollution related to the presence of hazardous substances and waste materials including per and polyfluoroalkyl substances (PFAS), chlorinated volatile organic compounds (CVOCs), including tetrachloroethene (PCE), and other contaminants.

Jay assists clients in the evaluation, allocation and avoidance of environmental liabilities in real property purchase and sale agreements, stock or membership interest purchase and sale agreements, and similar business transactions under federal and state environmental laws, including New Jersey's Industrial Site Recovery Act (ISRA) and Spill Compensation and Control Act (Spill Act), the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) statutes,

Underground Storage Tanks (UST) regulations, and the requirements of New Jersey's Site Remediation Reform Act and Licensed Site Remediation Professional (LSRP) program.

Highly knowledgeable regarding the acquisition, cleanup and redevelopment of contaminated properties and brownfield sites in New Jersey, Jay coordinates all aspects of compliance with requirements under the state's Brownfield and Contaminated Site Remediation Act and other statutes. He has extensive experience with retaining and overseeing the services of environmental consultants and engineers to perform pre-acquisition environmental due diligence, including Phase I Environmental Site Assessments, and environmental remediation activities in high-value real estate transactions. He negotiates on behalf of clients with regulatory agencies including the U.S. EPA and the New Jersey Department of Environmental Protection (NJDEP) and advises clients on potential cost recovery options.

Jay skillfully negotiates the environmental provisions in contracts, leases and loan documents, including purchase and sale agreements, environmental services agreements, as well as access agreements for the performance of environmental investigations and related mitigation and remediation activities. He assists in the pursuit of environmental insurance claims and in coordinating remediation expenses with insurance company representatives. He provides guidance on environmental conditions pertaining to the management of commercial properties, such as asbestos, mold and vapor intrusion. He also provides comprehensive counsel on compliance obligations, including those related to deed notice requirements, the use of institutional and engineering controls, remedial action permits, administrative consent orders (ACO), classification exception area (CEA) designations, and the biennial certification process.

Areas of Focus

Practice Areas

- Environmental
- Air Permitting
- Brownfield Cleanup & Redevelopment
- Contractual Allocation of Environmental Risks
- Environmental Compliance & EHS
- Environmental Due Diligence
- Environmental Insurance
- Environmental Issues in Lending Transactions
- Environmental Land Use Permitting
- Environmental Litigation & Dispute Resolution
- Federal & State Superfund & Lien Laws
- Environmental Government Enforcement Actions
- ISRA & Other Transaction-Triggered Environmental Laws

- Reimbursement & Financing of Cleanup Costs
- Remediation of Contaminated Properties
- Environmental Issues in Real Estate Transactions & Redevelopment

Industries

- Real Estate
- Regulated Products

Credentials

Bar Admissions

- New Jersey, 1989

Education

- Georgetown University Law Center, J.D., 1988
- State University of New York at Binghamton, B.A., 1985

Recognition

- Listed in *Chambers USA* (a publication of Chambers and Partners) in the Environment practice area (2015 – present)
- Listed in *The Best Lawyers in America* (a trademark of Woodward/White, Inc.) in the Environmental Law practice area (2013 – present)
- Listed in *New Jersey Super Lawyers* (a Thomson Reuters business) in the Environmental practice area (2006 – present)
- Martindale-Hubbell Peer Review Rated AV Preeminent (a trademark of Internet Brands, Inc.)

Experience

Representative Matters

- Counseled Amazon on large-scale retail and commercial developments totaling millions of square feet across multiple locations, advising on redevelopment approvals, PILOT agreements, environmental remediation, land use and zoning, construction permitting, and leasing matters.
- Representing L'Oréal USA in a national real estate and environmental engagement, the firm is providing support in the development and operation of large-scale renewable energy projects, including negotiation of long-term energy services agreements, community solar arrangements, and utility compliance for facilities in multiple states. Recent work includes advising on the development and opening of the client's flagship New Jersey Research & Innovation facility, featuring an onsite solar microgrid, battery storage, EV charging

infrastructure, and peak-shaving controls.

- Represented Veris Residential, Inc. in transactions involving the sale of three Class A office buildings, a mixed-use retail/commercial building, and a commercial development site in Jersey City. We served as real estate counsel on the mixed-use property and as New Jersey local counsel on the remaining assets. The firm also acted as environmental counsel across all transactions, negotiating provisions and facilitating the transfer of permits. The deals were collectively recognized by NAIOP NJ as the 2024 "Mixed-Use/Commercial Deal of the Year."
- Represented an affiliate of a multi-generational family-owned real estate firm in the development and $83 million sale of two Class A multifamily buildings in Rahway, securing land use approvals, negotiating redevelopment and financial agreements, advising on environmental remediation, and managing complex regulatory, title, and permitting issues through closing.
- 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 ISRA.
- Advising a national media and information company on ISRA compliance and PFAS related contamination issues at multiple New Jersey facilities, including pursuing claims against former owners and managing environmental issues in property dispositions.
- Representing a multinational climate-control manufacturer in long-running regulatory proceedings with the NJDEP, including negotiating settlements, overseeing ISRA compliance, and pursuing insurance coverage for environmental liabilities.
- Representing the country's largest ready-mix concrete supplier in environmental and ISRA compliance matters related to real estate and stock acquisitions in New Jersey, including oversight of remediation obligations for acquired properties.
- Serving as New Jersey environmental counsel to a multinational specialty coatings manufacturer in connection with ISRA compliance, remediation liability allocation, operating permits, and the acquisition and disposition of environmentally complex properties.
- Served as environmental counsel on the remediation and redevelopment of the former General Motors assembly plant in Linden, including regulatory strategy, brownfield remediation, and state incentive negotiations. Secured a multi-million-dollar redevelopment grant and obtained full reimbursement approval from state authorities as the project generated significant tax revenue through national retail tenancy.
- Representing Avery Dennison in addressing legacy environmental liabilities at a New Jersey manufacturing site, including multi-property groundwater contamination, allocation among potentially responsible parties, and emerging contaminants.

Affiliations

Memberships

- New Jersey State Bar Association

Personal

- Temple Beth Shalom, former President (2019 - 2021)

Insights & More

Announcements

Thirty-One Greenbaum Attorneys Selected for Inclusion in 2027 Edition of New Jersey Super Lawyers
10.12.26

2027 Edition of Best Lawyers Recognizes 50 Attorneys in 38 Practice Areas
8.20.26

Chambers USA 2026 Recognizes Greenbaum, Rowe, Smith & Davis Across 10 Practice Areas and 18 Individuals
6.04.26

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

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

Greenbaum, Rowe, Smith & Davis Recognized as Member of 2023 New Jersey Future Smart Growth Award-Winning Team for Downtown Westfield Redevelopment Project

8.03.23

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

Publications

Commercial Real Estate Transactions in New Jersey
2019