

Data Center Development & Infrastructure

Greenbaum's multi-disciplinary data center development and infrastructure team serves as both lead counsel and local New Jersey counsel in providing comprehensive, New Jersey-focused legal support to developers, investors, operators, and financing parties involved in the siting, construction, and operation of mission-critical digital infrastructure. Our attorneys combine regulatory depth with transactional efficiency to help clients overcome New Jersey's unique legal and commercial challenges and advance their strategic objectives for private enterprise, shared colocation, massive hyperscale, and localized edge data center projects. Whether supporting a single-site development or a multi-state portfolio, our role as trusted counsel ensures that projects are successfully executed on the ground.

The firm regularly acts as local New Jersey counsel to national and international law firms and developers, delivering jurisdiction-specific insight that is essential to executing complex, time-sensitive data center projects. We provide guidance as lead counsel on New Jersey-centric projects, including those that are not part of a national portfolio. Our work also encompasses the acquisition and redevelopment and/or retrofitting of existing facilities to incorporate clean energy technologies, assisting clients who are transitioning their facilities to fuel cells in lieu of fossil fuel generators.

Regardless of the size and nature of the project, our work in the data center sector leverages the firm's cross-functional experience in land use, environmental, energy, and commercial real estate issues, as well as project financing and tax incentives. We provide counsel on community engagement as a critical legal and strategic priority to avoid opposition and garner local support for project development.

In addition, Greenbaum's team assists owners and operators with ongoing energy procurement issues, utility regulatory frameworks, and infrastructure matters that may arise after a facility becomes operational.

Local Counsel Advantage

We understand the urgency and scale of data center development and deliver responsive, coordinated support that keeps projects moving forward. As New Jersey local counsel, we provide:

- Seamless integration with lead counsel and client teams

- Efficient execution of state-specific workstreams
- Value-added relationships with state agencies, municipal boards, local governments, municipal and public utilities, and regulators
- Practical, business-oriented guidance grounded in New Jersey practice

Site Selection, Land Use & Entitlements

We guide clients through New Jersey's complex and highly localized land use approval processes, including:

- Zoning and redevelopment area analysis
- Site plan and variance approvals
- Planning and zoning board representation
- Redevelopment agreements and Payment in Lieu of Taxes (PILOT) agreements
- Coordination with state and local agencies
- Community engagement strategies

Environmental Compliance & Permitting

We provide strategic counsel on environmental permitting and regulatory compliance, including:

- New Jersey Department of Environmental Protection (NJDEP) permitting, including air, water, wetlands, and Coastal Area Facility Review Act (CAFRA) permitting
- Environmental due diligence and environmental risk allocation
- Brownfield redevelopment and remediation
- Flood hazard and coastal zone regulations
- Environmental, Social, and Governance (ESG) frameworks and sustainability considerations

Energy, Utilities & Infrastructure

We advise on the full spectrum of power and utility issues critical to data center development and operations, including:

- Utility interconnection strategy and capacity procurement in constrained service territories
- Coordination with electric and gas utilities and the New Jersey Board of Public Utilities (NJBPU)
- Natural gas supply and liquefied natural gas (LNG) backup systems
- Alternate and clean generation technologies including fuel cell systems
- Water supply, water allocation, and permitting for reuse and emerging water conservation technologies
- Regulatory compliance with state and federal agencies, including the NJBPU, the Federal Energy Regulatory Commission (FERC), PJM and other regional transmission organization (RTO) frameworks

- Power purchase agreements (PPA), energy services agreements (ESA), and other energy procurement arrangements
- Transmission planning, infrastructure upgrades, and grid-capacity considerations
- Utility service agreements, interconnection agreements, and transmission-related regulatory matters

Project Finance & Real Estate Structuring

Serving as local or lead counsel to lenders, sponsors, and institutional investors, we support:

- Acquisition, site control, leasing, and ground lease structures
- Construction and permanent financing transactions
- Title, survey, and New Jersey-specific real estate diligence
- Opinion letters and closing support
- Coordination with national counsel on multi-state portfolios
- Engineering, procurement and construction (EPC) and related project development agreements
- Utility, access, easement, and right-of-way agreements

Tax Incentives & Economic Development Programs

Our team helps clients maximize available financial incentives to address project financing gaps, including:

- New Jersey Economic Development Authority (NJEDA) programs
- Municipal tax abatements and related agreements
- Renewable energy credits, clean energy incentives, and carbon reduction programs

Alternative and Onsite Generation Technologies

We have a deep understanding of energy-related technologies, including:

- Fuel cell deployments and their regulatory treatment in New Jersey
- Behind-the-meter generation strategies and microgrid configurations
- Integration of solar, battery storage, fuel cell, combined heat and power (CHP), and hybrid energy solutions
- Permitting and air compliance for backup and primary generation systems

Community Engagement & Risk Avoidance

A defining feature of the firm's approach is our proactive and strategic focus on community engagement, which is essential in New Jersey – where local boards and public sentiment can materially affect outcomes – to help avoid unexpected opposition, minimize delays, and maintain project momentum. We assist clients with:

- Developing early-stage engagement strategies with municipal officials and stakeholders
- Identifying and addressing potential community concerns before they become formal objections

- Coordinating messaging around noise, traffic, aesthetics, and environmental impact
- Supporting public hearings and approval processes with well-prepared, defensible records

Our attorneys have represented clients in projects involving hyperscale campus developments requiring complex land approvals, colocation facilities in redevelopment zones with structured tax agreements, energy-intensive facilities utilizing onsite generation and dual-fuel systems, multi-hundred-million-dollar financings with national lenders, and the conversion of brownfield sites into mission-critical infrastructure.

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Experience

Representative Matters

- Serving as New Jersey counsel to a leading sustainable infrastructure investment firm in the acquisition, financing, and development of fuel cell, solar, and battery storage projects supporting high-demand data centers, with project investments exceeding \$200 million.
- Representing the developer and lender in the planning and development of an AI data center and on-site energy generation facility in southern New Jersey, providing regulatory, land use, environmental, leasing, real estate and energy law counsel. Contributed to proactive community engagement, and supporting local, state, and utility approvals and permitting for this large-scale, infrastructure-intensive \$1.7 billion project investment.
- Represented a major real estate investment firm in structuring a \$322 million mixed-use data center, residential, and commercial development project, drafting reciprocal easement and condominium governance documents to support multi-owner conveyances and future buildout.
- Advised a global telecommunications company on high-capacity electric infrastructure for a large data center project, negotiating arrangements across multiple utility service territories and coordinating substation

interconnections.

- Provided transactional counsel to the owner and landlord of colocation data centers and negotiated energy supply agreements.

Insights & More

Client Alerts

New Jersey EDA's Next NJ Program - AI Continues to Make Tax Incentives Available to Artificial Intelligence Data Centers

1.07.26

Seminars & Events

Managing the Boom: Planning Tools for Data Center Impacts in New Jersey

6.11.26

AI Data Centers at Scale: Environmental Constraints, Regulatory Frameworks, and Integration with Next Generation Energy Technologies

5.21.26