

Parking Demand & Other Special Considerations

While the core of any land use application is legal compliance, the success of a project often hinges on its ability to address certain highly specific and potentially contentious special considerations raised by a municipality and its residents. Parking, population density, type of use, existing infrastructure and traffic management are not merely technical details; they are critical factors that require a strategic legal approach. The firm's team has specialized expertise in navigating these nuanced issues and assisting in the development of viable solutions. We have a strong record of success in effectuating redevelopment projects on behalf of our clients.

Parking is critical to redevelopment projects however it is also a frequent flashpoint in local land use hearings. In traditional development, the construction of surface parking is an environmentally undesirable but cost-efficient use. In redevelopment, especially in downtowns or urban centers, structured parking is a more desirable environmental solution, although it carries significantly higher construction and maintenance costs. The firm is experienced in crafting and negotiating creative, cost-conscious legal parking concepts including leveraging shared parking opportunities, third-party parking license agreements, payment-in-lieu-of-parking (PILOP) opportunities, and right-sizing parking spaces (both in quantity and dimension).

For projects that seek to exceed the allowed population density, we guide clients through the often-challenging use variance application process. We craft a compelling legal argument showing how the proposed density satisfies the "special reasons" test under the Municipal Land Use Law and will not create a substantial detriment to the public good. We also advise on opportunities to secure density bonuses offered by municipalities to promote smart growth, green buildings, or public amenities.

A municipal board's primary concern is often a project's impact on local traffic, making traffic impact a significant consideration. Our team helps coordinate the preparation of comprehensive traffic impact studies to ensure that the project's ingress and egress are safe and that any off-site impacts can be appropriately mitigated. We work to ensure that traffic-related conditions of approval are fair and proportionate to the project's actual impact.

Our attorneys are skilled at addressing community concerns in a respectful yet firm manner. We coordinate closely with clients to manage public hearings and stakeholder engagement to build a stronger case, minimize opposition, and ensure that a project's merits are not overshadowed by public misconceptions.

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Experience

Representative Matters

- Representing an affiliated entity of a full-service real estate development, construction, and property management firm in a \$50 million mixed-use development in South Orange, securing amended site plan and parking approvals for commercial tenants through streamlined hearings before a highly regulated municipal planning board.
- Represented Soojian Brothers Construction, a family-owned general contracting firm specializing in commercial projects, related to its redevelopment of a blighted former gas station in Pompton Lakes into a 23-unit mixed-income multifamily project. Our work included the negotiation of amendments to an existing redevelopment plan, a redevelopment agreement, a tax exemption/financial agreement, and an off-site parking license agreement, as well as the difficult negotiation of easements with a neighboring property owner and the

County of Passaic.

- Advised the Morristown Parking Authority for over four decades, preparing and negotiating parking license agreements, easement agreements, and other parking-related instruments on behalf of the Authority, periodically serving as counsel to the Authority at its Board of Commissioners' meetings, and leading legal strategy for more than \$400 million in downtown redevelopment, including the \$100 million Headquarters Plaza project and the \$300+ million Epstein mixed-use redevelopment portfolio.

Insights & More

Publications

Developing Parking Facilities in the Modern Day: Preparing for the Future

April 2017

Parking Matters, Designing, Operating and Financing Structured Parking in Smart Growth Communities

July 2006

Mixed Use Is the Key to Downtown Success

February 2003

Downtown Living is on the Rise

Summer 2002

Seminars & Events

Navigating Redevelopment Law in NJ: What You Need to Know

10.28.24

Putting Parking in Its Place

6.06.24

The Impact of Electric Vehicles on Commercial Real Estate

2.14.23

Right-Sizing It: The Challenges and Opportunities of Parking for Redevelopment Projects

6.15.22

Planning for Parking

5.25.21

Advanced Topics in Land Use - Permits, Parking, Pot, Standing and Design

11.22.20

Evolving Markets and Lagging Policies in Land Use and Redevelopment

1.25.18

The Future of Parking, Today

3.10.17