

## Services & Industries

# Environmental and Land Use

## OVERVIEW

Day Pitney's Environmental and Land Use attorneys are experienced in all facets of environmental issues and real estate development. Since the 1970s, we have successfully defended clients in major toxic tort cases, including large class action and multiparty suits. Active in national Superfund cases since 1981, when the first Superfund cases were filed, we often have a leading role in defending potentially responsible parties, whether as PRP common counsel or as counsel to an individual entity in complex cost-recovery and allocation litigation. We also assist corporate, developer and institutional clients navigate the local, state and federal regulatory and permitting process. Though having a national practice, Day Pitney attorneys are experienced and actively involved in New Jersey, Connecticut and Massachusetts—states known for their complicated yet innovative land use and environmental regulations.

Day Pitney is also actively engaged in land use litigation either defending development approvals or challenging denials. Given some of the high-profile victories on behalf of clients, Day Pitney was recognized as the Real Estate Litigation Group of the Year in 2014. Day Pitney stays connected to the development community by being actively involved in various organizations such as NAIOP and the New Jersey Builder's Association.

Our environmental and land use lawyers can help with environmental permitting, auditing, management systems, emergency planning and counseling on federal, state and local requirements. We draw on our close working relationships with federal, state and local environmental and land use agencies and our tracking of current developments to maximize our value to you.

Areas of focus include the following:

- Buyers and sellers and landlords and tenants with respect to the environmental aspects of transactions involving raw land, office buildings, industrial facilities and retail centers
- Disputes among current site owners, tenants and former owners over responsibility for cleanup actions and related costs
- Condemnation matters involving complex valuation issues arising from the presence of environmental contamination

- Land use litigation, including real property tax appeals, riparian rights, tax foreclosures, condemnation, eminent domain and valuation litigation
- Regulatory enforcement, including actions involving air, water, storm water, hazardous and solid waste, spill prevention, toxic release reporting, chemical importing and labeling and related penalty assessments
- Federal and state claims for natural resources damages due to soil, surface water, groundwater and sediment contamination
- Criminal environmental enforcement matters, including matters with potential criminal implications
- Litigation associated with all aspects of property acquisition and development, including zoning, planning and permitting
- Prosecution and defense of personal injury, property loss and business interruption claims relating to environmental conditions, including mass tort actions & citizens' suits for all environmental media
- Matters involving wetlands and water allocation issues

## **EXPERIENCE**

- Represented a national pharmacy chain and retail chain in obtaining permitting for stores throughout New Jersey and Connecticut
- Represented regional and national developers in commercial, industrial and retail developments in New Jersey, Connecticut and Massachusetts
- Represented multiple Fortune 100 Companies on land use and zoning matters pertaining to the development, redevelopment and repurposing of corporate campuses and facilities in New Jersey
- Represented a prominent university in land use permitting and zoning matters pertaining to the university campus and facilities in Connecticut
- Represented various developers on redevelopment projects, including negotiating redeveloper agreements, PILOT agreements, and tax abatements in both New Jersey and Connecticut
- Represented a national affordable housing developer and other residential developers in compliance with New Jersey affordable housing regulations and development of affordable housing projects, including those financed through the Low Income Housing Tax Credit program
- Represented a national alternative energy company in land use permitting and zoning matters in New Jersey

- Represented private golf and country clubs with land use permitting and zoning matters in New Jersey
- Represented corporate clients on federal and state incentives for developer projects

## INSIGHTS

### **Proposed Amendments to NJ Ground Water Quality Standards**

January 5, 2024

*Day Pitney Alert*

### **New Interim NJDEP Soil Remediation Standards for GenX Chemicals**

June 20, 2023

### **Connecticut Legislature Passes Environmental Justice Siting Bill**

June 12, 2023

*Day Pitney Alert*

### **Supreme Court Curtails Federal Jurisdiction Over Wetlands Under Clean Water Act**

June 7, 2023

*Day Pitney Advisory*

### **"Perspectives on the Intersection Between ESG and Environmental Justice," CBIA 2023 Energy and Environment Conference**

June 15, 2023

On June 15, Day Pitney Environmental and Land Use Partners Harold Blinderman and Kirstin Etela will be speaking on the "Perspectives on the Intersection between ESG and Environmental Justice," panel at the CBIA 2023 Energy and Environment Conference.

## NEWS

### **Day Pitney Names New Chairs of Cannabis Practice Group**

January 17, 2024

*Day Pitney Press Release*

### **What They're Saying About South Florida Real Estate**

December 21, 2023

Day Pitney Miami Real Estate Partner Daniel Diaz Leyva was featured in the *Law360* article, "What They're Saying About South Florida Real Estate."

## **'Playing with the House's Money': How Buyers, Sellers Are Closing Deals**

November 20, 2023

Day Pitney Real Estate Partner Daniel Diaz Leyva was featured in *The Real Deal* article, "'Playing with the House's Money': How Buyers, Sellers Are Closing Deals."

## **Day Pitney Receives Top Rankings in U.S News & World Report's – Best Lawyers "Best Law Firms" for 2024**

November 2, 2023

*Day Pitney Press Release*

## **Day Pitney Represents Foxfield in Connection with its Construction Financing for the Development of Lower Bucks Logistics Hub**

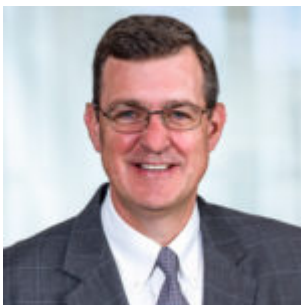
September 29, 2023

Day Pitney congratulates Foxfield LLC on its recent groundbreaking of the Lower Bucks Logistics Hub, a two-building, best-in-class, 814KSF development in Middletown Township, PA.

## **CONTACTS**



Elizabeth C. Barton  
Hartford, CT  
[ecbarton@daypitney.com](mailto:ecbarton@daypitney.com)  
T: (860) 275 0371



Todd W. Terhune  
Parsippany, NJ  
[tterhune@daypitney.com](mailto:tterhune@daypitney.com)  
T: (973) 966 8040