

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

"Doing Well by Doing Good"

August 3, 2022

Day Pitney is a sponsor of the New England Women in Energy and the Environment (NEWIEE) 2022 Women Shaping the Agenda Event, "Doing Well By Doing Good," taking place on August 3 at the University of St. Joseph in West Hartford, CT. This year's event is about the business of ESG and how it's driving positive change in energy and the environment.

NJDEP Proposes New Rules Implementing New Jersey's Environmental Justice Law

June 14, 2022

Day Pitney Alert

"A New Release-Based Clean-Up Program: Status, Process & Next Steps," CBIA's 2022 Energy & Environment Conference

June 2, 2022

On June 2, at the CBIA's 2022 Energy & Environment Conference, Day Pitney Environmental and Land Use partner Harold Blinderman is moderating the panel, "A New Release-Based Clean-Up Program: Status, Process & Next Steps," and Elizabeth C. Barton, partner and Chair of the Environmental practice, is a panelist, along with speakers from CT DEEP's Environmental Quality Branch and Water Protection and Land Use division and BL Companies.

NJDEP Announces Emergency Rulemaking to Flood Hazard Area Control Act Rules

June 1, 2022

Day Pitney Alert

"P3 Partnerships: A Path for Progressive Development," CoreNet NJ

May 18, 2022

On May 18, Day Pitney New Jersey Real Estate Partner Peter Wolfson was a panelist on the "P3 Partnerships: A Path for Progressive Development," panel at a CoreNet NJ event.

NEWS

Day Pitney Prevails in Overturning Zoning Board Denial of a Use Variance Application

July 11, 2022

Day Pitney Press Release

Chambers USA 2022 Ranks 34 Day Pitney Attorneys and 13 Practices

June 1, 2022

Day Pitney Press Release

Ashley Membrino Elected to Board of Directors for the Hartford County Bar Association

May 25, 2022

Day Pitney Hartford Attorney Ashley Membrino has been elected to the Board of Directors for the Hartford County Bar Association (HCBA).

Day Pitney's New Environmental Vice Chair on Role

April 27, 2022

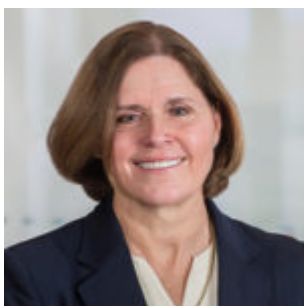
Day Pitney Environmental Partner Todd Terhune was featured by *Law360 Pulse* in a Q&A article discussing his arrival to the firm and his position as Vice Chair of the Environmental practice.

Day Pitney Adds Terhune as Partner, Vice Chair of Environmental Team

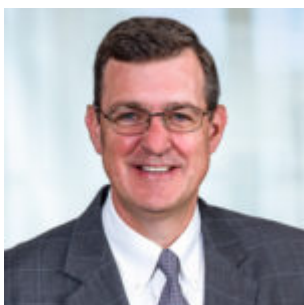
April 26, 2022

Environmental partner Todd Terhune's arrival to Day Pitney was featured in *Real Estate NJ* article, "Day Pitney Adds Terhune as Partner, Vice Chair of Environmental Team."

CONTACTS



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



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