

**COMMERCIAL REAL ESTATE  
TRANSACTIONS IN NEW JERSEY**

**FOURTH EDITION**

**JACK FERSKO, EDITOR**

**VOLUME I**

NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION  
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## Preface to Fourth Edition

I have always enjoyed history. It provides one with a foundation upon which to develop, and it gives one an added perspective upon which to examine contemporary events. The practice of real estate law, more than any other area of the law, offers the practitioner an opportunity to study and become a part of history.

Real estate lawyers review history daily when examining title documents and surveys, and participate in writing history when preparing deeds, easements, and other land encumbrances, and when, together with many other professionals, they create land developments. With every new transaction, real estate lawyers have the opportunity to examine the origins of a parcel and how it was shaped through time, and to create a landscape that will be the history of future generations.

Some 25 years ago or more, the New Jersey Institute for Continuing Legal Education (ICLE) approached me with the idea of creating one comprehensive treatise dealing exclusively with New Jersey real estate issues. It was a terrific idea that now results in our Fourth Edition. As I look back on this period of my history as a lawyer, I am most struck by the terrific relationships that I have been so fortunate to have forged with many of my colleagues. What often started as “adversaries” in a real estate transaction, resulted in life-long friendships.

ICLE has assembled a group of expert practitioners to author the chapters that follow. Their dedication to excellence made my work as Editor in Chief quite easy. And my task was further facilitated by the extraordinary efforts of both Donna Chamberlain and Anna Majewicz. Together, Donna and Anna kept all of us who contributed to this treatise on task, and, from a personal standpoint, provided great editing and administrative assistance, thereby easing my burden. Donna and Anna both are remarkable professionals.

*Commercial Real Estate Transactions in New Jersey*, Fourth Edition, is designed to provide valuable assistance to both the young as well as the skilled practitioner. The work addresses many of the primary and complex issues that require attention in contemporary real estate transactions, and covers the complete landscape of the commercial real estate transactions field, including conveyances, leasing, financing, title, land use and redevelopment, environmental, commercial condominiums and co-ops, construction and development, tax planning for commercial real estate transactions, bankruptcy and foreclosure, brokerage, and public financing. In addition, the Fourth Edition has added a new chapter addressing commercial real estate tax appeals. Since the Third Edition there have been several significant changes in the real estate field that are addressed in this new edition, including new landmark federal tax legislation, the further expansion of the bulk transfer tax provisions, and the many changes in the field of redevelopment law and related public financing. There are also many forms that are included in the treatise to provide the user with a starting point for contract drafting; however, the reader is cautioned that every transaction has its own peculiarities, so that the forms should be viewed as just that — a starting point, requiring modification to address the demands of the transaction at hand.

I have a true love for the law that has been cultivated by my very dear mentor, friend and partner Henry Farer. I feel extremely fortunate to be able to participate in a truly decent, and intellectually stimulating and challenging profession. I still find myself enthusiastic about each new deal and the daily challenges presented by the practice of real estate law. But more importantly, I am blessed with a wonderful family. My children, Allison, Seth, our daughter-in-law Diana, our son-in-law Matt, and my wonderful partner in life, my wife Helene, are my bedrock and inspiration. It is to them that I dedicate this Fourth Edition.

Jack Fersko

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## ABOUT THE AUTHORS

**FRANK T. ARAPS** is a member of Herold Law P.A. Mr. Araps concentrates his practice in engineering and construction law, project risk allocation and management, contract preparation and development, and the negotiation, litigation, arbitration, and mediation of construction, corporate, and commercial disputes and claims. Mr. Araps has extensive experience in the analysis, negotiation, arbitration, and litigation of complex engineering, construction, and public bid disputes. He has represented public and private owners, architects and engineers, contractors, suppliers, and professional errors and omissions carriers before state and federal courts, federal boards of contract appeals, and the United States Court of Federal Claims. Mr. Araps has represented construction industry participants involved in projects related to hotels and casinos, high-rise condominiums, schools, utility projects, heavy and highway construction, bridge projects, airports, hospital and medical centers, urban downtown redevelopment, and residential subdivision, multi-family and luxury dwelling units. He has litigated and arbitrated hundreds of trial and hearing days defending and recovering millions of dollars for public and private owners, contractors, suppliers, architects, and engineers.

In addition to his daily practice, Mr. Araps has researched, written, lectured, and presented seminars to construction professionals on construction law and claims management across the country and throughout New Jersey. He has also devoted many years of pro bono service to nonprofit charitable organizations.

Mr. Araps received his J.D. from Rutgers Law School – Newark in 1977. He attended Rutgers, The State University of New Jersey, School of Engineering, where he received his B.S., *cum laude*, in Civil and Environmental Engineering in 1974. Mr. Araps is admitted to practice in New Jersey and to appear before the United States District Court for the District of New Jersey and the United States Court of Federal Claims.

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Ms. Babineau has also represented utility companies in a variety of litigation and appeals, including rate cases, approvals of mergers, and interconnection disputes. She is the former chair of the Public Utility Law Section of the New Jersey State Bar Association.

Ms. Babineau graduated from Seton Hall University School of Law and is admitted to practice in New Jersey and New York, and before the United States Court of Appeals for the Third Circuit.

**STEPHEN E. BARCAN** is retired from the practice of law. He is a former Administrative Shareholder and past chair of the Land Use/Environmental Department at Wilentz, Goldman & Spitzer, P.A. His practice areas included land use and environmental law, municipal law, and administrative law. Mr. Barcan represented firm clients on matters including site plan approvals, variances, subdivisions, developer agreements, access permits, rezoning applications, environmental permits, and appeals and related litigation for all types of development. He appeared before municipal and county boards and state and regional

agencies. Projects on which he provided counsel included regional malls; Planned Unit Developments; major publishing plants; distribution centers; petroleum terminals, refineries and service stations; office parks; supermarkets; health care facilities; corporate headquarters; religious institutions; and a variety of residential, commercial, and manufacturing and other industrial projects.

Mr. Barcan is a former member of the Board of Trustees of the Edison Arts Society. He is also past chair of the Land Use Section of the New Jersey State Bar Association.

Mr. Barcan received his B.A. from Columbia College in 1963 and his J.D., *cum laude*, from Rutgers Law School in 1966. He was admitted to practice in New Jersey and to the United States District Court for the District of New Jersey in 1966, and to the United States Court of Appeals for the Third Circuit in 1972.

**RUSSELL B. BERSHAD** is a senior Director in the Gibbons P.C. Real Property Department. He is the immediate Past Chair of the Department, which he led for over 15 years. For over 35 years his practice has been concentrated on complex property acquisitions and dispositions, financing, development and redevelopment projects, including tax abatements and tax incremental financing, office, industrial, retail, and ground leases, and counseling with regard to real estate joint ventures.

Admitted to practice in New Jersey, Pennsylvania, and Florida, and before the United States District Court for the District of New Jersey, Mr. Bershad is a member of the New Jersey State Bar Association and the National Association of Industrial and Office Properties. He has been an Adjunct Professor at Seton Hall University Law School, teaching real estate financing, and is a contributing author to the *New Jersey Transactions Guide*, *Commercial Real Estate in New Jersey*, and the *Lease Negotiation Handbook*. Mr. Bershad has written frequently for the *New Jersey Law Journal* and other publications and lectured on various real estate topics for ICLE and other organizations. He is a member of the American College of Real Estate Lawyers and is listed among real estate lawyers in the most recent editions of *New Jersey Super Lawyers*, *Chambers USA: America's Leading Lawyers for Business*, and *The Best Lawyers in America*®.

Mr. Bershad received his B.A. from the University of Pennsylvania and J.D. from Rutgers Law School. He was a law secretary to the Honorable Herbert Horn, New Jersey Superior Court, Appellate Division.

**STEVEN COHEN** is a partner with the Hackensack law firm of Tesser & Cohen. Mr. Cohen concentrates his practice in the areas of construction, surety law, commercial litigation, construction lien law, construction arbitration, contractor performance and payment bonds, construction defects, and construction litigation. He has broad experience representing private owners, engineers, architects, general contractors, and trade contractors in all stages of the construction process, including project structuring advice, contract negotiation and drafting, contract administration, state and federal trials, and alternative dispute resolution. He is skilled in the negotiation and preparation of construction contracts and general conditions, trade contracts, and joint venture agreements, and has substantial experience with domestic projects, primarily consisting of municipal and commercial buildings. In addition to his work as a litigator, Mr. Cohen is a frequent lecturer on construction law and author of several periodicals relating to construction law issues.

Mr. Cohen is admitted to the bars of New Jersey and New York and before the United States District Courts for the District of New Jersey and the Eastern and Southern Districts of New York. He is a Past Co-Chair for the New Jersey State Bar Association (NJSBA) Construction Law Section and is a New Jersey Rule 1:40 Qualified Mediator. Mr. Cohen has been selected for inclusion to *New Jersey Super Lawyers* in the field of Construction Surety Law for 2008 through 2019 and to the "Top 100" *New Jersey Super Lawyers* since 2016. He is also listed in *Who's Who Legal: Construction* for 2019.

Mr. Cohen attended the State University of New York at Binghamton, where he received his B.A. in 1984. He received his J.D. from St. John's University in 1987. Mr. Cohen is a member of the Bergen County Bar Association, NJSBA's Construction Law Section, American Bar Association (Public Contract Law; Litigation; Forum Committee on the Construction Industry), and Association of Trial Lawyers of America.

**MARK CONLAN** is a director of Gibbons P.C. and a member of the firm's Financial Restructuring and Creditors' Rights Department.

Mr. Conlan has extensive experience representing fiduciaries in insolvency proceedings, including debtors-in-possession, trustees in all aspects of bankruptcy cases, bankruptcy litigation, and debtor-creditor matters. Mr. Conlan has been recognized by *Chambers USA Guide to America's Leading Lawyers for Business* and *New Jersey Super Lawyers* as a leader in bankruptcy, restructuring, and creditor/debtor rights.

Mr. Conlan has extensive experience litigating fraudulent and preferential transfer actions. His representations include former New Jersey Chief Justice James R. Zazzali in his capacity as Chapter 11 trustee and post-confirmation litigation trustee of the DBSI Estate Litigation Trust. DBSI Inc. and its affiliates consisted of a conglomerate of hundreds of real estate entities with listed assets valued at over \$2.65 billion at the time of their bankruptcy filing in November 2008. Mr. Conlan led the team of Gibbons lawyers that commenced more than 850 avoidance actions on behalf of the DBSI Estate Litigation Trust.

Mr. Conlan received his B.A. from William Paterson University. He received his J.D., *magna cum laude*, from Seton Hall University School of Law, where he was a member of the *Seton Hall Constitutional Law Journal* and a recipient of an Academic Award - Real Property.

**THOMAS J. DENITZIO, JR.** is a partner at Greenbaum, Rowe, Smith & Davis LLP in Woodbridge, New Jersey where he co-chairs the Real Estate Department and serves as Chair of the Real Estate & Commercial Financing Transactions Practice Group.

His practice focuses on the sale, acquisition, leasing, and mortgage financing of commercial and industrial real estate. He also represents clients in property tax appeals, mortgage foreclosures and workouts, tax sale certificate foreclosures, and condemnation valuation hearings.

A longtime and active member of the Middlesex County Bar Association, Mr. Denitzio is a Past President of the Association and a former Co-Chair of the Real Estate Committee. He lectures regularly at MCBA CLE events, including his annual seminar on "Recent Developments in Real Estate." Mr. Denitzio was honored with the MCBA's Transactional Practice Award in 2014 and again in 2018 with the MCBA's annual Lawyer Achievement Award. Mr. Denitzio is also a member of the New Jersey State Bar Association and an affiliate member of the Appraisal Institute, Metro New Jersey Chapter.

Mr. Denitzio received his undergraduate degree from Lafayette College and his law degree from the Cornell University School of Law.

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As a member of the firm's Real Estate Practice Group, Mr. Dowd represents both landlords and tenants in preparing and negotiating office, industrial, and retail leases for properties throughout the United States. He represents institutional investors, national developers, and corporate users in the structuring and implementation of complex real estate transactions, development of major real estate projects, and acquisition and disposition of real estate investments and portfolios.

Mr. Dowd handles and supervises the due diligence and transfer of real estate assets involved in mergers and acquisitions, including facilities located in the United States, Europe, Asia, and South America.

Mr. Dowd has served as a lecturer for numerous programs for ICLE and for the Rutgers Business School on various aspects of commercial real estate transactions. He serves on the advisory board of Rutgers Business School's Center for Real Estate.

Mr. Dowd is ranked in Band 1 of *Chambers USA* "Leaders in their Field" for 2004-2018 and has been selected for inclusion to *New Jersey Super Lawyers* for 2005-2019. He is also listed in the 2007-2019

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Mr. Dowd received his J.D. from Georgetown University Law Center and his B.S. from Rutgers University.

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Mr. Falk holds three LLM degrees from New York University: Taxation, Corporation Law (bankruptcy and securities law), and Trade Regulation (intellectual property and antitrust law). He is the author of several books on taxation, including two *Tax Management Portfolios*™, is a frequent contributor to professional journals, and is a speaker at tax and related conferences in the United States and abroad. He has taught at Rutgers University, Seton Hall University, and Farleigh Dickinson University.

**JACK FERSKO** is a partner of Greenbaum, Rowe, Smith & Davis, LLP where he Co-Chairs the Real Estate Department and the Alternative Energy & Sustainable Development Practice Group, and Chairs the Cannabis Industry Practice Group. Mr. Fersko is also a member of the firm’s Management Committee and Compensation Committee. He has over 40 years of experience as a commercial real estate and general business lawyer. His legal services emphasize industrial and commercial real estate acquisition, financing, disposition and leasing; acquisition, redevelopment and disposition of environmentally contaminated properties; the impact of environmental issues on real estate and business transactions; urban redevelopment; cannabis (growing, processing and dispensing) related issues (including property acquisition, licensure, banking and finance); and sustainable development, including solar alternative energy EPC, lease, O&M and PPA agreements.

Mr. Fersko is a Fellow in the prestigious American College of Real Estate Lawyers (ACREL), where he serves as Chair of the Programs Committee, is a past member of ACREL’s Board of Governors and is a past Chair of the Land Use and Environmental Committee.

Mr. Fersko has chaired and participated on numerous committees of NAIOP-NJ and the New Jersey Home Builders Association. He is a member of the Board of Trustees of NAIOP-NJ, was a part of the winning team of professionals receiving the highly coveted 2016 “Industrial Deal of the Year” award from NAIOP-NJ, received NAIOP-NJ’s 2006 Industry Service Award and is Past Chair of NAIOP National Environmental and Infrastructure Committee.

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Mr. Fersko lectures and writes extensively on real estate and environmental law for organizations and business groups including the New Jersey Institute for Continuing Legal Education, the American Bar Association, ACREL, IOREBA, NAIOP-NJ and NAIOP, and has been a guest lecturer at New York University’s and Columbia University’s graduate school real estate programs and Monmouth University’s



Kislak Real Estate Institute. In addition to his work on ICLE's Commercial Real Estate Transactions in New Jersey, he has also written chapters on environmental insurance for the ABA publication *Brownfields – A Comprehensive Guide to Redeveloping Contaminated Property*, and on environmental issues in sales and leases for the *Commercial Real Estate Transactions Handbook* (Aspen Press), among other publications.

Mr. Fersko graduated from Marietta College with a B.A. in 1975, and received his J.D. from Ohio Northern University in 1978.

**ALEXANDER FINEBERG** serves as Direct Operations Underwriting Counsel for Fidelity National Title Group in New Jersey, where he facilitates the closing of commercial real estate transactions. He is also a member of the three-person Editorial Board of the New Jersey Land Title Institute, where he worked on extensive revisions to the Fourth Edition of *New Jersey Title Practice*, a comprehensive treatise on New Jersey title insurance law. He previously worked in the New Jersey office of Westcor Land Title Insurance Company, where he provided guidance to a network of title insurance agents.

Mr. Fineberg is currently serving as a Vice Chair of the Real Property, Trust, and Estate Law Section of the New Jersey State Bar Association.

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**LAWRENCE J. FINEBERG** was graduated from Rutgers College, Rutgers University, in 1974 (A.B.) and from New York Law School in 1977 (J.D.). He is admitted to practice before the bars of New Jersey, New York, and the United States District Court for the District of New Jersey and the Southern and Eastern Districts of New York.

He serves today as Senior Vice President and Counsel for Fidelity National Title Group. Mr. Fineberg is the editor of *Title Talk*, a newsletter published periodically for the customers of Fidelity National Title Group. He has served as Editor-in-Chief of the Newsletter of the New Jersey State Bar Association (NJSBA)'s Real Property, Probate and Trust Law Section (1990-92) and has contributed a number of articles to that publication as well as to other publications, including *New Jersey Lawyer Magazine*.

In addition to being a member of the NJSBA, Mr. Fineberg is also a member of the New York State and American Bar Associations. He served as Chair of the NJSBA's Real Property, Probate and Trust Law Section (1994-95), has sat on the Section's Board of Consultants since 1989, and has been a delegate from that Section to the NJSBA's General Council. He received a Legislative Recognition Award from the NJSBA in 2006, and in 2011, he received the Arthur S. Horn Distinguished Service Award from the NJSBA's Real Property, Probate and Trust Law Section. Mr. Fineberg has been selected to *New Jersey Super Lawyers* in 2006, 2007, 2008, and 2009. In March 2015, he was elected a fellow of the American College of Real Estate Lawyers (ACREL).

Mr. Fineberg is a past president of the New Jersey Land Title Association (NJLTA) (1992-93) and was awarded the "Certified Title Professional" (CTP) designation by that organization in 1992. In June 2008 he received the NJLTA's Distinguished Service Award. In June 2009 he was appointed to the Board of Trustees of the New Jersey Land Title Institute.

Mr. Fineberg has been qualified as an expert witness on real estate title matters on numerous occasions before the Superior Court of New Jersey and the United States District Court for the District of New Jersey.

**KAREN A. GIANNELLI** is a Director of the firm of Gibbons P.C. and chair of the Financial Restructuring and Creditors' Rights Department. She is a Fellow, current Board Member, and the immediate past Third Circuit Regent of the American College of Bankruptcy, and was the first female Chair of the Bankruptcy Law Section of the New Jersey State Bar Association (NJSBA). More recently, she was elected a Fellow of the American Bar Foundation. She is a long-standing member of the Board of the Turnaround

Management Association's New Jersey chapter and is a past president and chairperson of that chapter. Ms. Giannelli has written on debtor-creditor issues and secured transactions and has lectured at educational programs sponsored by the Practising Law Institute, Law Education Institute, Glasser LegalWorks Seminars, Aspen Law & Business Seminars, Prentice Hall Law & Business Seminars, NJSBA, Essex County Bar Association, and NJICLE, among others. She has represented each of the significant constituencies in insolvency proceedings, including debtors-in-possession, trustees, and secured and unsecured creditors. Ms. Giannelli has been involved in several cases of import to the development of bankruptcy law in the Third Circuit, including *Bittner v. Borne Chemical Co., Inc.*, 691 F.2d 143 (3<sup>rd</sup> Cir. 1982); *Matter of Triangle Laboratories, Inc.*, 663 F. 2d 564 (3<sup>rd</sup> Cir. 1981); *In re American Family Enterprises*, 256 B.R. 377 (D.N.J. 2000); *Matter of Route 37 Business Park Associates*, 156 B.R. 640 (D.N.J. 1992); and *In re Elsinore Shore Associates*, 91 B.R. 238 (Bankr. D.N.J. 1988).

Ms. Giannelli has been featured in *New Jersey Monthly* as among the "Top 100" and "Top 50 Women" *New Jersey Super Lawyers* and in the *New Jersey Law Journal* as a prominent leader among women and minority attorneys in New Jersey. She is listed in *The Best Lawyers in America*®, Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law, and in *Chambers USA: America's Leading Lawyers for Business*.

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**DAVID S. GORDON** is a shareholder of Wilentz, Goldman & Spitzer, P.A., headquartered in Woodbridge, New Jersey, and with offices in Eatontown (NJ), New York City, and Philadelphia. He is a member of the Firm's Commercial Real Estate/Redevelopment Team.

Mr. Gordon is a Fellow of the American College of Real Estate Lawyers (ACREL), in which he served on the Board of Governors (2005-2010). He is past two-term Chair (2002-2003) and current member of ACREL's Leasing Committee, past three-term Chair of the Membership Development Committee (2004-2006), seven-term Vice Chair of the Programs Committee (2011-2018), two-term (2017-2018) Vice Chair and incoming 2019 Chair of the Communications Committee, and an active member of the Insurance Committee. He is also a member of the Faculty and Advisory Board of the Advanced Commercial Leasing Institute at Georgetown University Law Center in Washington, D.C. (Faculty/Advisory Board (2004-2014 and 2019); Co-Chair (2015-2018)).

Mr. Gordon was Co-Chair of the Legal Action Committee (2011-2014) for the New Jersey Chapter of NAIOP (Commercial Real Estate Development Association), two-term Co-Chair of the Legislative Committee (2008-2009), and was inducted into the NAIOP Hall of Fame in 2014 for his contributions to the commercial real estate industry in New Jersey. In addition to his contribution to *Commercial Real Estate Transactions in New Jersey*, he was the contributing editor for New Jersey to the first four editions of *State-By-State Guide to Commercial Real Estate Leases* (Wolters Kluwer Law & Business). He is a former adjunct professor at Rutgers Law School and has been a guest lecturer at the Kislak Real Estate Institute of Monmouth University.

Mr. Gordon earned his B.A. degree from Bucknell University and his J.D. from Columbia University School of Law, where he was a Harlan Fiske Stone Scholar.

**JOHN H. HAGUE** is a partner at Greenbaum, Rowe, Smith & Davis LLP in Woodbridge, New Jersey. He is a member of the firm's Real Estate Department and the Redevelopment and Land Use Department and

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From 2006 through 2011, Mr. Hague was a partner with Farer Fersko in Westfield, New Jersey, joining Greenbaum, Rowe, Smith & Davis LLP in January 2012, along with other partners and associates of Farer Fersko. From 2000 to 2005, Mr. Hague was in-house counsel for the Kushner Companies as Land Development Counsel and Associate General Counsel. Prior to that, he was a partner at Williams Caliri Miller & Otley in Wayne, New Jersey, for 20 years. From 1982 to 2000, he was the attorney for the Planning Board of the Borough of Kinnelon, and from 2003 through 2009, served as a member of the Planning Board of the Borough of Chatham, New Jersey.

Mr. Hague lectures frequently on issues related to land redevelopment, financing, and the development approval process in New Jersey. He received his A.B. in History, *magna cum laude*, from Lafayette College in 1974, where he was elected to Phi Beta Kappa. He earned his J.D. from University of Denver, Sturm College of Law, in 1976, and is licensed to practice law in New Jersey and Colorado.

**MARCIE R. HOROWITZ** is a member of the Environmental Law Department at Cole Schotz P.C. in Hackensack, New Jersey.

Ms. Horowitz concentrates on brownfields redevelopment and regulatory compliance with federal and state environmental laws. With a background in geology, she counsels clients on environmental issues associated with real estate and business transactions, including ISRA (Industrial Site Recovery Act) compliance and soil and groundwater remediation issues. Ms. Horowitz also has extensive experience in enforcement and regulatory issues related to air pollution control and hazardous waste management, including the negotiation of complex environmental permits and RCRA (Resource Conservation and Recovery Act) closure/corrective action issues.

Ms. Horowitz is the author of “The Federal-State Relationship Under RCRA,” in *The RCRA Practice Manual* (Third Edition), published by the ABA Section of Environment, Energy, and Resources. She has also served as an Adjunct Instructor in Legal Research and Writing at Seton Hall University.

Ms. Horowitz received her bachelor’s degree with highest honors from Douglass College, Rutgers University, in 1975. She received her law degree, *magna cum laude*, from the University of Pennsylvania School of Law in 1981, where she was the Editor-in-Chief of the *Law Review* and a member of the Order of the Coif. She received a master’s degree in Geology from Bryn Mawr College in 1988. Ms. Horowitz clerked for the Honorable Arlin M. Adams, United States Court of Appeals for the Third Circuit. She has been recognized by *Chambers and Partners* in the field of Environmental Law and has been accorded Martindale-Hubbell’s highest AV® rating.

**JAY A. JAFFE** is a partner at the law firm of Greenbaum, Rowe, Smith & Davis LLP, where he is the co-chair of the Environmental Department. Mr. Jaffe concentrates his practice 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.

Mr. Jaffe assists clients in the evaluation, allocation, and avoidance of liabilities under various federal and state environmental laws, including New Jersey’s Industrial Site Recovery Act (ISRA) and Spill Compensation and Control Act, the federal CERCLA statute, Underground Storage Tanks (UST) regulations, and the requirements of New Jersey’s Site Remediation Reform Act and its Licensed Site Remediation Professional (LSRP) program. He provides comprehensive counsel on compliance obligations and risk management options.

Mr. Jaffe is highly knowledgeable regarding issues associated with the acquisition, cleanup, and redevelopment of contaminated properties and brownfield sites. This includes the negotiation of

environmental provisions in contracts, leases, and loan documents. He has extensive experience in overseeing and coordinating environmental due diligence in real estate transactions, and has coordinated numerous environmental due diligence investigations involving multi-million-dollar transactions. Mr. Jaffe negotiates on behalf of clients with regulatory agencies including the U.S. Environmental Protection Agency and the New Jersey Department of Environmental Protection, and advises clients on potential cost recovery options. He also provides guidance on environmental conditions pertaining to the management of commercial properties, such as asbestos, mold, and vapor intrusion.

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Ms. Jennings is a member of the Middlesex County Bar Association, New Jersey Builders Association's Land Use and Redevelopment Committee and Affordable Housing Task Force, National Association of Office and Industrial Properties, and the International Council of Shopping Centers. Ms. Jennings is also Trustee-at-Large of the Board of Directors of the New Jersey Women Lawyers Association. Ms. Jennings is a frequent speaker in professional forums, including ICLE, Lorman Education Services, NBI, and the Atlantic Builders Convention. She has also published numerous articles.

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Ms. Li is a fellow of the American College of Real Estate Lawyers and the National College of Community Association Lawyers. She is listed in *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*®, and *New Jersey Super Lawyers* in the Real Estate Law category. She is a past chair of the Board of Consultors of the Real Property Trust and Estate Law Section of the New Jersey State Bar Association. Ms. Li is a member of the Legislative Action Committee of the New Jersey chapter of the Community Associations Institute (CAI), having served as chair from 2015 through 2017.

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Mr. Tripp's litigation practice includes actions in lieu of prerogative writs involving decisions of planning boards, zoning boards of adjustment, and other governmental entities, as well as challenges to municipal ordinances and governmental actions regarding the redevelopment process. He also counsels both developers and financial institutions in connection with due diligence reviews relating to the permitting and approval process and its impact on land acquisition and financing.

Mr. Tripp is a Past Chair of the Board of Directors of the Land Use Section of the New Jersey State Bar Association. He is a frequent lecturer and a panelist in ICLE programs and seminars before a variety of organizations, on land use, redevelopment, and related topics.

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Ms. Waeger is a former Director and past Chair of the Business Law Section of the New Jersey State Bar Association (NJSBA) and is also a member of the NJSBA Environmental Law Section and the American and New York State Bar (NYSBA) Associations.

Ms. Waeger lectures extensively on environmental insurance topics. She has also authored numerous articles and book chapters dealing with environmental insurance issues, including publications for ABA, NJICLE, NYSBA, and ACREL.

Ms. Waeger graduated from the State University of New York at Oneonta in 1974 and from Fordham University School of Law in 1983. She is named in *The Best Lawyers in America*®, is recognized by the *Chambers USA* Client Guide as a leader in both Real Estate and Environmental Law, is listed in *New Jersey Super Lawyers* in the real estate practice area, and is accorded Martindale-Hubbell's highest AV® rating.

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Mr. Weiner has lectured on real estate brokerage related topics and was selected for inclusion in *New Jersey Super Lawyers-Rising Stars Editions* (2006-2009). In 2009, Mr. Weiner was selected by the *New Jersey Law Journal* as one of its "40 Under 40." Mr. Weiner has been featured or mentioned in articles published by *The New York Times*, *LAW360*, and *The Real Deal*. Mr. Weiner is a Trustee of the Trial Attorneys of New Jersey.

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**VOLUME I**  
**CHAPTER 1**  
**CONVEYANCE OF COMMERCIAL REAL ESTATE**

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**MICHAEL E. ROTHPLETZ, JR., ESQ. AND MICHAEL C. WOODRUFF, ESQ.**

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## VOLUME II

### CHAPTER 4

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## CHAPTER 5 LAND USE

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