

Land Use & Zoning

Pashman Stein Walder Hayden's Land Use and Zoning attorneys have extensive experience representing clients in land use, zoning, and related regulatory matters. Our attorneys serve as counsel to municipalities and municipal planning and zoning boards throughout New Jersey. We also appear before zoning and planning boards throughout New Jersey and New York, representing clients ranging from Fortune 500 companies and large developers to small builders and individual homeowners.

With unique insight derived from representing both municipalities and their boards as well as applicants, our attorneys provide unparalleled knowledge and experience representing clients across a wide spectrum of land use and zoning matters.

Affordable Housing Obligations

Our Land Use and Zoning group advises municipalities in New Jersey on their constitutional obligation to provide their fair share of affordable housing and serve or have served as special affordable housing counsel to numerous municipalities in New Jersey. We successfully prosecuted numerous Mt. Laurel declaratory judgment actions on behalf of municipal clients, resulting in Final Judgments of Compliance and Repose, protecting them from builder's remedy litigation through July 2025.

In addition, we have represented residential real estate developers in matters before the Council on Affordable Housing and "builders remedy" lawsuits to allow the construction of affordable housing.

Redevelopment Planning

Our attorneys represent municipalities in creating redevelopment plans, implementing redevelopment ordinances, and negotiating financial and redevelopment agreements with redevelopment entities. Drawing upon that experience, we also represent commercial real estate developers in connection with redevelopment issues.

Litigation and Regulatory Matters

When necessary, our attorneys advocate for our clients' rights in state and federal courts, including prosecuting appeals of land-use decisions. The group also represents clients in development related permitting matters before state and federal agencies, including the New Jersey Department of Environmental Protection.

Representative Matters

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.

- Represent numerous municipalities and municipal planning and zoning boards in land use, zoning and related regulatory matters.
- Advise numerous municipalities and their boards on affordable housing obligations, including prosecuting numerous Mt. Laurel declaratory judgments and obtaining settlements with Fair Share Housing Center.
- Representation of a Fortune 500 company in connection with over three dozen applications for site plan approval and variance relief for restaurant locations throughout central and northern New Jersey in which unanimous approvals were obtained in each case.
- Successfully represented a leading commercial real estate company in New Jersey in a land use and redevelopment dispute with a local township which sought to renegotiate its lease obligations and prior settlement terms.
- Representing a developer against a multi-pronged challenge to its land use rights by a local property owner.
- In a land redevelopment dispute between a private redeveloper and a local designated redevelopment entity involving issues of contract interpretation and claims of breach of contract, successfully briefed and argued the appeal of an adverse jury verdict, resulting in the Appellate Division reversing the jury verdict, and remanding for a new trial.
- Representation of a medical practice in Teaneck, New Jersey to obtain a use variance to expand an existing facility.
- Successfully represented adjacent residential property owners who urged the Livingston Zoning Board to deny a use variance to an applicant seeking to construct a medical office building based on the applicant's failure to meet the statutory criteria for a use variance.