

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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