



IN THE ZONE WITH ROB GUNDLACH

December 2021

Chairman's Message

It has been a busy fourth quarter for the Real Estate Department at Fox Rothschild, particularly as to transactions in Pennsylvania, New Jersey and New York. We represented clients in sales, purchases and refinancing of hundreds of properties in October, November and December. Many of these transactions are due to continued low interest rates, the talk of increased capital gain rates and the push for more warehouse space.

Whatever the impetus, our deep bench of attorneys and paralegals can assist with your next transactions. Many of our recent transactions involved the need to review and digest lease agreements, zoning/land use permits and approvals, environmental RECs and covenants, and title exceptions. We have more than 100 attorneys and paralegals with a vast variety of skills and billing rates. This allows us to complete large transactions promptly and cost-efficiently. Feel free to call me directly about staffing and pricing for your next multi-property transaction.

Our Zoning & Land Use practice was also extremely busy this quarter. Almost every night, it seemed that Carrie Nase, Drew Stoll and I were at hearings in Pennsylvania municipalities. With the elimination of many remote video meetings, we are back on the road. It's great to see people again – and press the flesh with handshakes (followed by hand sanitizer) – but I already miss handling hearings from home in a pair of shorts and flip flops. Carrie, however, continues to handle our zoning hearings in Philadelphia on a remote basis. Likewise, in New Jersey, Jack Plackter, Henry Kent-Smith and Kim Bennett are handling night hearings from Newark to Cape May, and countless municipalities in between. Jesse Masyr and Karen Binder continue to handle new development projects in the five boroughs in New York City. We have handled more applications for new warehouse/distribution facilities in the past year than in the prior five years combined. Warehouse/distribution facilities are certainly the “flavor of the year” as to new projects with no end in sight other than the short supply of 100-plus-acre parcels along major interstate highways.

For further information as to how to best prosecute zoning and land use appeals, please contact **Rob Gundlach** at **215.918.3636** or rgundlach@foxrothschild.com.

On a personal note, I wish you all and your families a healthy, happy and enjoyable holiday season. I also wish you a successful and rewarding start to the new year. Stay well.



Rob Gundlach

Case Law

Commonwealth Court Tackles Issue of ‘Spot Zoning’ in Conshohocken Neighbors’ Appeal

Zoning amendments should be drafted carefully to avoid singling out a specific parcel for different treatment than the surrounding area, and not to conflict with the intent of the zoning ordinance. That’s the lesson of the Pennsylvania Commonwealth Court’s recent decision in an appeal from the Conshohocken Borough Zoning Hearing Board.

[Read More](#)

Site-Specific Relief Granted for New Billboard by Chester County Court

In *Appeal of Chester County Outdoor*, the Applicant filed a substantive validity challenge alleging that provisions in the East Pikeland Township Zoning Ordinance unlawfully excluded off-site advertising signs (i.e., billboards).

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Alerts

Pennsylvania’s Opportunity Zones Harness Tax Breaks to Revitalize Communities

The Keystone Opportunity Zone (KOZ) program was established to facilitate the development of a community’s abandoned, unused, underutilized land and buildings into business districts and residential areas to allow community revitalization. Through credits, waivers and tax abatements, total taxes on economic activity in KOZ zones can be significantly reduced.

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Businesses Face Risks From Pennsylvania’s Decennial Filing Requirements

Once a decade, Pennsylvania imposes a filing requirement on certain businesses that can be a trap for the unwary. Failure to comply with the Decennial Report may have material adverse consequences – including, for an entity formed or registered to do business in Pennsylvania, possible loss of the exclusive use of its entity name in the commonwealth after December 31, 2021.

[Read More](#)

Preventing Fraud in Commercial Real Estate

Cyber criminals target one in three real estate transactions, according to the American Land Title Association. While they are often unsuccessful, fraudsters continue to be relentless. Visit the First American blog to learn about ClarityFirst, a first-of-its-kind, comprehensive technology solution for commercial real estate transactions. In addition to increasing the security of your transaction, ClarityFirst provides a robust property information tool set, order milestone tracking, document sharing, and more – all available 24/7 from your desktop or mobile device.

[Read More](#)

Environmental Due Diligence – It's More Important Than You Think

A recent webinar by three attorneys in Fox Rothschild's Environmental Group – **Maureen Mitchell**, **David Restaino**, and **Benjamin Snowden** – offers a quick and practical course on what property owners, developers and lenders need to know about environmental due diligence. You can [view the webinar](#) or [download the slides](#) from their presentation. Fox has a deep bench of skilled environmental lawyers. If we can be of assistance with any of your real estate transactions involving environmental issues, please feel free to call me and I will introduce you to the appropriate attorney for your specific matter.

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