



## IN THE ZONE WITH ROB GUNDLACH

Spring 2022

### Chairman's Message

In the movie "Moneyball," Brad Pitt famously says: "It's hard not to be romantic about baseball." Well, I couldn't agree more. For me, Spring really starts with one of my favorite holidays – Opening Day of baseball season. It's a perfect chance to stop the clock and truly relax. Hot dogs with sauerkraut. Peanuts. Cold beverages. What's not to like? We turn off our cell phones for a few hours, sit back and enjoy a time-honored tradition of grown men playing a children's game in fancy clothes.

Now let's turn back to real estate.

Notwithstanding a recent rise in interest rates, we continue to see strong demand for new, high-density residential housing in the Philadelphia suburbs and New Jersey. Townhomes are selling at a record pace. As for other product types, a few observations:

- Industrial warehouse buildings, ranging from 300,000 to 1 million square feet, remain in high demand. Obtaining rezoning/tax amendments for this type of use always hinges on managing truck traffic without interfering with existing residential uses or overburdening roadways.
- Pad sites for select commercial users on high-traffic count roads remain in demand. The issues with "one off" pad sites are: the cost of the land, approvals, site improvements and impact fees. Often, it's more difficult to develop free-standing pad sites than it is for a shopping center owner to develop one in an existing center by getting parking relief. Hard to compete as their infrastructure is already in place.
- Institutional users, particularly in the medical, municipal and education areas, continue to expand.
- Land for apartments, both conventional and age-restricted, with a variety of common amenities, remains in demand but normally requires zoning relief.

Our office frequently gets requests to assist with zoning and land use approvals in Pennsylvania, New Jersey and the five boroughs of New York City. We are always available to provide guidance on the process for obtaining zoning and land use approvals for a new project and our opinions on the prospects of securing them. Feel free to call us for an initial consultation.

This edition of the newsletter touches on some good topics, including: A new law in Philadelphia that requires landlords to deliver a disclosure notice for their commercial leases, a case about a validity challenge over a billboard, the Corporate Transparency Act and vapor mitigation. We also include two links to some good tunes.

Finally, I understand that ICSC will hold its conference in Philadelphia in September 2022 (exact date TBD). Our firm will be hosting some type of an event in connection with this conference. Details to follow. We hope to see you at the conference in Philadelphia this year, if not sooner.

Stay well.



Rob Gundlach



### **Appellate Court Denies Zoning Relief to Build House on a Non-Conforming Lot**

Developers seeking variances must establish that they are seeking “the minimum necessary to make reasonable use of the property,” the Pennsylvania Commonwealth Court has ruled.

[Read More](#)

### **Site-Specific Relief Granted in Billboard Cases**

In a decision that reaffirms the case law from the 1970s and '80s that established the rights of developers in Pennsylvania, the Commonwealth Court confirmed that holdings in *Casey* and *Fernley* by the Pennsylvania Supreme Court are alive and well.

[Read More](#)



### **Landlords – Beware of New Commercial Lease Disclosure Law in Philadelphia**

A new Philadelphia ordinance mandates that specific disclosures be made by a landlord when entering into any commercial lease.

[Read More](#)

### **Inflation: How You Can Make – or Save – Money Going Forward**

Products and services cost far more than they did a year ago due to rising inflation. Sometimes a contract can provide protection. But before you pat yourself on the back or

course yourself for signing a long-term contract, it would be smart to check the terms of your agreement.

[Read More](#)

## Corporate Transparency Act Impacts New and Existing Entities

A new federal law poised to take effect soon will impose disclosure duties on the individuals and businesses that form new entities and the professionals who assist them. In this alert, we outline the key provisions in the Corporate Transparency Act and the proposed implementing regulations from the U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN).

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## Two Fox Real Estate Attorneys Named as Connect CRE Honorees

Congratulations to Rob Gundlach and Catherine B. Mitchell, who were honored in the 2021 Lawyers in Real Estate Awards by Connect CRE. This award recognizes real estate attorneys nationwide for excelling in their practice and making notable contributions to their communities. Rob and Catherine were named in the National and Atlanta & Southeast categories, respectively.

[Read More](#)

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## ESG Essentials Podcast

Fox Rothschild recently launched a new practice group, **Environmental, Social & Governance (ESG)**, and with it a new podcast series, **ESG Essentials**, that explores important issues for businesses that are concerned with developing and deploying an ESG profile. Hosted by practice Co-Chair David Colvin, the series guides companies in responding to increased scrutiny from regulators, investors and consumers regarding their environmental and social impact, and minimizing the potential legal and business risks that can be associated with ESG. Listen to the **Inaugural Episode** in which David provides a primer on ESG, explaining what it is and why it matters.

## Under the Slab: Vapor Mitigation Strategies for Brownfield Development

Ownership and redevelopment of brownfield properties can provide a business opportunity and greatly benefit a community. While there is significant potential for an all-around positive outcome, the owner or developer takes on the challenge of remediating or managing the contamination through working with environmental professionals and regulators. One of the most common challenges in managing contamination on these properties is dealing with vapor intrusion.

[Read More](#) in this alert from our friends at Brickhouse Environmental

## For Your Listening Pleasure

My Fox Real Estate Department Co-Chair, Bob Klausner, has established a tradition of sharing his favorite music every year in a pair of carefully curated playlists – a “Best of the Year” playlist and a second playlist of the best mellow “Grooves” of the year. Shoutout to Bob for his good work assembling these playlists. Enjoy.

Here are some links for Spotify and iTunes:

[Spotify Best of 2021](#)  
[Spotify Grooves 2021](#)

[iTunes Best of 2021](#)  
[iTunes Grooves 2021](#)

For further information as to how to best prosecute zoning and land use appeals, or assistance with your next real estate transaction, please contact **Rob Gundlach** at **215.918.3636** or [rgundlach@foxrothschild.com](mailto:rgundlach@foxrothschild.com).

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