McElroy Deutsch

Municipal and Land Use



Experience, professionalism and cost-effectiveness solutions.

Public entities face an ever-increasing number of complex and significant legal issues. Correspondingly, all governmental entities, with sensitive budgetary constraints, must be cognizant of their public expenditures, especially legal representation. McElroy Deutsch's Municipal and Land Use Practice Group approaches each matter with experience, professionalism and a unique awareness of the importance of cost-effectiveness.

In addition to our extensive experience litigating labor and employment matters, our municipal lawyers and land use attorneys regularly handle matters involving the following legal issues:

- Claims Against Public Entities – McElroy Deutsch has vast experience in representing public entities and public officials in defense of claims under the New Jersey Tort Claims Act, or Title 59, as well as under 42 U.S.C. Section 1983. Specifically, our municipal lawyers have represented public entities, law enforcement officers and other municipal officials in defense of claims for personal injuries and deprivation of civil rights. McElroy Deutsch attorneys have a proven track record of successfully defending such officials and entities, often obtaining dismissal of such claims on motions for summary judgment before trial.
- Actions in Lieu of Prerogative Writs – Our municipal attorneys have represented New Jersey public agencies in defense of Complaints in lieu of Prerogative Writs.
- Affordable Housing Obligations – Our attorneys are well-versed in the amendments to Affordable Housing Obligations and advise municipalities of fair share housing responsibilities.

- Local Administration – Among other responsibilities, our attorneys regularly draft resolutions and ordinances to be adopted by governing bodies, and review contracts.
- Zoning and Planning – Aside from regularly appearing before planning boards and boards of adjustment, our attorneys have extensive experience in drafting and amending municipal zoning codes. Our municipal and land use attorneys also have vast experience in defense of claims brought against municipalities involving land use issues. Specifically, McElroy Deutsch has experience on claims challenging spot zoning, and the like.
- Public Bidding and Awarding Local Contracts – Our attorneys regularly review bid documents submitted in response to Notices to Bidders to ensure legal compliance with the Local Public Contracts Law, and defend the interests of the municipal bodies in public bidding suits.
- Real Estate Tax Appeals and Revaluations – Our attorneys regularly appear before County Boards of Taxation and the Tax Court of New Jersey. We have represented municipalities against claims of spot assessments and over-assessments. In particular, we have successfully defended the Township of Wayne in such litigation.
- Redevelopment – Our municipal and land use attorneys have experience in all phases of redevelopment, from initial blight designation, adoption of redevelopment plans, through appointment of designated redeveloper.
- Inter-local Services – Our attorneys have negotiated agreements between local municipal corporations on subjects such as cooperative purchasing arrangements and shared services.
- Elections – With respect to municipal corporations, our attorneys have advised municipal clerks on their pre-election, post-election and election-day duties and obligations in both partisan and non-partisan municipal elections as well as issues related to Initiative and Referendum.
- Ethics – Our attorneys advise municipalities on all issues related to ethics in government including conflicts of interest, pay-to-play, and the Local Government Ethics Law.

Our experienced municipal attorneys and land use lawyers provide full-service counsel to townships, cities, counties and other local government agencies and entities. Our municipal lawyers also regularly appear before New Jersey planning boards and boards of adjustment, representing both applicants and objectors. We also handle appeals from decisions of planning boards and boards of adjustment, and we regularly appear before County Boards of Taxation, the Tax Court of New Jersey and the Public Employee Relations Commission.

Representative Cases

Results may vary depending on your particular facts and legal circumstances.

- Township of Cedar Grove – Since 1996, have served as Township Attorney and has represented the Township on all legal matters.

- Township of Bedminster - For several years, have served as Township Attorney. We represent the Township in all legal matters.
- Township of Bernards - Have served as Township Attorney for this public entity for a number of years. In that capacity, we represent the Township in all legal matters.
- County of Hudson – For approximately five years, have handled matters involving civil rights litigation and LAD claims.
- Township of Chester –Have served as Township Attorney for more than ten years.
- Township of Berkeley Heights – Since 2007, have served as Township Attorney and counsel for the Township in labor matters.
- Township of Wayne – For approximately five years, have has acted as special outside counsel to the Township in litigated matters.
- Morris County Parks Commission – For more than ten years, have provided legal opinions, prepare bid documents, defended litigations, drafted resolutions and ordinances, advised staff on operational legal matters, assisted in land acquisitions, OPRA matters, and employment matters.
- Newark Housing Authority – For more than five years, have been approved to serve as counsel for general litigation and employment litigation matters.
- County of Morris – For several years, have provided representation to the County in workers' compensation matters.
- City of Hoboken – Defended its retired Police Chief in four matters in which police officers claimed violations of the Law Against Discrimination and other civil rights violations.



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