



Eminent Domain in New Jersey

Moderator:

William J. Ward, Esq.
Carlin & Ward, P.C.

**John H. Buonocore Jr.,
Esq.**
McKirdy and Riskin P.A.

John J. Curley, Esq.
John J. Curley, Esq. LLC

Peter Dickson, Esq.
Potter and Dickson

Paula A. Franzese, Esq.
Seton Hall University

Robert L. Greene, Esq.
Storzer & Greene, P.L.L.C.

**Louis S. Izenberg, MAI,
SRPA, SRA**
Izenberg Appraisal Associates

Kevin J. Moore, Esq.
Sills Cummis & Gross P.C.

Paul P. Josephson, Esq.
Hill Wallack LLP

Michael S. Kasanoff, Esq.
Michael S. Kasanoff Attorney at Law

Michael B. Kates, Esq.
*Nashel, Kates, Nussman,
Rapone & Ellis LLP*

Olga Pomar, Esq.
South Jersey Legal Services

Harry S. Pozycki Jr., Esq.
Center for Civic Responsibility

Peter G. Steck, P.P., AICP
Community Planning Consultant

James M. Turteltaub, Esq.
Carlin & Ward, P.C.

This seminar is designed for attorneys, presidents, vice presidents, real estate professionals, project managers, right of way agents, property owners and managers, surveyors, city officials, planners, developers, contractors, appraisers, zoning board members, engineers, architects and land specialists.

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Critical Issues on the Agenda

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8:30 AM – 9:00 AM	Registration	
9:00 AM – 9:15 AM	Overview and Opening Remarks	— <i>William J. Ward, Esq.</i>
9:15 AM – 10:00 AM	Case Law Developments	— <i>Peter Dickson, Esq., and William J. Ward, Esq.</i>
10:00 AM – 10:45 AM	Legislative Reform	— <i>Kevin J. Moore, Esq., and William J. Ward, Esq.</i>
10:45 AM – 11:00 AM	Break	
11:00 AM – 11:45 AM	In the Zone – Highest and Best Use	— <i>John J. Curley, Esq., Louis S. Izenberg, MAI, SRPA, SRA, and William J. Ward, Esq.</i>
11:45 AM – 12:30 PM	Contesting the Right to Take	— <i>John H. Buonocore Jr., Esq., Peter G. Steck, P.P., AICP, and James M. Turteltaub, Esq.</i>
12:30 PM – 1:30 PM	Lunch (Included)	
1:30 PM – 2:15 PM	Fair Housing and Eminent Domain	— <i>Michael B. Kates, Esq., and Olga Pomar, Esq.</i>
2:15 PM – 3:00 PM	Eminent Domain and RLUIPA	— <i>Robert L. Greene, Esq., and Michael S. Kasanoff, Esq.</i>
3:00 PM – 3:15 PM	Break	
3:15 PM – 4:15 PM	Ethics, Redevelopment and Eminent Domain	— <i>Paula A. Franzese, Esq., Paul P. Josephson, Esq., and Harry S. Pozycki Jr., Esq.</i>
4:15 PM – 4:30 PM	Questions and Answers	— <i>Panel</i>

Lorman Education Services reserves the right to modify the agenda and the faculty when circumstances are beyond our control.

Continuing Education Credit

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IACET Learning Objectives

- The attendee will be able to:
- review case law developments
 - discuss fair housing and eminent domain
 - identify ethical concerns

This seminar may qualify for continuing education credit through

the International Right of Way Association. Please contact the national IRWA office for approval of this course.



Lorman Business Center, Inc. is registered with the AIA Continuing Education System (AIA/CES). This 6.00 hour program offers 6.00 Learning Unit hours, which will be reported directly to the AIA/CES for AIA members. This program qualifies for 6.00 hours of Health, Safety, Welfare (HSW).



This seminar has been reviewed and approved for inclusion in the Construction Compliance™ Certification Program and qualifies for 1.0 credit. Please visit www.lorman.com/certification/cc for more information.

This course has been approved in accordance with the requirements of the New York Continuing Legal Education Board for a maximum of 7.0 credit hours, of which 6.0 credit hours may be applied toward the Areas of Professional Practice requirement and 1.0 credit hour may be applied toward the Ethics and Professionalism requirement. Each hour may be counted only as satisfying one category of credit; duplicate credit for the same hour of instruction is not permitted. This course qualifies for both established and newly admitted attorneys. Lorman Business Center, Inc. has a financial hardship guideline.

An application has been submitted to the Professional Board of Engineers and Land Surveyors. Approval pending.

Registration

Eminent Domain

North Brunswick, NJ - April 17, 2008



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Real Estate Development From Beginning to End – Governmental Approvals; Municipal Approvals; Ethics in Land Use Law: A Lawyer's Responsibility; Redevelopment; Due Diligence and Approvals Checklist.

Item: 374543 CD and Manual ___@ \$179 Manual ___@ \$79 E-Manual ___@ \$79

Prevailing Wage Law – Responsibility for the Payment of Prevailing Wages; Prevailing Wage Enforcement; Liability for Failure to Comply; Defending Prevailing Wage Claims; Apprenticeship Issues, Overtime, Supervisory and Other Work Rule Issues.

Item: 376974 CD and Manual ___@ \$149 Manual ___@ \$69 E-Manual ___@ \$69

Managing Construction Projects – Contract Delivery Options; Key Contract Concepts; Key Contract Terms; Change Order Management; The Construction Schedule; Request for Equitable Adjustment; Dispute Resolution Process.

Item: 374502 Manual ___@ \$69 E-Manual ___@ \$69

Subtotal From Above	\$ _____
Shipping & Handling (excludes e-manuals)	\$ _____
(\$7.00 first item, \$1.00 each additional)	
Sales Tax	\$ _____
TOTAL	\$ _____

Our Distinguished Faculty

John H. Buonocore Jr., Esq., is a member with McKirdy and Riskin P.A. and practices in condemnation, redevelopment area law and real estate value litigation. He is co-author and editor of *New Jersey Condemnation Practice, 2nd Ed.* (New Jersey Institute for Continuing Legal Education, 2003), the standard New Jersey treatise on eminent domain. He is also author of *Eminent Domain, New Jersey Practice, Skills & Methods* (West Publishing 1995). Mr. Buonocore represented property owners contesting the right to acquire property in *Mulberry Street Area Property Owner's Group v. City of Newark* (2007).

John J. Curley, Esq., is a member of John J. Curley, Esq. LLC. His practice areas include commercial real estate; eminent domain; condominium law; zoning, planning and land use; environmental law; condemnation; and civil litigation. Mr. Curley is a member of the Hudson County, New Jersey State and American Bar Associations. He earned his J.D. degree from Rutgers Law School and his B.A. degree from Boston College.

Peter Dickson, Esq., is a partner in Potter and Dickson in Princeton and argued the *Gallenthin Realty Development v. Paulsboro* case before the New Jersey Supreme Court. He graduated from Princeton University and served as an assistant to New Jersey Governor Brendan Byrne. Mr. Dickson received his law degree from The George Washington University Law School and was a law clerk to Judge John W. Kern III on the District of Columbia Court of Appeals and Chief Justice Richard J. Hughes of the New Jersey Supreme Court. He is also a lecturer in the Princeton University Department of Politics.

Paula A. Franzese, Esq., is a Peter W. Rodino Professor of Law with Seton Hall University. Nationally acclaimed for her teaching, Prof. Franzese is the eight-time recipient of the Student Bar Association's Professor of the Year Award. She is the chair of the New Jersey State Ethics Commission.

Robert L. Greene, Esq., of Storz & Greene, P.L.L.C., has represented churches and religious organizations of many different faiths in a variety of matters since 1987, including church land use issues. He has provided counsel to the Becket Fund for Religious Liberty, a public interest law firm that is a leading defender of religious rights. Mr. Greene received his J.D. degree the University of Wisconsin Law School and his B.A. degree from the University of Redlands in Redlands, California. Mr. Greene represents the plaintiffs in the *Albanian Associated Fund v. The Township of Wayne*.

Louis S. Izenberg, MAI, SRPA, SRA, is president of Izenberg Appraisal Associates in Parsippany. Mr. Izenberg has his B.A. degree from Fairleigh Dickinson University in Madison. He is a member of the Appraisal Institute; a licensed real estate appraiser in New Jersey and New York; and qualified and recognized as an expert in the valuation of real estate before the U.S. Bankruptcy Court, the U.S. Tax Court Tax Court of New Jersey, New Jersey Superior Court and the U.S. District Court-Pennsylvania Superior Courts of New Jersey.

Paul P. Josephson, Esq. is a partner of Hill Wallack LLP. Mr. Josephson concentrates his practice in regulatory law with a focus on election and campaign finance, government ethics, redevelopment, gaming, government procurement, complex civil litigation and corporate compliance issues. He has published numerous articles on gaming and ethics law. Mr. Josephson was listed in the top tier of PoliticsNJ.com's list of most influential attorneys in New Jersey for 2002, 2004 and 2007, and recognized for distinguished legislative service by the New Jersey State Bar Association. He earned his B.A. degree in political science from the University of Michigan and is an honors graduate of The George Washington University Law School.

Michael S. Kasanoff, Esq., is a sole practitioner with the law firm of Michael S. Kasanoff Attorney at Law in Red Bank. He played an integral role in the *Lighthouse Institute for Evangelism v. City of Long Branch* case.

Michael B. Kates, Esq., is a partner of the firm Nashel, Kates, Nussman, Rapone & Ellis LLP. He practices in municipal law, zoning and planning, representing municipalities, zoning and planning boards, and a wide range of developer interests and environmental groups. Mr. Kates sits on the prestigious Technical Review Committee of the New Jersey State League of Municipalities, which wrote the Municipal Land Use Law and is advisory to New Jersey Legislature. He is also a contributor to the definitive text on the subject, *Zoning and Land Use Administration* by William M. Cox, and he is an adjunct professor of Rutgers University, Department of Government Services.

Kevin J. Moore, Esq., is a member of the Real Estate Department at Sills Cummis & Gross P.C. His practice is focused on redevelopment, environmental and historical preservation issues; and represents clients who seek approval of major mixed use projects, planned unit developments, general development plans, subdivisions, site plans and variances before governing bodies, planning boards and boards of adjustment; and for applications for permits before various state agencies. Mr. Moore negotiates and prepares redevelopment agreements and financial agreements (for long-term tax exemptions). He received his J.D. degree from New York University School of Law and his B.A. degree from Drew University.

Olga Pomar, Esq., is a lawyer focusing on community development work at South Jersey Legal Services in Camden, where she represents low-income community groups and nonprofit organizations. Ms. Pomar was involved in litigating several cases challenging redevelopment plans that threaten low-income residents with loss of their homes through eminent domain and forcible displacement from their communities. Those cases include *Cramer Hill Residents Association v. Primas* and *Citizens in Action v. Township of Mt. Holly*. She has worked in legal services since 1984, having spent 10 years as a housing specialist at the Legal Aid Society in Trenton before coming to Camden. Ms. Pomar graduated from the University of Pennsylvania Law School.

Faculty Continued...

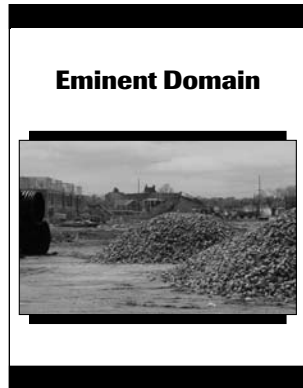
Seminar Highlights

What you don't know *can* hurt you – learn the ins and outs of eminent domain.

Attend this seminar and learn about the latest developments in major issues facing eminent domain practitioners and experts in New Jersey. You will hear about the most recent cases, as well as upcoming eminent domain reform legislation. You will gain a clear understanding of ethics and pay-to-play issues in redevelopment and eminent domain. Hear from the attorneys who have been directly involved in the front lines of New Jersey's eminent domain and redevelopment issues.

Benefits for You

- Hear the latest on case law developments
- Enhance your understanding of legislative reform
- Get expert advice on contesting the right to take
- Tips on fair housing and eminent domain
- Tackle key issues of ethics, redevelopment and eminent domain



Free Manual
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Our Distinguished Faculty (Continued)

Harry S. Pozycki Jr., Esq., is the founder and chairman of the Center for Civic Responsibility and its Citizens' Campaign, a nonpartisan movement empowering citizens to take responsibility for rebuilding our nation's culture of public service. The Citizens' Campaign has gained adoption of local and state laws to improve the integrity and cost-effectiveness of government contracting. Mr. Pozycki is a graduate of Brown University and Fordham Law School. In 1973, he founded and managed a law firm focusing on planning and environmental law. Mr. Pozycki then served as the chairman of the committee that drafted and gained adoption of New Jersey's Fair Housing Act.

Peter G. Steck, P.P., AICP, is a community planning consultant based in Maplewood with experience in representing municipalities, developers and neighborhood groups. He has presented expert testimony in several jurisdictions regarding areas in need of redevelopment designations. Mr. Steck serves as one of the planners on the Municipal Land Use Law Drafting Committee of the New Jersey League of Municipalities. He earned his B.S. degree in civil engineering from Marquette University and his master's degree in city and regional planning from Rutgers University.

James M. Turteltaub, Esq., is a partner with Carlin & Ward, P.C. His primary practice areas include condemnation of property by eminent domain and real estate tax appeals. Mr. Turteltaub received his J.D. degree from Suffolk University, his M.B.A. degree from the State University of New York at Albany and his B.B.A. degree from Emory University. He served a judicial clerkship with the Hon. Lawrence L. Lasser. Mr. Turteltaub is a member of the New Jersey State Bar Association's Taxation Section and an affiliate member of the Appraisal Institute. He argued *The Housing Authority of New Brunswick v. Suydam Investors, LLC* (2003). Notable unreported eminent domain cases argued by Mr. Turteltaub include *Township of Bloomfield v. 110 Washington Street* (2005) and *Carolyn Evans and Rivco Group, LLC v. Township of Maplewood* (2007).

William J. Ward, Esq., is managing partner with Carlin & Ward, P.C., and author of the *New Jersey Eminent Domain Law Blog*, one of the pioneer law blogs in New Jersey. His 37-year career has been dedicated to the exclusive practice of eminent domain law. Mr. Ward litigated cases as deputy attorney general for the Department of Transportation, and then as secretary and general counsel for the New Jersey Sports and Exposition Authority before entering private practice. He represented private property owners as director of an eminent domain litigation department in private practice prior to establishing his own firm in 2002. Mr. Ward received his B.S. degree from St. Peter's College and his J.D. degree from Seton Hall University. His articles appear frequently in the real estate practice sections of the *New Jersey Law Journal* and the *New Jersey Lawyer*.



NORTH BRUNSWICK, NJ APRIL 17, 2008

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