

May 8- Land Use: From the Bench: A Judge's View of How Local Government Lawyers Can Best Handle their Land Use Cases

SPEAKERS:

The Honorable Peter A. Buchsbaum, J.S.C., Ret., is now of counsel to the Flemington, NJ firm of Lanza and Lanza, L.L.P., doing primarily Mt. Laurel court master work. He retired as Superior Court Judge in June 2013 but was designated to return as a recall judge on a part time basis working primarily on probate, land use and zoning cases. He sat in Flemington, New Jersey. Appointed in July, 2004, he had been assigned to the Civil Part of the Law Division and also served in the Family Part. He had also served as Mt. Laurel Judge for Vicinage 13, which includes Somerset, Warren and Hunterdon Counties. While on the bench, he served on committees dealing with Children in Court, Minority Concerns, and Technology. He also was on the Executive Committee of the National Conference of State Trial Judges, a part of the American Bar Association's Judicial Division, whose Technology committee he chaired. He is a Fellow of the American Bar Foundation.

Judge Buchsbaum was formerly a Partner in Greenbaum, Rowe, Smith, Ravin, Davis, and Himmel, LLP in Woodbridge, New Jersey where he represented both public and private sector clients and concentrated on zoning and land use planning, Mt. Laurel housing, municipal law, state regulatory processes and environmental regulation. His prior experience from 1972 to 1979 included two and half years as the first staff counsel for the American Civil Liberties Union of New Jersey, and five years with the New Jersey Department of the Public Advocate where he worked on a number of civil and human rights issues, especially involving affordable housing. He has been involved in reported Mt. Laurel cases since 1973.

Judge Buchsbaum is Past Chair of the American Bar Association Land Use, Planning and Zoning Committee, and a current member of the Council of the State and Local Government Law Section. In that capacity he participated in commentary on proposed land use legislation in Romania and Uzbekistan. He is Past Chair of the New Jersey State Bar Association Land Use Law Section and has been a member of the Hunterdon County Bar Association. He served on the Ad Hoc Committee on State Planning, which drafted the N.J. State Planning Act and Fair Housing Act. He served previously as the Mayor of West Amwell Township and on the West Amwell Township Committee and Planning Board.

Judge Buchsbaum was retained by the New Jersey League of Municipalities to draft model legislation for regional land use law and procedures in the state and drafted a model regional center ordinance for a project funded by the National Endowment for the Arts. He also served as a consultant to the American Planning Association's Growing Smart Project which drafted revised model land use and affordable housing statutes for the states and undertook a study of permit coordination for the Lincoln Institute, the results of which were published in the Urban Lawyer. He has continued to lecture or moderate ABA and American Planning Association programs which have included the A.P.A.'s prestigious Bettman Lectures, and has recently lectured in Haifa, Israel and Volos, Greece, on judicial decisionmaking in land use cases, a subject about which he has also written frequently.

Judge Buchsbaum received the Media Award from the New Jersey State Bar Association in 1987 for his columns on the New Jersey Court system. His extensive publications include co-editing State and Regional Comprehensive Planning, published by the ABA, contributing to The Trial of a Land Use Case and other

ABA publications, and authorship of many articles in the *Urban Lawyer* including its lead article on the Mt. Laurel I case. He has also been an Adjunct Professor of Law at Rutgers School of Law-Camden.

For ten years, he served on the New Jersey Law Revision Commission as an appointee of the President of the Senate. This Commission addressed pending uniform legislation. Judge Buchsbaum has also served as an ABA Advisor on Uniform Legislation and participated on the committee which revised the Model City Charter for municipalities in the United States. He has just been named to the North American Advisory Board of the World Union for Progressive Judaism.

Due to the disability of his oldest son, Judge Buchsbaum served as president of the ARC of Hunterdon County, NJ and Vice-President of the ARC of New Jersey, heading the latter's governmental affairs committee for four years. He also chaired a similar committee for Autism New Jersey, then known as COSAC.

Judge Buchsbaum received his A.B. from Cornell University in 1967 and his J.D. from Harvard Law School in 1970. He began his legal career in 1970 as Law Secretary to Joseph Weintraub, Chief Justice of the New Jersey Supreme Court. He is listed in *Who's Who in America*. He is married to the former Elaine Frey with whom he has three adult children. He was honorably discharged from the United States Army Reserves in 1976.

Michael Giaimo practices land use, real estate and environmental law. He represents developers, businesses, institutions, government agencies, and other property owners in permitting, regulatory compliance, transactions, and related litigation and administrative proceedings. He also consults with clients on land use policy matters throughout the country. He is a member of the firm's Land Use Group and Real Estate + Development Group and co-chair of the firm's Landlaw Section.

Land Use- Mr. Giaimo represents clients in permitting and enforcement matters before local zoning boards and other municipal bodies, including planning boards, conservation commissions, historic districts, boards of health, boards of selectmen, city councils, Town meetings, regional planning authorities, and state agencies. He helps them obtain the approvals and permits they need to develop their property and operate their businesses. He has successfully represented clients in obtaining approvals from permitting boards in well over 100 Massachusetts communities. He also represents clients in federal and state courts on zoning appeals and other land use matters.

Mr. Giaimo has a Masters degree in City Planning from the Massachusetts Institute of Technology and more than 20 years of service on municipal boards. This includes prior service as a member and chair of his town's planning board and as chair of its zoning board of appeals, and his current service as a selectman. This gives him a good appreciation of the view from the other side of the table—invaluable experience for advising and representing clients on the practical aspects of development permitting strategy, as well as the legal requirements. Mr. Giaimo has represented clients in the wireless telecommunications industry for more than 20 years, and he has successfully permitted hundreds of sites at the local level, in some cases after winning a judicial appeal. He has represented a national retailer in resolving abutter opposition and obtaining local and state approvals to construct and operate a gasoline

station. He successfully represented another national company in navigating through local concerns to secure site plan approval of a distribution facility.

Real Estate and Development- Mr. Giaimo also represents clients in acquiring and selling residential, commercial and industrial property, including documenting the transaction and dealing with title and related matters. He recently helped a client purchase an office building in a Boston suburb. He helped homeowners abutting a recreational lake form a municipal district to successfully acquire and permit the reconstruction of a failing dam that posed a threat to their properties. He also represented a retail developer in acquiring rights needed for a parking area in connection with redevelopment of a shopping center.

Mr. Giaimo has made frequent local and national speaking appearances before professional, business, civic, and student groups on zoning; constitutional issues, including takings, religious land use, and equal protection law; and other land use and environmental law subjects. He is a contributing author of the *Massachusetts Zoning Manual*, co-edited an American Bar Association treatise on religious land use law, and has contributed articles to numerous other publications. He co-chairs an annual seminar on zoning for Massachusetts Continuing Legal Education. The Massachusetts Superior Court has qualified him as an expert witness on land use permitting.

Mr. Giaimo has been named to the Massachusetts ***Super Lawyers***® list in the area of Land Use since 2004 (*Super Lawyers* is a registered trademark of Key Professional Media, Inc.). He has been listed in ***The Best Lawyers in America***® in the area of Land Use and Zoning Law since 2013 and in the area of Real Estate Law since 2016 (Copyright 2016 by Woodward/White, Inc., Aiken, SC).

Daniel R. Mandelker, Stamper Professor of Law, Washington University in Saint Louis, is a leading scholar and teacher in land use law, environmental law, and state and local government law. He was the principal consultant and contributor to the American Planning Association's model planning and zoning legislation project. He was also the principal consultant to a joint American Bar Association committee that prepared a model law for land use procedures that was adopted by the ABA House of Delegates. He recently published a handbook on free speech law for on premise signs, a coauthored fourth edition of his APA report on Street Graphics and the Law, and a coauthored new edition of his law school casebook in State and Local Government. Additionally, he received the ABA's State and Local Government Section Daniel J. Curtin Lifetime Achievement Award.