CONNELLFOLEY
ATTORNEYS AT LAW

Kevin J. Coakley

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As a senior member of Connell Foley's Real Estate Law and Land Use Department, Kevin J. Coakley focuses his practice on development and redevelopment projects throughout the state of New Jersey. During a career that has spanned thirty-five years, he has developed extensive experience with zoning, permitting, condemnation, wetlands and tidelands matters. Mr. Coakley is also a member of the firm's Environmental Law Practice Group. His practice involves significant interaction with government. Mr. Coakley has been counsel of record in approximately 60 published decisions, most involving governmental matters.

He has represented the developers of Bridgewater Commons Mall since its inception. The Mall is a commercial development of over 2,000,000 square feet in Bridgewater Township in Somerset County, New Jersey.

Mr. Coakley has significant expertise in litigation based on Fifth Amendment takings claims. He was counsel to the successful plaintiff in the landmark inverse condemnation case of Loveladies Harbor v. United States, 28 F3d 11721 (Fed. Cir. 1994).

He is particularly skilled in the use of litigation to challenge adverse rulings in development projects from regulators, including municipal bodies and state agencies. Examples of his successes in this area include the $1.6 million settlement in Estate of Desiderio v. State of New Jersey. Mr. Coakley brought suit on his client's behalf after the State of New Jersey barred residential development of the client's property, which included wetlands in Ocean County.

Additionally, in 2006 Mr. Coakley successfully settled two class action lawsuits on behalf of out-of-state members of the trucking industry against the State of New Jersey. The settlements resulted in $8.25 million being refunded by the State to trucking companies that had been forced to pay unconstitutional fees. As a result of his efforts, Connell Foley was successful in removing a long-standing state tax against trucking companies; getting the state to refund back taxes to those involved; and having the state permanently enjoined from imposing flat, unapportioned fees on the trucking industry.

Mr. Coakley has been ranked by Chambers USA 2009-2011, as a leader in Real Estate Law and been named in *Best Lawyers in America* from 1999-2011 in the fields of Eminent Domain and Condemnation Law and Real Estate Law. He also has been selected for *New Jersey Super Lawyers.*

Mr. Coakley serves as a Trustee and Board Member for New Jersey Alliance for Action. In 2008, Mr. Coakley was elected as a Fellow of the American Bar Foundation of New Jersey. He is a former member of the New Jersey Supreme Court Committee for the Tax Court and a former member of

Practice Areas:
Real Estate Law and Land Use
Environmental Law
Business Litigation

Admitted to Practice:
United States District Court for the District of New Jersey
United States Court of Appeals for the Third Circuit
United States Court of Appeals for the Federal Circuit
United States Supreme Court

Education:
St. Vincent College (B.A., 1968)
Rutgers University School of Law (J.D., 1972)

Affiliations:
Alliance for Action
American Bar Association
New Jersey State Bar Association

the Board of Trustees of the Blue Shield Plan of New Jersey, as well as former chairman of the Lawyers Advertising Committee of the New Jersey State Bar Association. At Rutgers Law School, Mr. Coakley served as a Member of the *Law Review*. Upon graduation, he became the Law Secretary to the Honorable John W. Fritz, New Jersey Superior Court, Appellate Division (1972-1973).

Publications

- Co-author, "Smart Growth Regulations Are Deemed Invalid" published in the *New Jersey Law Journal* (June 2010)
- Co-author, "More Precision on Wetlands" published in the *New Jersey Law Journal* (February 2007)
- Author, "Inverse Condemnation: The Search For The Relevant Parcel" (1996)

Representative Experience

- In the Matter of Centex Homes, LLC — Represented Centex Homes, LLC in successfully appealing a New Jersey Board of Public Utilities order denying Centex's petition for an order directing public utilities to pay for or contribute to the cost of utility extensions to a residential development. The Board of Public Utilities denied Centex's petition pursuant to the Board's Main Extension Regulations, which prohibit utilities from paying for or contributing to the cost of utility extensions to areas classified as "not designated for growth" under the regulations. The New Jersey Appellate Division reversed the Board of Public Utilities' order and ruled that the Board exceeded its statutory authority in prohibiting utilities from paying for or contributing to the cost of utility extensions to areas not designated for growth;
- Bridgewater Commons (Bridgewater, New Jersey) — The project, commenced in the late 1980s, now includes over 2,000,000 square feet of mall, office and hotel space. The project is a long-term redevelopment project carried out in cooperation with the municipality. Mr. Coakley has represented the project since its inception;
- Allied Junction (Secaucus, New Jersey) — On September 6, 2003, the Governor of New Jersey dedicated the new $600,000,000 rail station at Allied Junction in Secaucus, Hudson County. Mr. Coakley and Patrick McAuley of Connell Foley represented the private developer who donated the land for the station and retained development rights to build 3,600,000 square feet of retail, office and hotel space in and above the station. The station is the largest new rail station opened in the United States since 1900. A new interchange of the New Jersey Turnpike has been constructed next to the station. The project was a long-term cooperative effort with public agencies to create a project having unique transportation advantages;
- Heritage Minerals Property (Manchester Township, New Jersey) — Mr. Coakley completed negotiations of a settlement on behalf of Harry Hovnanian with the New Jersey Department of Environmental Protection, the New Jersey Pinelands Commission and several environmental groups to allow a 2,450 unit residential redevelopment of a 7,000 acre property in Manchester Township, New Jersey. The settlement involved many complex matters, including as relevant here, provisions for DEP amendment of sewer service planning areas, amendment of the State Plan and the resolution of significant environmental issues involving prior mining use of the site;
- Prudential Arena — Connell Foley represented one of three property owners who exchanged numerous properties to advance the Newark Arena Redevelopment Area;
- Heavy and Highway Contractors — Connell Foley and Mr. Coakley are counsel for several of the most active public works contractors operating in New Jersey.