




Brian H. Harvey

Partner

Real Estate

 732.268.8003

 bharvey@archerlaw.com

Overview

Brian focuses his practice on planned real estate development, real estate, land use, and community association law. A large portion of his practice is devoted to assisting clients in the development of residential, commercial and mixed-use developments. He has years of experience representing developers before municipal, county and state agencies to receive development permits and approvals for residential and commercial real estate projects.

Clients look to Brian for his deep industry knowledge and experience. He is extremely knowledgeable in his field, responsive and easy to work with, and he works tirelessly to achieve his clients' goals. He does his best to prepare a thorough work product and to anticipate issues and potential pitfalls. Having worked in the planned real estate development area of law for a number of years, coupled with his years of interaction with the Department of Community Affairs (DCA), Brian provides his clients with invaluable insight into the workings of the regulators at the DCA. Brian enjoys working with clients in setting up planned real estate developments, condominiums and other mixed-use developments because he finds that each community and development has unique characteristics and challenges that allow him to creatively work to address clients' needs.

Brian prepares governing documents for planned real estate developments for both condominium and fee-simple communities, as well as drafts and coordinates the registration of public offering plans and related documents as regulated by the New Jersey Department of Community Affairs. Drawing on his experience with the preparation of governing documents for common interest communities, Brian is often involved with the structuring of mixed-used developments and the creation of commercial condominiums. In addition, Brian also counsels clients in the sale and acquisition of real estate, including the preparation of due diligence reports to determine the feasibility of development of real property, as well as guiding clients through the closing process.

Representative Experience

- Served as counsel to a national homebuilder in the development of a 247 unit townhome community located in Morris County, New Jersey. The townhome community was located within a large mixed use development subject to its own easement and cost sharing agreement. Moreover, the townhome community was subject to a separate easement and cost sharing agreement with an affordable rental community located within the mixed use development. The representation involved the drafting of the townhome community's homeowners association governing documents, the drafting of the easement and cost sharing agreement with the affordable rental community and registration of the townhome community with the New Jersey Department of Community Affairs pursuant to the Planned Real Estate Development Full Disclosure Act.
- Represented a national homebuilder in the development of a 452 age-restricted residential community located in Burlington County, New Jersey. The implementation of the community involved a land banker concept wherein the homebuilder acquired title to the residential building lots from a separate land banking entity and then said homebuilder constructed and sold the homes to individual purchasers. To accomplish the foregoing, the homeowners association governing documents and public offering statement were drafted to address the land banking concept and the community was registered as a joint application for registration pursuant to the Planned Real Estate Development Full Disclosure Act.
- Counseled an owner of a commercial property containing an ice hockey and ice skating rink facility located in one building on the property and a separate indoor sports facility located in a separate building on the property. The representation involved creating a commercial condominium on the property so that the ice hockey and ice skating rink facility building could be sold to a 3rd party and the owner could retain ownership of the indoor sports facility building.
- Provided representation to the buyer of a self-storage facility located in Passaic County, New Jersey. The self-storage facility was to be located in a building proposed to contain office and retail space to be retained by the seller. The building containing the office and retail space and self-storage facility was located on property containing a separate mixed use building also to be retained by the seller. In order to address the variety of uses and ownership issues, the representation included creating master and sub-condominium regimes to permit the client to acquire ownership of the self-storage facility.

Professional and Community Involvement

- New Jersey Builders Association
- Shore Builders Association of Central New Jersey
- Builders League of South Jersey
- Metropolitan Builders and Contractors Association of New Jersey



Select Speaking Engagements and Seminars

- “Community Associations,” Atlantic Builders Convention (March 2025)
- “Community Associations,” New Jersey Builders Association, Atlantic Builders Convention (April 2019, March 2023)
- “Community Associations,” New Jersey Builders Association Seminar (November 2020)

Credentials

Education

- Seton Hall University School of Law, JD
- Dartmouth College, BA

Admissions

- New Jersey

Offices

- Red Bank, NJ

Areas of Focus

Practice

- Land Use
- Real Estate

