



## Seth Friedland

*Counsel*

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Seth Friedland is counsel in Herrick's Real Estate Department. Seth focuses his practice on real estate transactions, litigation and environmental matters for developers, owners, lenders, tenants and petroleum industry businesses.

He frequently represents petroleum marketers, jobbers, gas station owners, terminal operators, property owners and developers, in petroleum and environmental matters throughout the New York, New Jersey, and Connecticut areas, and in other parts of the country. Additionally, Seth has a significant understanding of gas station and petroleum marketing issues, and often serves as a consultant to real estate lawyers, lenders and companies on litigation strategy, petroleum marketing, environmental matters, regulatory compliance, real estate and business transactions, risk avoidance, asset protection, and the redevelopment of environmentally impacted and distressed properties.

Seth previously served as Assistant Regional Counsel for the United States Department of Energy in New York.

### Services

- Environmental
- Real Estate
- Litigation
- Real Estate Development
- Commercial Leasing
- Real Estate Litigation & Dispute Resolution
- Corporate Litigation
- Construction and Development
- Industrial Property Transactions and Redevelopment
- Not-for-Profits

### Education

- New York Law School (J.D.)
- Miami University

### Memberships & Associations

- New York State Bar Association
  - Environmental Law Section
  - Navigation Law Task Force
- New Jersey Bar Association
  - Environmental Law Section

- ABA Section on Natural Resources, Energy and Environmental Law
- ABA Committee on State and Regional Environmental Cooperation
- Member, Planning Committee, Petroleum Marketing Attorneys Group, ABA Section on Natural Resources, Energy and Environmental Law (SONREEL)
- New York City Brownfields Partnership

## Matters

### Centennial Bank - \$12 Million Yonkers Acquisition Loan

Represented Centennial Bank in a \$12 million acquisition loan to an affiliate of Extell Development. The loan was secured by waterfront property which will ultimately be converted into a residential and retail project.

### Centennial Bank - \$80 Million Construction Loan - Brooklyn, NY

Represented Centennial Bank in an \$80 million construction loan for the ground-up development of the property located at 1100 Myrtle Avenue in Brooklyn, which will consist of an 11-story mixed use project with a ground floor supermarket and residential units.

### New Market Tax Credits - Construction of Mixed-Use Building - West Virginia

Represented a regional bank and their investment partner in financing the construction of a mixed-use building in West Virginia with commercial space and 16 rental apartments. The apartments are targeted to provide affordable housing to teachers in the community.

### New Market Tax Credits - Redevelopment of Indiana Industrial Facility

Represented a regional bank and their investment partner in financing the modernization and expansion of an industrial facility in Indiana. The facility will add approximately 20,000-sq.-ft. of additional manufacturing space which will be used for additional manufacturing lines. Once final, the renovated and updated facility will create an additional 20 to 30 jobs in the community.

### NY Opportunity Zone - Structuring & Documentation

Represented the purchaser in the structuring and documentation of the acquisition of a New York development site in an Opportunity Zone transaction.

### LargaVista Companies - Long Island City Acquisition

Represented an affiliate of LargaVista Companies in the \$18 million acquisition from Zand Development, LLC of 29-00 Queens Plaza East (at the corner of Northern Blvd. & Queens Blvd.), Long Island City, NYC. Our work included a 1031 Exchange, financing, and is part of LargaVista's assemblage for future residential development.

### Centennial Bank - Loan for South Bronx Development

Represented Centennial Bank in the environmental matters relating to a loan for The Domain Companies for their development on Gerard Avenue in the Bronx.

### Bankruptcy Chapter 11 Trustee - Bankruptcy & Sale of 4778 Broadway

Represented Donald F. Conway, the Bankruptcy Chapter 11 Trustee, in the sale of 4778 Broadway, in the Inwood section of Manhattan, to affiliates of the Housing Development Partnership Corporation and Madd Equities, for 12.3 million, which was authorized by the Bankruptcy Court. Herrick provided strategic advice and counsel in marketing the site, analyzing potential zoning issues, environmental issues and transactional services.

### Centennial Bank - Loan to Extell Development for Deer Valley Ski Resort

Represented Centennial Bank an upsize of an existing loan to Extell Development Company for a total aggregate loan amount of \$43.6 million for certain pre-development costs incurred

by Extell in developing its 2,500+ acre Deer Valley, Utah property as a hotel/condominium/ski resort.

**E&H Members LLC - Acquisition & Environmental Due Diligence for New Jersey Whole Foods**  
Represented E & H Members LLC in the acquisition of 104 & 110 Washington Street, Morristown, NJ. The transaction involved a triple net leased Whole Foods, a 1031 exchange and the purchase of extensive environmental insurance related to environmental concerns stemming from a former dry cleaner.

### **300 Lafayette**

Representing a joint venture between Related Companies and LargaVista Companies on environmental matters in the development of a Soho gas station site into a \$200 million retail and office building.

### **Wetlands Variance**

Represented a real estate owner in seeking a wetlands variance to build a large platform for trucks, as part of a development project along the Newtown Creek Superfund site.

### **Environmental Compliance for Luxury Residential Property**

Represented a New Jersey apartment building owner in achieving environmental compliance for a luxury building built on a perchloroethylene contaminated site. In addition to resolving all violations, successfully worked with tenants to address concerns and end potential class action litigation.

### **Developer's Counsel - Superfund Site**

Represented a developer in the bank foreclosure acquisition of a high-profile Superfund site in Norwalk, CT. Successfully secured protections from the Connecticut DEEP and U.S. Environmental Protection Agency, in addition to securing environmental insurance and negotiating environmental issues with a big-box retail tenant.

### **Master Leasing for 25 NYC Gas Stations**

Represented a landlord in a master lease with a major multinational oil and gas company for the ground lease of 25 New York City gas stations.

### **Environmental Counsel for Complex Transactions**

Represented a large chain of retail gas stations in the New York metropolitan area in successfully contesting a \$37 million state sales tax liability. Steered the company through a successful chapter 11 bankruptcy, reducing liability to \$4 million, then converted the \$4 million settlement debt into a commercial loan, and further discounted the debt through an accelerated pay off settlement, achieving full releases. Handled all litigation, real estate transactions and negotiations with landlords, government authorities and lenders.

### **90 Gas Station Acquisitions and Financing**

Represented an investor in the purchase of 90 gas stations from Motiva Enterprises, acquisition financing from a bank lender and private investors; a follow-on acquisition of 15 stations and a refinancing of the portfolio with a bank lender.

### **\$30 million SoHo Gas Station Sale**

Represented an owner in the \$30 million sale of a Mobil gas station in Manhattan's Soho neighborhood.

## Publications

November 2017

Development and Redevelopment of Gas Station Properties  
Environmental Law in New York