

**ORDINANCE NO. 3446**

**INTRODUCED BY: MAYOR MAURO G. TUCCI ON BEHALF OF THE BOARD OF COMMISSIONERS**

**INTRODUCED ON: JULY 9, 2020**

**PUBLISHED: JULY 16, 2020**

**PUBLIC HEARING: AUGUST 4, 2020**

**PUBLISHED: AUGUST 13, 2020**

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**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ADOPTING THE AMENDED NUTLEY PHASE IIA REDEVELOPMENT PLAN**

**WHEREAS**, the Board of Commissioners of the Township of Nutley (the “Board of Commissioners”) identified the certain properties in the Township of Nutley (the “Township”) designated as follows on the official Tax Map of the Township of Nutley (collectively, the “Study Area”):

Block 102, Lots 2 and 9; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2100, Lot 9 C0101, Lot 9 C0102, Lot 9 C0103, Lot 9 C0104, Lot 9 C0105, Lot 9 C0106, Lot 9 C0107, Lot 9 C0108, Lot 9 C0109, Lot 9 C0110, Lot 9 C0111, Lot 9 C0208, Lot 9 C0209, Lot 9 C0210, Lot 9 C0211, Lot 9 C0212, Lot 9 C0214, Lot 9 C0215, Lot 9 C0216 and Lot 9 C0217; Block 2101, Lot 1; and Block 2304, Lot 17, Lot 18 C0001, Lot 18 C0002, Lot 18 C0003 and Lot 18 C0203,

also known as the former Hoffmann-La Roche corporate campus site, to be considered for designation as a condemnation “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

**WHEREAS**, on February 24, 2015, the Nutley Township Planning Board (the “Planning Board”) adopted a Resolution recommending that portions of the Study Area designated as Block 102, Lot 2; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2101, Lot 1, and Block 2304, Lot 17, as shown on the official Tax Map of the Township of Nutley (the “Redevelopment Area”) be determined by the Board of Commissioners to be a condemnation “area in need of redevelopment” under the LRHL; and

**WHEREAS**, the Board of Commissioners concurred and agreed with the Planning Board’s recommendation, as supported by the reasons stated in the Planning Board’s Preliminary Investigation, that the Redevelopment Area constitutes and meets the criteria under the LRHL and that the Redevelopment Area should be determined and declared a condemnation “area in need of redevelopment”, which determination, among other things, authorizes the Township to exercise the power of eminent domain to acquire all or any portion of such Redevelopment Area; and

**WHEREAS**, on March 3, 2015, the Board of Commissioners adopted Resolution No. 74-15 declaring the Redevelopment Area a condemnation “area in need of redevelopment” under the LRHL; and

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**WHEREAS**, in furtherance of the redevelopment of the Redevelopment Area, on August 7, 2018 the Board of Commissioners adopted the Nutley Phase IIA Redevelopment Plan, which contains a detailed subdivision and development program and design criteria for an approximately fourteen (14) acre portion of the Redevelopment Area and the existing structures thereon located within portions of Block 201, Lot 1 and Block 300, Lots 1 and 20 (which Lots are indicated in the Phase IIA Redevelopment Plan as possibly being subdivided and/or consolidated into up to four (4) separate lots) (the “Phase IIA Redevelopment Area”), while maintaining the existing zoning in the remainder of the larger Redevelopment Area (including the planning/zoning criteria under the existing Redevelopment Plan – Nutley HLR/Phase 1, adopted by the Board of Commissioners on July 19, 2016 (the “Phase I Redevelopment Plan”), with an understanding that the Phase IIA Redevelopment Plan would be amended, and/or additional redevelopment plan(s) would be adopted in the future to encourage and permit uses in the Redevelopment Area complimentary to and consistent with the Phase IIA Redevelopment Plan; and

**WHEREAS**, on February 4, 2020, the Board of Commissioners adopted an amendment entitled “First Amended Phase IIA Redevelopment Plan” dated January 14, 2020, prepared by Topology NJ, LLC, amending the previously approved Phase IIA Redevelopment Plan to permit the occupants and visitors of Building 123 and Building 123A (as defined the Phase I Redevelopment Plan) to utilize and access the parking garage/structure located on Block 201, Lot V (as defined in the Phase IIA Redevelopment Plan) for vehicular parking on a temporary basis up to and until September 30, 2020, subject and pursuant to the terms set forth in a redevelopment agreement by and between the Township and the redeveloper of the Phase IIA Redevelopment Area (as so amended, the “Phase IIA Redevelopment Plan”); and

**WHEREAS**, the Board of Commissioners wish to amend the previously approved and amended Phase IIA Redevelopment Plan to incorporate standards for internal circulation and open space and, to the extent required, amend the boundaries of the previously approved redevelopment plan to incorporate areas that will be used for internal circulation; and

**WHEREAS**, Topology NJ, LLC has prepared for the Township a form of amendment to the Phase IIA Redevelopment Plan, incorporating the above described amendments entitled “Second Amended Phase IIA Redevelopment Plan” dated July 9, 2020 (the “Second Amendment to the Phase IIA Redevelopment Plan”); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Second Amendment to the Phase IIA Redevelopment Plan shall be placed on file for public view with the Municipal Clerk and referred to the Nutley Planning Board for review and issuance of a report containing its recommendations, if any, concerning the Second Amendment to the

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Phase IIA Redevelopment Plan and its consistency with the Nutley Township Master Plan within forty-five (45) days of referral.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY DO ORDAIN**, that pursuant to N.J.S.A. 40A:12A-7 the Board of Commissioners hereby accepts and approves the Second Amendment to the Phase IIA Redevelopment Plan, and hereby adopts said Second Amendment to the Phase IIA Redevelopment Plan; and

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, to the extent that any portion of the Second Amendment to the Phase IIA Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Second Amendment to the Phase IIA Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township's zoning ordinance shall be deemed amended accordingly; and

**BE IT FURTHER ORDAINED**, this Ordinance shall take effect upon passage and publication in accordance with applicable law.