

BOARD OF COMMISSIONERS

TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

<i>Introduced by:</i>	Board of Commissioners Read by Mayor Joseph P. Scarpelli	<i>Date:</i>	August 20, 2018
<i>Seconded by:</i>	Commissioner Steven L. Rogers	<i>No.</i>	186-18

RESOLUTION OF THE TOWNSHIP COMMISSIONERS OF THE TOWNSHIP OF NUTLEY DESIGNATING PB NUTCLIF MASTER, LLC AS REDEVELOPER OF A PORTION OF THE REDEVELOPMENT AREA AND AUTHORIZING PB NUTCLIF MASTER, LLC TO SUBMIT AN APPLICATION FOR SITE PLAN, SUBDIVISION AND/OR BULK VARIANCE APPROVAL TO THE PLANNING BOARD UNDER THE 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

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, the Board of Commissioners directed Topology NJ, LLC to prepare a redevelopment plan, entitled “Nutley Phase IIA Redevelopment Plan” (the “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 being subdivided and/or consolidated into separate lots), 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 on July 19, 2016), with an understanding that the Phase IIA Redevelopment Plan will be amended, and/or additional redevelopment plan(s) will 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, pursuant to N.J.S.A. 40A:12A-7(d)-(e), the Phase IIA Redevelopment Plan was referred to the Nutley Planning Board for review and issuance of a report containing its recommendations, if any, concerning the Phase IIA Redevelopment Plan, and thereupon the Planning Board found that the Phase IIA Redevelopment Plan is consistent with the Nutley Township Master Plan; and

WHEREAS, on August 7, 2018, the Board of Commissioners adopted the Phase IIA Redevelopment Plan pursuant to Ordinance No. 3392; and

WHEREAS, the Phase IIA Redevelopment Plan requires that any redeveloper submit all plans to the Board of Commissioners for review and authorization to proceed before the Planning Board prior to submitting a site plan or subdivision application to the Planning Board; and

WHEREAS, in accordance with the Phase IIA Redevelopment Plan, PB Nutclif Master, LLC submitted and presented a site plan/subdivision package comprised of plans, renderings, and reports prepared by GreenbergFarrow (civil engineers), The Aztec Corporation (architect), WeintraubDiaz (landscape architects), Gensler (architect), Stonefield Engineering (traffic engineers), and PS&S (subdivision), for review and approval by the Board of Commissioners, in consultation with its consultants; and

WHEREAS, after reviewing such site plan/subdivision package, the Board of Commissioners found that same meets the design standards enumerated in the Phase IIA Redevelopment Plan and indicates any variances and deviations required from the Phase IIA Redevelopment Plan; and

WHEREAS, on August 7, 2018, the Board of Commissioners resolved to authorize PB Nutclif Master, LLC to proceed with an application for site plan, subdivision and/or bulk variance/deviation approval to the Planning Board based on such plan/subdivision package; and

WHEREAS, the Board of Commissioners desires to memorialize such action taken at its August 7, 2018 meeting; and

WHEREAS, the Phase IIA Redevelopment Plan also requires that any party must be specifically designated as the “redeveloper” as set forth therein in order to have standing to proceed before the planning board for site plan approval; and

WHEREAS, the Board of Commissioners, in accordance with the Phase IIA Redevelopment Plan and the LRHL, desires to designate PB Nutclif Master, LLC as the designated redeveloper of the portion of the Redevelopment Area covered by the Phase IIA Redevelopment Plan; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that the Board hereby designates PB Nutclif Master, LLC as the designated redeveloper of the portion of the Redevelopment Area covered by the Phase IIA Redevelopment Plan subject to the conditions set forth herein; and be it

FURTHER RESOLVED, by the Board of Commissioners of the Township of Nutley that said designation of PB Nutclif Master, LLC is specifically subject to and conditioned upon PB Nutclif Master, LLC entering into a redevelopment agreement with the Township within ninety (90) days of the adoption of this Resolution; and in the absence of such a redevelopment agreement being entered within such time period, such designation of PB Nutclif Master, LLC shall automatically expire and be null and void, and PB Nutclif Master, LLC shall automatically be de-designated as redeveloper of the portion of the Redevelopment Area covered by the Phase IIA Redevelopment Plan; and be it

FURTHER RESOLVED, by the Board of Commissioners of the Township of Nutley that the Board hereby authorizes PB Nutclif Master, LLC to proceed with an application for site plan, subdivision and/or bulk variance/deviation approval to the Planning Board based on the plan/subdivision package referenced herein in a manner consistent with the Phase IIA Redevelopment Plan; and be it

FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law.

I, _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the
Eleni Pettas
 foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____ August 20, 2018

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X Via Phone	X Via Phone		X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>				X	