

RIDER TO THE ZONING BOARD OF ADJUSTMENT APPLICATION

Section III. Disclosure Statement

Pursuant to N.J.S.A. 40:55D-48.1 the names and addresses of all persons owning 10% or more of the stock in a corporation or 10% or more of the interest in any partnership must be disclosed by the applicant. In accordance with N.J.S.A. 40:55D-48.2, that disclosure requirement applies to any corporation or partnership which owns 10% or of the interest.

PB Nutclif Master, LLC, the Applicant, is entirely owned by PB Nutclif I, LLC.

Baupost Private Investments C-3, L.L.C. owns 19.10% interest in PB Nutclif I, LLC.

Baupost Private Investments C-3, L.L.C. is entirely owned by Baupost Limited Partnership 1983 C-1.

There are no individuals or entities who own 10% or more of the interest in Baupost Limited Partnership 1983 C-1.

Baupost Private Investments BVIV-3, L.L.C. owns 36.71% interest in PB Nutclif I, LLC.

Baupost Private Investments BVIV-3, L.L.C. is entirely owned by Baupost Value Partners, L.P.-IV.

There are no individuals or entities who own 10% or more of the interest in Baupost Value Partners, L.P.-IV.

Section VI. General Information

In the event that the Zoning Board of Adjustment deems it necessary pursuant to its interpretation of the Code of the Township of Nutley pursuant to N.J.S.A. 40:55D-70.b., Applicant is seeking a (d)(1) use variance from Section 700-21 to permit a private roadway (Road D) on a separate "lot," and final site plan approval for Road D, Road H, and 150 Metro Boulevard.

Road D was granted preliminary site plan approval to be used as a private roadway, and all improvements have been made. The land on which Road D is located cannot be used for any other use but a roadway due to its size, shape, and location, and necessary bulk variances were granted in connection thereto at the time preliminary approval was granted. Road D services the uses on the adjacent properties, all of which have been developed as a unified development parcel, furthering purpose (a) of the *Municipal Land Use Law* by promoting the public promoting the public, health safety, morals, and general welfare, and purpose (h) by promoting the free flow of traffic. Granting a (d)(1) use variance to permit Road D to be used as a private roadway to serve the uses on the adjacent parcels and allow circulation through the campus does not have any negative impact on the public good because Road D provides safe circulation, access, ingress, and egress to the properties it services. Granting a (d)(1) use variance would not substantially impair the intent and purpose of the Zoning Ordinance and Master Plan because Road D services the uses on the adjacent properties, all of which are permitted uses. Further

evidence that granting a (d)(1) use variance would not have any substantial negative effect on the public good or substantially impair the intent and purpose of the Zoning Ordinance and Master Plan is shown by the Township's adoption of the Nutley Hoffman-LaRoche Phase 3 Redevelopment Plan Roadways + Circulation, which explicitly permitted this specific private roadway as an access road and specifically authorized the access road to service the specific buildings and uses that it will serve within the Phase 2A Redevelopment Plan Area.