

ORDINANCE NO. 3589

INTRODUCED BY: MAYOR KELLY ON BEHALF OF THE BOARD OF COMMISSIONERS

INTRODUCED ON: JUNE 17, 2025

PUBLISHED: JUNE 19, 2025

PUBLIC HEARING: JULY 1, 2025

PUBLISHED: JULY 10, 2025

**TOWNSHIP OF NUTLEY
ESSEX COUNTY, NEW JERSEY
ORDINANCE NO. 3589**

WHEREAS, the Board of Commissioners of the Township of Nutley (the “Board of Commissioners”) identified 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 2000, Lots 1, 4 and 5 and Block 2101, Lot 1 to be considered for designation as a condemnation “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

WHEREAS, On March 18, 2014, pursuant to Resolution #67-14, the Board of Commissioners requested the Township Planning Board conduct a preliminary investigation to determine if the Study Area satisfied the criteria for designation as a condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5.

WHEREAS, Maser Consulting prepared an investigation of the Study Area dated February 5, 2014 (the “Redevelopment Area”); and

WHEREAS, on March 3, 2015, the Board of Commissioners determined that the Redevelopment Area constitutes and meets the criteria under the LRHL to be designated as a condemnation area in need of redevelopment 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, the Township and PB Nutclif MED LLC (“PB”) have entered into a settlement, which requires among other things, the adoption of a redevelopment plan for the Redevelopment Area;

WHEREAS, FAR Planning has prepared for the Township a Redevelopment Plan dated June 18, 2025 (“Roche Southside Kingsland Street Redevelopment Plan”), which plan provides development standards and uses for the Redevelopment Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Roche Southside Kingsland Street 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 Roche Southside Kingsland Street 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 Roche Southside Kingsland Street Redevelopment Plan, and hereby adopts said

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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 Roche Southside Kingsland Street Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Roche Southside Kingsland Street 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.

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