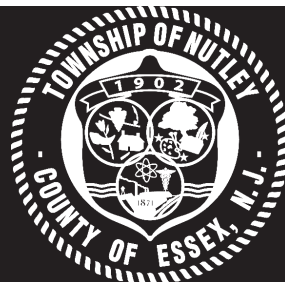


NUTLEY PHASE II REDEVELOPMENT PLAN

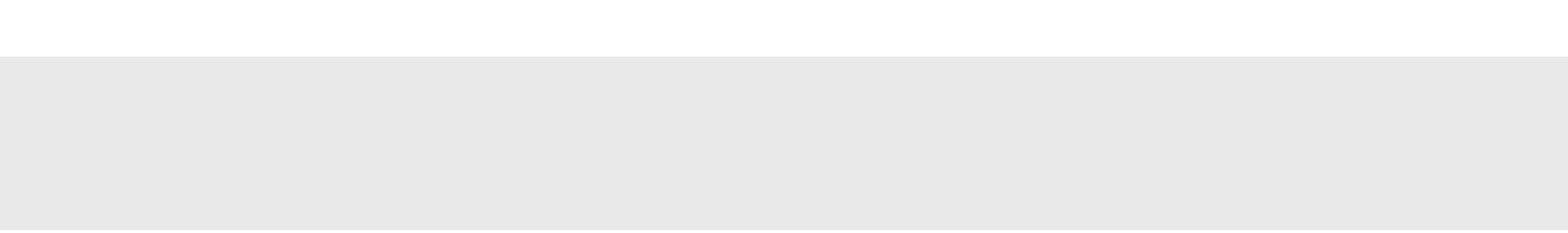
Draft Date: July 17, 2018

PREPARED FOR:
The Township of Nutley, New Jersey

PREPARED BY:
Topology NJ, LLC
60 Union St, 1N, Newark, NJ 07105



**TOPO
LOGY**



ACKNOWLEDGMENTS

Date Adopted: _____

BOARD OF COMMISSIONERS

Mayor Dr. Joseph P. Scarpelli
Commissioner Thomas J. Evans
Commissioner Alphonse Petracco
Commissioner Steven L. Rogers
Commissioner Mauro G. Tucci

Alan Genitempo, Esq., Township Attorney
John P. Inglesino, Esq., Redevelopment Attorney

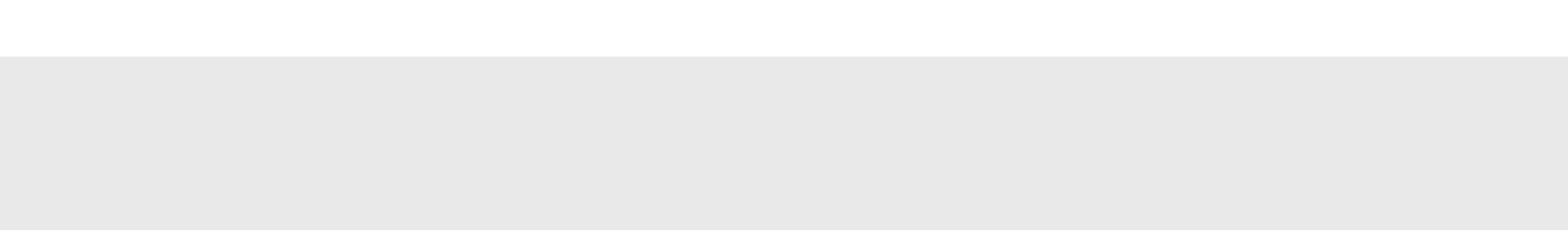
PREPARED BY:

Topology NJ, LLC
60 Union St, 1N
Newark, NJ 07105

The original of this report was
signed and sealed in accordance
with N.J.S.A. 45:14A-12

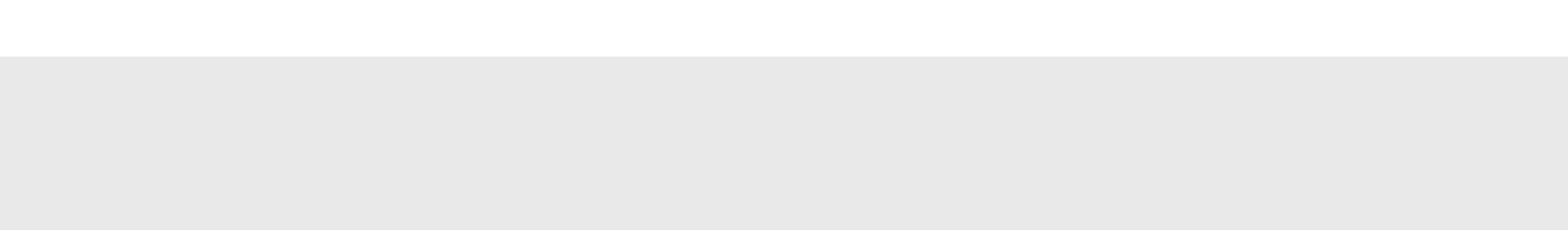
Leigh A. Hindenlang, PP/AICP
PP# 33LI00628600

Philip A. Abramson, Esq., PP/AICP
PP# 33LI00609600



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1. INTRODUCTION

1.1. The Redevelopment Plan

This Redevelopment Plan (“Plan”) applies solely to the existing buildings and structures remaining within the Hoffman La Roche (“Roche”) Redevelopment Area located within the Township of Nutley (“Township”) in Essex County. It should be noted that a portion of one of the existing buildings (200 Metro Boulevard) lies within the City of Clifton (“City”) in Passaic County. The Roche Redevelopment Area refers to approximately 119 acres that are split between the two municipalities and counties, with 52 of these acres located within the Township (Figure 1).



1. INTRODUCTION

The Roche Redevelopment Area served as the US headquarters for pharmaceutical company Hoffman La Roche for over 80 years. At one point, the company employed over 10,000 employees and eventually provided 10% of the Township's tax revenues. Roche began downsizing their operations and staff on site in 2009 with an eventual closure in 2015 and sale in 2016. Throughout this process, most of the buildings and improvements were razed, except for what is now referred to as 100 Metro Boulevard ("100 Metro"), 200 Metro Boulevard ("200 Metro"), the Hackensack-Meridian Seton Hall School of Medicine ("Medical School") and Building 102 (Figure 2).



1. INTRODUCTION

The Nutley Board of Commissioners directed the Planning Board to conduct a preliminary investigation of the Nutley portion of the Roche area on March 18, 2014. The Planning Board was charged with determining whether the parcels within the site met the statutory criteria under the Local Redevelopment and Housing Law (LRHL) for a condemnation area in need of redevelopment. Similarly, the City of Clifton initiated a non-condemnation preliminary investigation process in November of 2014. The investigations for both municipalities were completed in 2015 by Maser Consulting P.A., resulting in both municipalities designating their share of the Roche site as areas in need of redevelopment; Nutley on March 3, 2015 and Clifton on May 5, 2015.

To date, a redevelopment plan for 16.555 acres of the overall Roche Redevelopment Area has been completed known as the “Phase 1 Project Area Redevelopment Plan.” This plan was adopted by the Nutley Board of Commissioners on July 19, 2016. This plan included the proposed Medical School facility, with 5.57 acres within Clifton and 10.98 acres within Nutley. The Medical School has initiated occupancy in spring of 2018.

1.2. Plan Overview

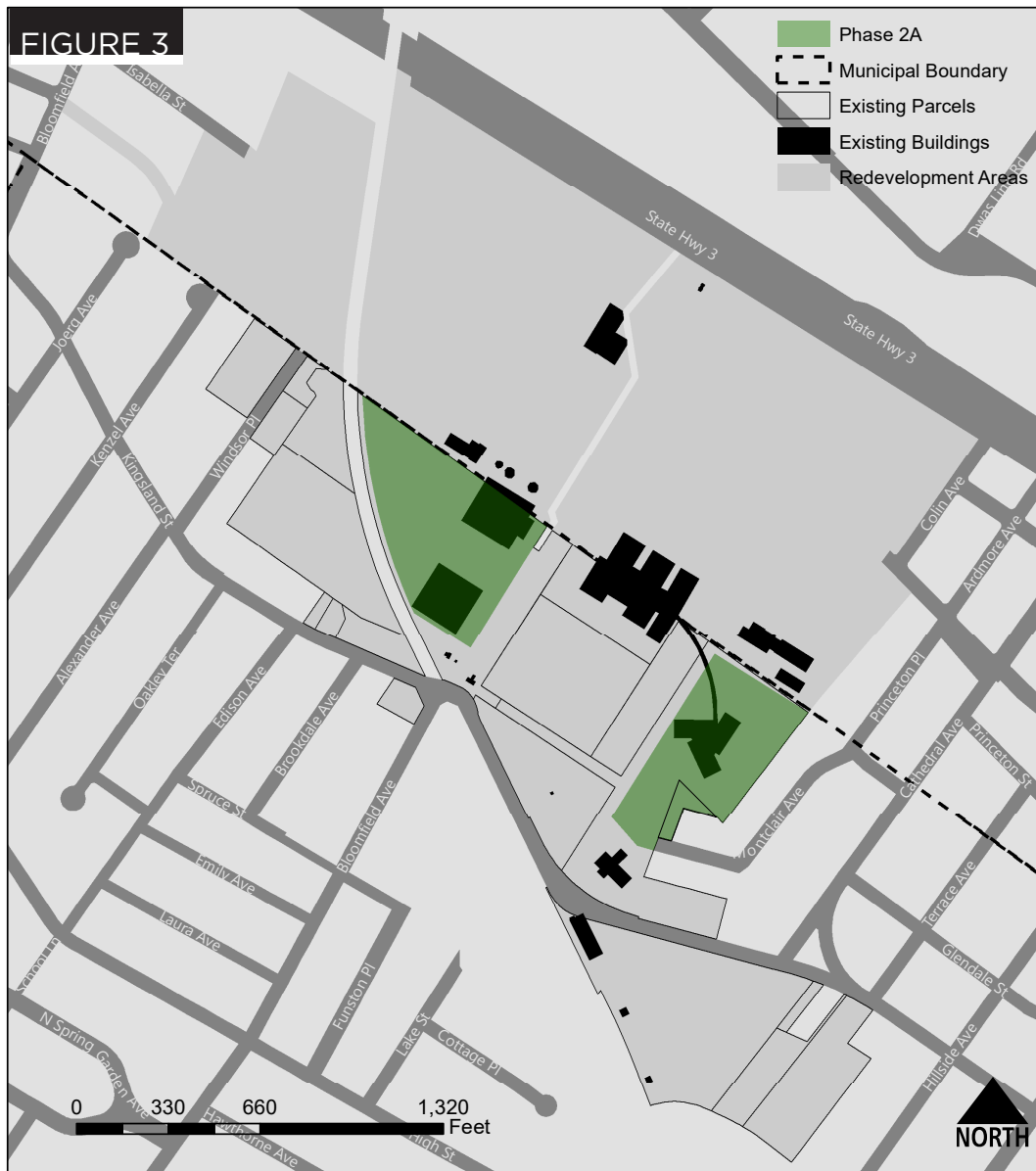
This Nutley Phase IIA Redevelopment Plan is an initial step in a phased planning exercise to entitle 100 Metro, 200 Metro and Building 102—a portion of the remaining Redevelopment Area in Nutley of approximately 11.88 acres (“Project Area IIA” – Figure 3). It does not approve modifications to internal roads or public rights-of-way or include an exhaustive list of public improvements or amenities. It is anticipated that the balance of the overall Redevelopment Area will be addressed as part of one or more subsequent redevelopment plans. No land use board should rely upon this plan to consider any of the preceding actions as permitted or sanctioned by this plan. The process for approval of these items will be detailed in Section 7.4. It

In accordance with the LRHL [N.J.S.A. 40A: 12A-7.a.2], this Phase IIA Redevelopment Plan establishes the following proposed requirements for the Nutley Phase IIA Project Area:

- Land Uses
- Bulk Standards
- Design Criteria
- Building Requirements

1. INTRODUCTION

It is anticipated that Phase IIA will incorporate the remaining structures on the Roche site to be reused as office, medical, research and development hub that complements the Franklin Avenue corridor and properly integrates with the surrounding community through marketing, strategic partnerships, and open, attractive physical improvements to the public realm.



1. INTRODUCTION

The provisions set forth in this Redevelopment Plan shall supersede, govern and control the equivalent standards set forth in the Zoning (Chapter 700) and Site Plan Review (Chapter 600) chapters of the Township of Nutley Municipal Code. This means that the underlying M-O Industrial Zoning District is being repealed as part of this Redevelopment Plan with respect to the property described in Section 4.1 hereof. Any standard, definition or regulation in the Township of Nutley Municipal Code that is not specifically addressed by an equivalent or superseding standard, definition or regulation in this Redevelopment Plan shall apply as part of this Redevelopment Plan. The Township Commission, acting as the Redevelopment Entity, shall make the final determination as to consistency of a redevelopment project with this Redevelopment Plan. The adoption of this Plan shall result in a rezoning of the Nutley Phase IIA Project Area and the Official Zoning Map of the Township of Nutley shall be amended to show the Nutley Phase IIA Project Area as “RRP-2A” (Roche Redevelopment Plan Phase 1). The subdivision of the Nutley Phase IIA Project Area and any subsequent applications for development to the Nutley Planning Board to implement this Plan shall be in accordance with the Municipal Code of the Township of Nutley and any applicable Redevelopment Agreement.

It is important to note that at the time of the development of this plan, the Township did not have complete analyses, studies or development programming to complete a comprehensive review. As such, this plan indicates where additional information or documentation is needed from any proposed developer before approvals and subsequent designation or redevelopment agreements can occur, except with respect to the subdivisions of Block 201, Lot 1 and Block 300, Lot 1. This is largely related to the design, massing and impact of new construction, improvements and design of public and semi-public open space, and circulation for all modes of transportation. This process is outlined In Section 7.4.

The Township of Nutley is concerned about impacts on Nutley caused by development on the Clifton portion of the former Roche site. Such impacts relate to inter alia, water, sewer, traffic and the like. As such, the redeveloper shall adhere to Section 7.5 process to provide Nutley adequate opportunity to review such items.

2. LRHL

Local Redevelopment and Housing Law (LRHL) Regulations +
Policy (See Appendix A)

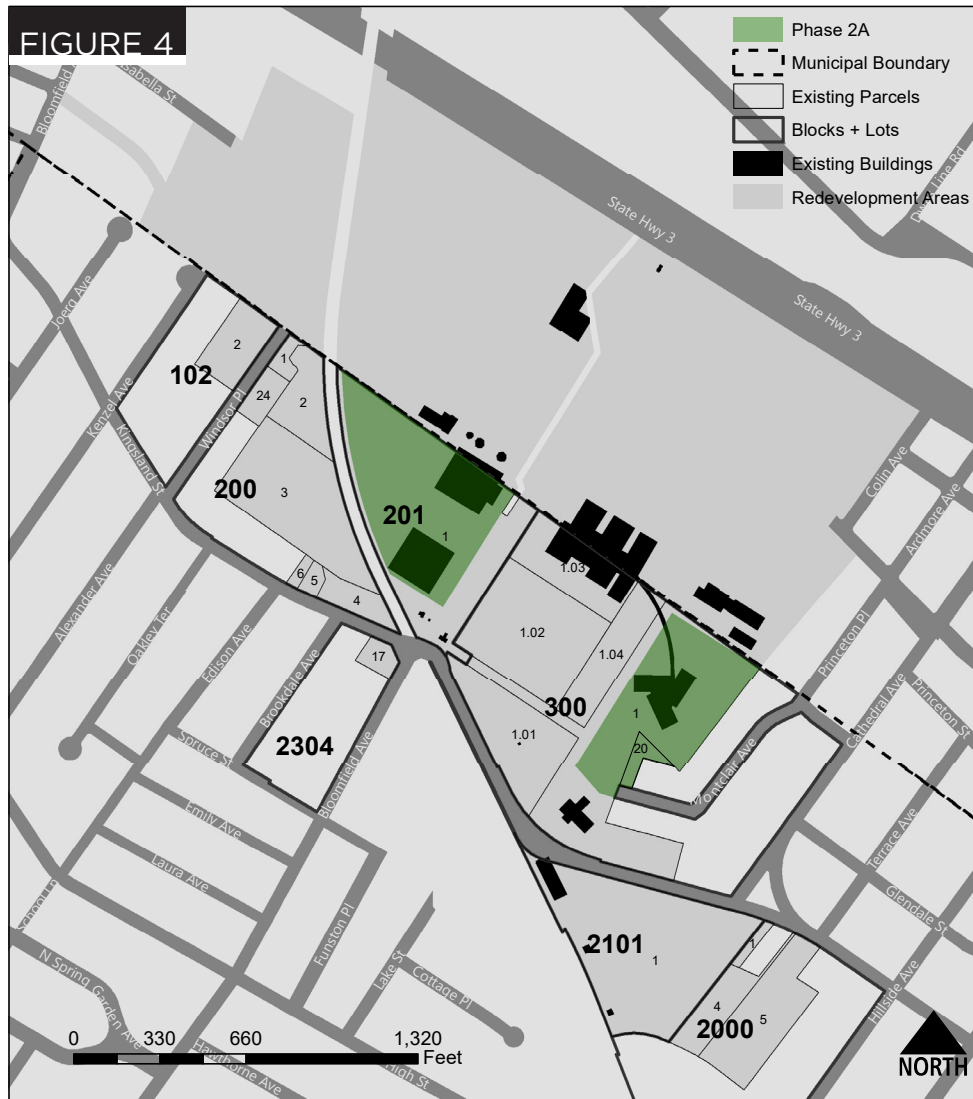
3. RELATION TO PLANS

Description of relationship to other plans (See Appendix B)

4. SITE DESCRIPTION

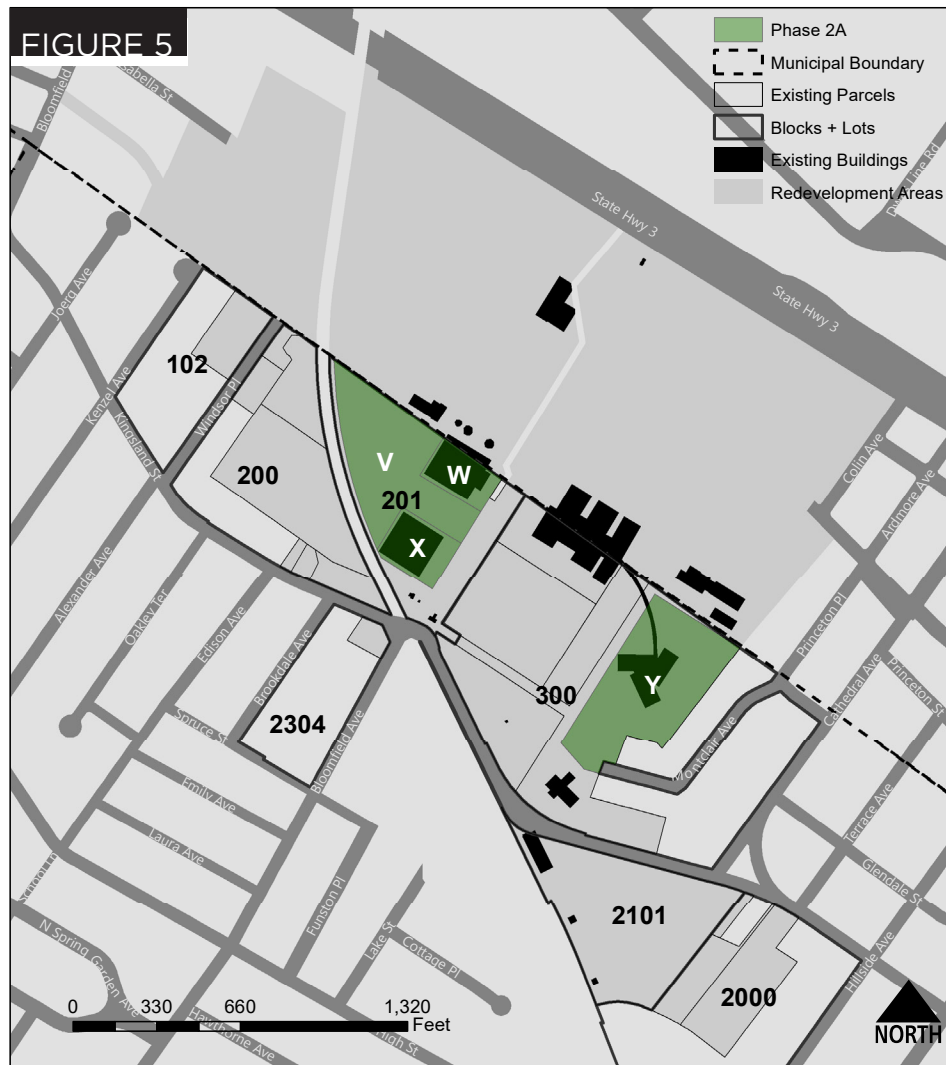
4.1. Description of the RRP-2A District

- A. The property comprises a portion of what is identified on Nutley's tax records as Block 201 Lot 1, and Block 300 Lots 1 and 20 (Figure 4). The site is in the northwesterly portion of Nutley, adjacent to the Township's border with Clifton and approximately 1,450 feet from Bloomfield.



The property occupies an area of approximately 11.88 acres. It consists of four (4) different subdivided areas, which include the following (Figure 5):

4. SITE DESCRIPTION



1. Proposed Block 201 Lot V: comprises the westerly and central portions of existing Block 201 Lot 1. Proposed Lot V is irregularly shaped and has an area of approximately 4.127 acres. It is presently developed with impervious coverage and parking areas, as well a connecting green space between two (2) existing buildings. This lot will be developed with structured parking to serve the existing buildings on proposal lots W and X.
2. Proposed Block 201 Lot W: comprises the northeasterly corner of existing Block 201 Lot 1. Proposed Lot W is relatively rectangular in shape and has an area of approximately 1.119 acres. It is presently developed with a portion of an existing 15-story high-rise office building, the balance of which is located in Clifton.

4. SITE DESCRIPTION

3. Proposed Block 201 Lot X: comprises the southeasterly corner of existing Block 201 Lot 1. Proposed Lot X is relatively rectangular in shape and has an area of approximately 1.381. It is presently developed with an existing 7-story office building.
4. Proposed Block 300 Lot Y: comprises the northeasterly portion of existing Block 300 Lot 1 and 20. Proposed Lot Y is irregularly shaped and has an area of approximately 5.135 acres. It is presently developed with an existing 6-story office building, as well as accompanying parking areas and circulation aisles.

4.2. Property Background

The property is part of the overall Roche Redevelopment Area, which formerly served as the U.S. headquarters for Hoffmann-La Roche Inc., a global healthcare company (the “Roche Site”) from 1929 until 2009. Between 1929 and 1942, the campus was solely in Nutley. In 1942, the Nutley campus was expanded into Clifton. By 1954, a number of substantial buildings had been constructed on the campus, as well as a large parking lot.

The campus continued to expand throughout the 1960s. In 1967, Roche opened the Roche Institute of Molecular Biology which was at one point one of the largest postdoctoral training programs funded by an industry. By 1970, two new multi-story buildings had been constructed as well as a number of ancillary structures.

Throughout the latter part of the 2000s, several buildings on the campus underwent demolition. Nevertheless, improvements continued to be made to the campus, including: improvements to the main entrance from Kingsland Street; the construction of a visitor’s center in 2009; an approximately \$10 million interior alteration project in 2009; a window replacement program in 2010, and; the construction of an elevated pedestrian walkway in 2011.

However, after the full acquisition of Genentech in 2009, the Roche headquarters was eventually moved to Genentech’s headquarters outside of San Francisco. In 2012, Roche announced the closure of the Nutley site and by December of 2013, business operations ceased. The Roche Site has since been declared an Area in Need of Redevelopment, pursuant to the adopted 2015 Redevelopment Study Area Determination of Need for the Hoffmann La Roche Site.

4. SITE DESCRIPTION

Surrounding land uses consist of single family dwellings to the south; light industrial and single-family residential dwellings to the west; light industrial uses to the north; and a railroad right-of-way and portions of the former HLR Campus to the east.

B. Physical Constraints:

The former Roche headquarters has been undergoing a substantial remediation, undertaken by Roche with the coordination of the NJDEP and the USEPA. There are also several contaminated sites in the surrounding neighborhood. Soil contamination on site includes metals and chemicals which resulted from Roche and/or its predecessors' operations, as well as contaminants associated with historic fill brought on site.

C. Circulation Conditions (Figure 7)

A previous traffic report for the Roche development site was completed by Michael Maris Associates, Inc in 2013. The report outlines the Phase 1 analysis and studies roadway performance around the La Roche site (Kingsland Street, Cathedral and Bloomfield Avenues), with the exception of Route 3. Generally, the report noted that Kingsland Street and its intersections around the site do not experience traffic volume that exceed roadway capacity during peak morning and afternoon hours prior to redevelopment. However, Route 3 entrance and exit ramp intersections score Level of Service (LOS) grades "D" or lower during peak hours, indicating that current traffic volume exceeds the intended capacity of design. It is important to note that this study was done after the closure of most operations on the La Roche site and does not reflect the impact of occupation of remaining structures or the construction of new buildings either in Nutley or Clifton. This impact will need to be sufficiently studied and detailed prior to an approval of the Board of Commissioners by resolution in accordance with the process outlined in Section 7.5.

Kingsland Avenue is a two-way street and a County-owned right-of-way that primarily consists of a 40-foot cartway (except at intersections) and has residential character along most of the corridor. The road is a major east-west arterial

4. SITE DESCRIPTION



in Nutley and serves as the primary access street for the Hoffman La Roche site, providing entrances to the southern area of the site across from Bloomfield Avenue. Kingsland Avenue is a major corridor in the Township of Nutley, the current design is not consistent with modern street designs. As such, this redevelopment plan requires a thorough and implementation-oriented complete streets policy, which sets forth specific design / safety standards for multi-modal and active transportation modes. The treatment for Kingsland Avenue and all Internal roads needs to be addressed through a comprehensive community traffic Impact study to be review and approved by the Board of Commissioners in accordance with the process outline in Section 7.5.

5. PUBLIC PURPOSES

This section identifies the goals and regulations for the redevelopment of Nutley Phase IIA. This plan is focused on the reoccupation of existing structures on site to support the creation of an innovative hub based in design, research, and development that is physically, economically and socially integrated with the existing residents and businesses within Nutley. It is the Township's desire to see new and compatible uses with this vision that will create skilled jobs, ratables and new opportunities for growth within the municipal boundaries without contributing additional burden to the existing school or infrastructure system, unless mitigated.

5.1. Description of RRP-2A District

- A. The RRP-2A District shall include the following parcels: Proposed Block 200, Lots, V, W and X; and Block 300 Lot Y.

5.2. Goals + Objectives

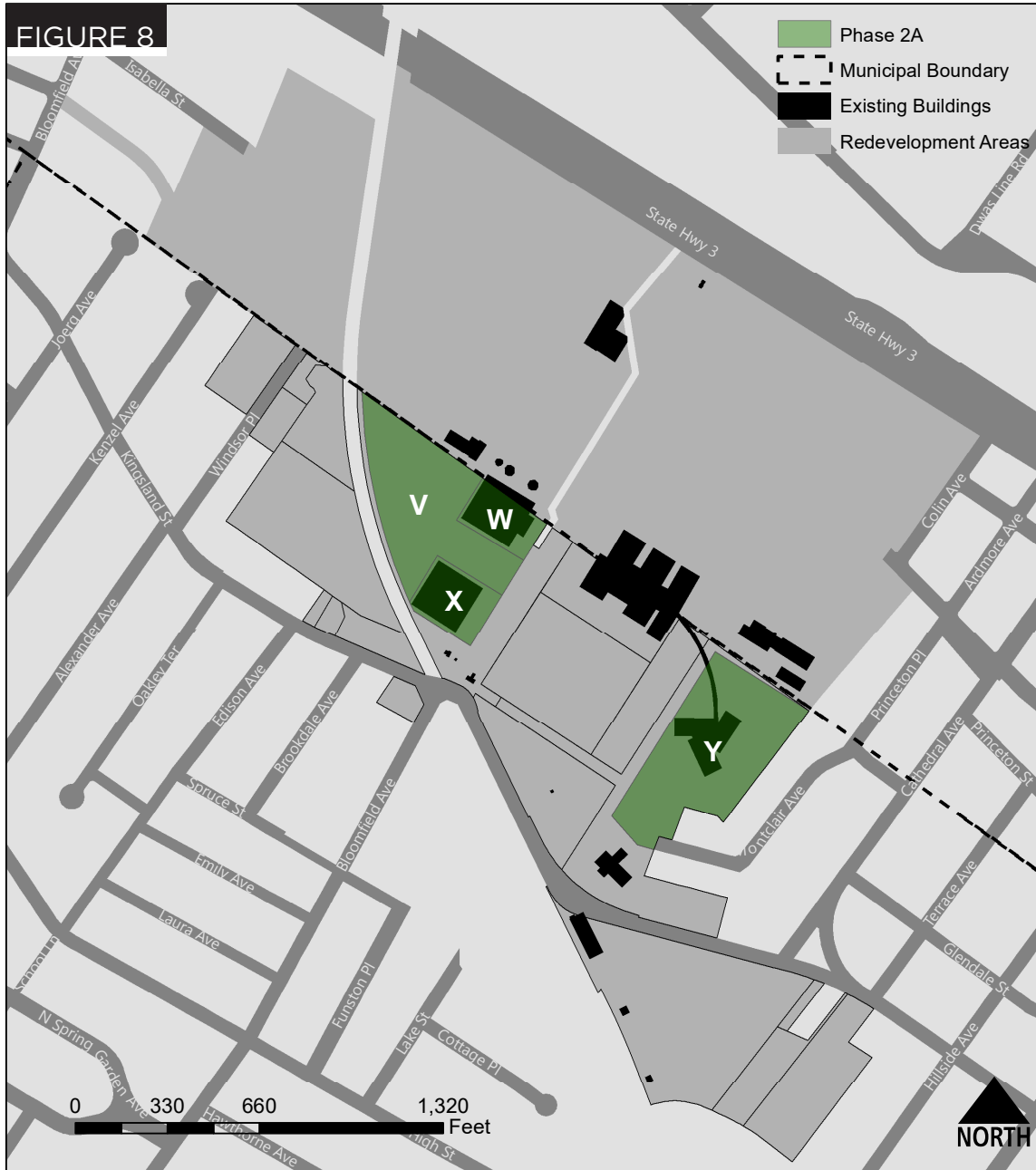
- A. Facilitate the development of modern research and development facilities
- B. Attract new office and skilled jobs to Nutley
- C. Strengthen and grow the municipality's tax base
- D. Reoccupy vacant buildings within the Roche Site
- E. Create new economic opportunities that support existing Nutley residents and businesses, particularly those along Franklin Avenue
- F. Create jobs
- G. Renovate existing structures on the Roche site
- H. Improve the design and aesthetic of the existing buildings and landscaping within the Roche site
- I. Reconnect the Roche Site to the surrounding neighborhoods and commercial corridors within Nutley
- J. Development that supports and encourages multi-modal transportation options
- K. Create a model development for suburban reinvestment and redevelopment

5. PUBLIC PURPOSES

- L. Expand and encourage the use of alternative transportation methods including pedestrianism, bicycling, buses, car-sharing, etc.

6. LAND USE

6.1. Map (Figure 8)



6. LAND USE

6.2. Definitions

BROADCAST STUDIO - An installation room or rooms in which video, audio, or other productions take place, either for the recording of live content, or for the acquisition of raw material for post-production.

BUILDING COVERAGE - The total building area of all buildings on a lot including all areas under a solid roof, enclosed with walls. Building coverage shall also include all accessory structures, balconies, garages, carports, porte-cocheres, decks, enclosed porches and attached exterior stairways.

BUILDING HEIGHT - The vertical distance measured, in the case of flat roofs exclusive of elevator, stairway, bulkheads, and other equipment and architectural elements, from the natural average level of the ground along the front wall of the main structure to the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the natural average level of the ground along the front wall of the main structure to the mean height of the gable. When a building faces on more than one street, the height shall be measured from the average of the natural grades at the center of the wall of the main structure which faces each street.

BUS STOP - Any facility with the main purpose of loading and unloading of passengers from buses and the sheltering of such passengers from the elements.

CAFETERIA - A restaurant in which the customers serve themselves or are served at a counter and take the food to tables to eat.

CLINICAL ADMINISTRATION - The management or administration involved with both the financial and personnel aspects of a healthcare facility.

CLINICAL LABORATORY, limited to bacteriological, biochemical, microscopical, serological, or parasitological research, development and testing by application of one or more of the fundamental sciences to material whether or not originating from the human body, by the use of specialized apparatus, equipment and methods, including incidental pilot plants in connection therewith;

CLINICAL PRACTICE - Any place used for the administering of medical or dental treatment or any place used as an inpatient or

6. LAND USE

outpatient medical or dental treatment center wherein certain medical and dental conditions and disorders are treated primarily through surgical intervention that is not commonly performed in normal, private medical or dental practice.

EDUCATIONAL INSTITUTION - Any primary or secondary educational institution normally subject to regulations prescribed by the Department of Education of the State of New Jersey, which institution is operated on a nonprofit basis. This definition shall be deemed to include all activities secondary or subordinate to the main activity of any such institution, which activities are a part of the normal operation of such institution as set forth in its charter.

Food Kiosk: A permanent structure of no more than 5,000 square feet, located within public, publicly-accessible, or private open space, which offers food and/or beverages for sale.

HEALTH CARE FACILITY - A facility, institution, or medical center, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer.

HOSPITAL - An institution licensed by state law providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments and staff offices that are an integral part of the facilities.

HOSPITAL OR MEDICAL CENTER - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

6. LAND USE

IMPERVIOUS COVERAGE - The part of the lot that is covered by a building, structure or a surface that has been compacted or covered with a layer of material, so that it is highly resistant to infiltration by water.

MEDICAL EDUCATION - Education related to the practice of being a medical practitioner; either the initial training to become a physician (i.e., medical school and internship), or additional training thereafter (e.g., residency and fellowship).

MEDICAL LABORATORIES - As an accessory or a principal use, for testing or providing analysis relating to the medical care of humans and excluding use of animals for testing or experimentation.

MEDICAL RESEARCH - Any study conducted to aid and support the development of knowledge in the field of medicine, including but not limited to bench science, applied research, translational research, pre-clinical research, and clinical research.

OFFICE - A place in which an occupation that involves a scientific, artistic, educational, clerical, administrative, executive or equivalent activity of an intellectual rather than manual labor is carried out in a single-purpose structure.

OPEN SPACE - Includes only that part of the ground area of a tax lot which is devoted to outdoor active or passive recreational space, greenery or services which are normally carried on outdoors. Open space must conform to the minimum dimensions prescribed for the appropriate district and may not be devoted to private roadways open to vehicular transportation, accessory off-street parking space or accessory of street loading berths. There shall be no private structures on the ground, except structures which are privately owned and publicly accessible with prior authorization by the Nutley Board of Commissioners. When above grade, open space must be safe, adequately surfaced and protected, and accessible and available to the public.

OUTPATIENT AND URGENT CARE FACILITY - A medical service staffed by licensed physicians for outpatient care of humans where emergency or immediate service is customarily rendered on a walk-in basis without appointment.

PARKING GARAGE - Any structure which is used for short-term, daily or overnight parking and/or inside storage of automobiles or

6. LAND USE

other passenger motor vehicles, excluding buses and other similar vehicles.

PILOT PLANT - An establishment or part thereof used to test out concepts and ideas regarding compound composites and determine physical layouts, material flows, type of equipment required, costs, and secure other information in the discovery and advancement process of a product, incidental to compound approval prior to the transfer to a full-scale production site. A pilot plant is an intermediate step between research and full-scale production in support of clinical studies and trials to ultimately submit to and obtain approval of a final product from the Federal Food & Drug Administration (FDA).

POP-UP RETAIL - Retail space that is temporary, utilized for short-term sales, ranging from one day to several weeks.

RESEARCH LABORATORY - A facility limited to laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional purposes.

RESEARCH + PRODUCT DEVELOPMENT LABORATORY - A facility housing “research” as defined herein. Research and research support uses include but are not limited to the following:

Laboratories devoted to experimentation in the biology, chemistry, physics and/or engineering sciences, including the design, development, engineering, and/or testing of materials, processes and products, and the assembly, fabrication operation, and/or processing of prototype materials processed and/or products for test and/or evaluation.

Rooms housing equipment and/or materials actively and directly used in research and technology, including rooms for the testing, repair, service, assembly, and study of products, and including computer rooms, conference rooms, libraries, and demonstration rooms.

Office space for employees, consultants, and/or visitors actively participating in, supervising, or supporting research uses.

Cafeteria/kitchen space for serving employees and guests; shipping/receiving, stockroom and storage facilities; support services; dispensary; and exercise, locker, and shower rooms for employees.

6. LAND USE

Rooms, including the testing, repair, service, assembly, and study of products.

SCIENTIFIC RESEARCH FACILITY - A structure or room equipped for conducting scientific experiments, analysis, examinations, research, testing and/or other experimental technical work.

SHOWROOM - A space used to display products such as automobiles, furniture, appliances, carpet or apparel.

STORAGE SPACE - An indoor area, provided as accessory to a permitted principal use, fitted and intended for the storing of an item(s) in a fixed location for a specific or unspecified period of time. Limited to Block V and no more than 8,500 square feet.

SURFACE PARKING LOT - An off-street, ground-level open area that provides short-term, daily or overnight storage for motor vehicles.

THEATER - A building or part of a building, used to show motion pictures, live performances, lectures, and the like, including rooms and space accessory and necessary for such performances and uses.

6.3. Zone Description

- A. Permitted Principal Uses: the following shall be permitted as principal uses within the RRP-2A district (buildings and properties with a mix of the following uses are permitted and encouraged):
1. Offices, including professional offices
 2. Clinical Practices
 3. Outpatient and Urgent Care Facilities
 4. Medical Education, Research and Clinical Administration
 5. Scientific Research Facilities
 6. Clinical Laboratories, limited to bacteriological, biochemical, microscopical, serological, or parasitological research, development and testing by application of one or more of the fundamental sciences to material whether or not originating from the human body, by the

6. LAND USE

use of specialized apparatus, equipment and methods, including incidental pilot plants in connection therewith;

7. Fabrication and Assembly of products consistent with principle uses in 6 above.

8. Broadcast Studios

9. Research and product development laboratory

B. Conditional Uses

1. Pop-up retail

2. Parking garages limited to Lot V and subject to the approval of commissioners based on the following conditions:

a. Submission of a floor plan and architectural elevations. Developer should propose structures that are architecturally attractive.

b. Satisfaction of submission requirements enumerated in Section 7.4.

c. Satisfaction of design requirements enumerated in Section 6.3.E.2.i

d. All structured parking in Nutley may only services uses in Nutley.

C. Permitted Accessory Uses

1. Pilot plants associated with the above permitted principal uses

2. Any permanent structure (i.e. solar panels, cell phone towers) with review and approval of such designs by the Board of Commissioners.

3. Showrooms associated with the above permitted principal uses

4. Cafeterias

5. Bus Stops

6. Surface parking lots limited to Lot Y and Lot V.

6. LAND USE

- D. Area + Bulk Requirements
1. Lot Area (Minimum): 1 acre
 2. Lot Width (Minimum): 120 feet
 3. Lot Depth (Minimum): 150 feet
 4. Building Setbacks: Setbacks shall be permitted to be zero (0) feet when existing condition is between zero (0) and five (5) feet, or on lot V. Otherwise, building setback shall be twenty (20) feet from the curb line. A forty (40) foot setback shall be provided from the R-1 Residential Family Zoning District, measured from the lot line to the nearest building.
 5. Impervious Coverage (Maximum):
 - a. Proposed Lot V: 93%
 - b. Proposed Lot W: 98%
 - c. Proposed Lot X: 85%
 - d. Proposed Lot Y: 75%
 6. Building Coverage (Maximum):
 - a. Proposed Lot V: 65%
 - b. Proposed Lot W: 77%
 - c. Proposed Lot X: 62%
 - d. Proposed Lot Y: 30%
 7. Buildings Height (Maximum):
 - a. Proposed Lot V: seventy (70) feet
 - b. Proposed Lot W: two-hundred-ten (210) feet, or existing condition, whichever is greater
 - c. Proposed Lot X: one-hundred-twenty (120) feet or existing condition, whichever is greater
 - d. Proposed Lot Y: one-hundred-ten (110) feet or existing condition, whichever is greater
 8. Buffer: Unless an otherwise existing condition, a minimum seventeen (17) foot nine (9) inch landscaped buffer, consisting of trees and fencing, shall be provided from any adjacent residential use located outside of

6. LAND USE

the redevelopment area. Plantings should be visually attractive through use of varied textures and species.

9. Open Space Requirement

- a. At least ten (10) percent of Lot V must be dedicated to publicly-accessible open space.
 - i. All open space must be designed by a licensed landscape architect.
 - ii. Concept plans, planting materials, amenities must be approved by the Board of Commissioners according to the process outlined in Section 7.4.
- b. Open space should incorporate opportunities to highlight the creative atmosphere, unique cultural and environment history of the site and Nutley. This should include the historic La Roche headquarters, interactive installations, and figures like Annie Oakley or Buffalo Bill Circus.

E. Parking + Loading

1. For all new construction, loading requirements are as follows:
 - a. Loading berths for all retail and commercial establishments having a gross floor area more than ten thousand (10,000) square feet: one (1) loading berth for every ten thousand (10,000) square feet or fraction thereof of gross floor area. Loading berths shall not be required for floor area within structured parking facilities.
 - b. All off-street loading areas shall be located at the rear of any use and shielded from public view.
 - c. Existing structures, including renovations thereto may utilize existing loading accommodations.
2. Parking Ratios
 - a. Off-street parking requirements (min/max) shall follow the outlined schedule below.
 - b. New structure parking facilities may only serve floor area upon Lots W and X, existing at the time of adoption of this plan. No parking serving buildings located wholly within Clifton shall be located within

6. LAND USE

Nutley. Shared parking between and among buildings and uses located within Lots W and X is encouraged.

- c. Parking shall be prohibited within the front yard setback area.
- d. All parking facilities must be designed so that emergency and safety vehicles can effectively service the facility.
- e. All proposed parking facilities should include plans for adequate security.
- f. On-street parking within the redevelopment area and within five-hundred (500) feet of principal uses may be used to meet parking ratio requirements.
- g. Parking ratio requirements for lots W and X may be addressed in aggregate in proposed parking facilities.

Parking Category	Ratio (min/max)
Offices	3 / 5 per 1,000 GFA
Clinical Practices	4 / 5 per 1,000 GFA
Medical Treatment	4 / 5 per 1,000 GFA
Outpatient and Urgent Care Facility	3 / 5 per 1,000 GFA
Medical Education, Research, and Clinical Administration	3 / 5 per 1,000 GFA
Scientific Research Facility	3 / 6 per 1,000 GFA
Fabrication and Assembly	1 / 3 per 1,000 GFA
Broadcast Studio	3 / 5 per 1,000 GFA

- h. Parking Lot Design
 - i. All parking areas shall meet or exceed Americans Disability Act (ADA) standards.
 - ii. Parking spaces shall measure nine (9) feet wide by eighteen (18) feet deep.
 - iii. Compact Car spaces measuring eight (8) feet wide by sixteen (16) feet deep, shall be permitted provided the total number does not exceed 20% of the total parking provided

6. LAND USE

- iv. Ramps shall not have any portion with a slope exceeding a 16% grade.
 - v. Parking stalls may not be located on any surface with a slope exceeding 6%.
 - vi. All parking area aisles shall measure twenty-four (24) feet in width for perpendicular parking. Where diagonal parking is provided, aisles may be a minimum of twenty (20) feet in width.
 - vii. Entrances and exits upon a public street or road shall be located on side streets whenever possible and not be located within seventy-five (75) feet of any street intersection.
 - viii. Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
 - ix. Tandem parking is not permitted for autos. Exceptions to this prohibition may be considered by Township and the Planning Board for staffed parking facilities.
 - x. Rear alley driveways and garages shall be provided where feasible.
 - xi. Curb cuts shall be limited to two (2) per public or private street frontage, with the exception of the western extent of Lot V, which may have three (3).
- i. Surface Parking Lots
 - i. The perimeter of all surface-parking areas shall be screened and landscaped by vegetation. Planting must be a minimum of four (4) feet in height. Spacing of vegetation will be determined at the time of site plan application based on species. There shall be a balance of evergreen and deciduous plantings.
 - ii. The interior area (non-perimeter) of all surface-parking with more than ten (10) spaces shall be landscaped through the use of protected planting islands or peninsulas, with the exception of Lot V. A

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minimum of five (5) percent of the interior parking area shall be landscaped with a minimum of one (1) deciduous tree planted (minimum 3" caliper) for every five (5) parking spaces. Utilizing green infrastructure such as rain-gardens and bioswales is strongly encouraged by the Township. Planting islands or peninsulas located within surface parking lots are to be curbed using Belgian block. Where a rain garden is provided, curbs cuts should be every three (3) feet to allow infiltration.

- iii. Vegetated swales, infiltration planters, and rain gardens are recommended, as they are well suited for treating road and parking lot. Swales and rain gardens can also serve as facilities for snow storage and treatment.
- j. Structured Parking:
 - i. The floor to ceiling height of the first level shall measure at least eleven (11) feet six (6) inches. Floors above the first story shall measure no smaller than ten (10) feet in floor to ceiling height.
 - ii. The first floor of the parking structure should include a lobby.
 - iii. Parking spaces shall be provided on the same lot as the use they are intended to serve, or within five-hundred (500) feet where multi-user shared parking decks or lots have been approved for multiple users. For lot Y, parking spaces should be within one-thousand (1,000) feet.
 - iv. Clear and safe pedestrian access must be provided from a parking area to the principal use being served and/or adjacent sidewalk. These features shall be incorporated into internal road design submission, pursuant to the preceding standards. This provision shall not be applicable in the event a site plan for a garage is presented separately from, and in advance of, a plan for internal roadway design. However, subsequently submitted plans shall be consistent with the standards contained herein.

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- v. The preceding minimum standards are intended to supplement those already provided in the Bulk Standards table.

F. Bicycle Parking

1. Bicycle parking facilities shall be required, in accordance with the table below, for any new principal structure, addition or enlargement of an existing principal structure more than 10% of the gross floor area (gfa), or for any change in use of an existing structure.
2. Location and Design of Facilities:
 - a. Where Sheltered/Protected/Long-Term bike parking is required, bike parking facilities shall be at least as protected and secure as the automobile parking.
 - b. Sheltered/ Protected/ Long-Term at a minimum shall consist of a room within a residential building or workplace, a secure enclosure within a parking garage, or a cluster of bike lockers at a transit center or other setup providing similar security and protection from the elements.
 - c. All bicycle parking shall be out of the public right of way and sheltered by a canopy to offer protection from the elements where possible if not within a structure.
 - d. Site plans shall show the proposed location of bike parking/storage facilities on the site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided.
3. Requirements for Indoor Bicycle Parking:
 - a. Any required indoor bicycle parking/storage room must be located in a convenient and accessible location to a public sidewalk with no more than four vertical steps between the bicycle room and the sidewalk. Ramps and elevators may be utilized to provide access to bike storage not located at the first-floor level.
4. Requirements for Outdoor Bicycle Parking:
 - a. All required outdoor bicycle parking must be

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convenient and accessible to a main building entrance and street access.

- b. Bicycle parking shall be sited in a highly visible location, such as within view of passers-by, retail activity, office windows, an attendant or other personnel to discourage theft and vandalism, and promote awareness of existence and availability.
- c. Bicycle parking shall be located so as not to block the pedestrian path on a sidewalk or within a site. A minimum of four (4) feet of unobstructed passage is required on public sidewalks.
- d. Parked bicycles are to be oriented parallel to the street and on the curb-side of the sidewalk. In plaza areas, bike parking location(s) and orientation shall be determined by the Township and Planning Board.
- e. Size and style of bike rack shall be approved by the Township.
- f. Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.
- g. Bike racks must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.
- h. All bike racks shall be located at least 24 inches in all directions from a wall, door, landscaping, or other obstruction that would render use of the racks difficult or impractical.

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Bicycle Parking Requirements		
Principal Use	Sheltered/ Protected/ Long-Term	Public Access/ Short- Term
Retail		
Grocery + general food sales	1/12,000 sf	1/2,000 sf
All other retail	1/12,000 sf	1/5,000 sf
Office	1/25,000 sf	1/10,000 sf
Industrial/Distribution	1/15,000 sf	None
Institutional Uses		
Non-Assembly (library, gov't, etc.)	1/10 employees	1/10,000 sf
Assembly (Churches, theaters, etc.)	1/20 employees	2% of max daily attendance
Health Care	1/20 employees	1/20,000 sf
Parks/ Open Space	None	1/5,000 sf
Public Parking		
Surface Parking	None	5% of total auto spaces
Structured Parking Garage	5% of total auto spaces	None

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G. Lighting:

1. While no open spaces or internal/public streets are approved with this plan, subsequent approval of these as it relates to lighting will require adherence to the below standards. The process for approval is outlined in Section 7.4.
2. Lights are to be provided at a minimum of seventy-five (75) foot intervals along all streets, or bicycle and pedestrian facilities accessible to the public and should be no taller than twenty (20) feet.
3. Lights are to be fully enclosed/shielded, full cutoff fixtures to prevent light spillage onto off-site properties or upward into the sky. Lighting is to be LED lamps providing “warm-white” light (CCT<3,000 K or S/P ratio <1.2) and not less than one-half horizontal foot-candle average lighting level at the surface.
4. Pathways shall be lit for pedestrians in addition to any street lighting that is proposed.
5. Architectural and accent lighting is required on structures and should be off between the hours of 11:00 pm and 5:00 am. If required by the Planning Board, all lights are to be dimmable and capable of control by timer.
6. Safety lighting is required on structures.
7. Where adjacent to residential uses, fencing, landscaping, or other techniques must be used to shield the glare of vehicle headlights from the adjacent properties.
8. While improvements to public or private open spaces, roads and sidewalks are not approved with this plan, it should be noted that any proposals or amendments for such purposes adhere to these design requirements.

H. Signage

No signage shall be permitted within the Redevelopment Area, with the sole exception of temporary signage, which shall be governed by the underlying zoning ordinance provisions governing same.

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I. Public Open Space Requirements

Public and private open space/plaza plans are not approved with respect to design under this redevelopment plan. The spaces highlighted in Figure 9 are key components of the physical environment and effect the project has on the Township of Nutley. Therefore, the developer must have a landscape architect design these spaces for effective engagement and use. To be approved, all subsequent submissions for improvements must adhere to the below criteria. The process for approval is outlined in Section 7.4.



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1. Open Space
 - a. All public or semipublic open spaces must be designed by a licensed landscape architect.
 - b. Developer should consider the inclusion of community gardens that can support or enhance existing users on site.
 - c. Landscaping:
 - i. Native and drought tolerant species are encouraged. Native trees should include chestnut trees. Species should be salt and wind tolerant and able to tolerate periodic inundation.
 - ii. Bioswales and rain gardens are encouraged.
 - iii. Xeriscaping shall be required to eliminate the need for irrigation systems. Exceptions may be considered by the Board of Commissioners.
 - iv. Tree grouping or clustering is encouraged.
 - d. Open spaces are to be a maximum of 75% impervious.
 - e. Permeable paving is encouraged. Where permeable paving is used, paved areas shall be calculated at a rate of 50% toward impervious coverage limits.
 - f. Parks are to be designed for both active and passive recreation with accommodations for residents of all ages.
 - h. Lighting:
 - i. All lights are to be provided at a minimum of seventy-five (75) foot intervals along all public streets, or bicycle and pedestrian facilities accessible to the public and should be no taller than twenty (20) feet.
 - ii. Lights are to be fully enclosed/shielded, full cutoff fixtures to prevent light spillage onto off-site properties or upward into the sky. Lighting is to be LED lamps providing “warm-white” light (CCT < 3,000 K or S/P ratio < 1.2) and not less than one-half horizontal foot-candle average lighting level at the surface.

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- iii. If required by the Planning Board, all lights are to be dimmable and capable of control by timer.
- iv. Open space shall be lit such that all lighting shall be directed away from all adjacent lots outside of the Overall Redevelopment Area, particularly those lights used to illuminate active recreation courts and areas.
- v. Any pathways shall be lit for pedestrians in addition to any street lighting that is proposed.
- vi. All lighting shall be directed away from all adjacent lots.
- vii. Safety lighting is required on structures.
- viii. All safety and landscaping lighting should be consistent and integrated into the proposed design.
- i. Seating:
 - i. Seating is to be provided along pedestrian pathways and near shade trees at a maximum of 150 feet on center.
 - ii. Developer shall propose a palette of furniture, fixtures, and finishes for seating that are modern, human-oriented and imaginative.
- j. Bicycle Racks:
 - i. Bicycle racks and/or lockers are to be provided at select areas along pedestrian pathways. Total number of spaces for bicycle parking shall be a minimum of 1 bike parking space per 5,000 square feet of open space.
- k. Trash Receptacles
 - i. Trash receptacles are to be provided at regular intervals on the pedestrian walkways, a minimum of 200 feet on center. Additional receptacles may be required based on the specific uses in an area.
 - ii. Trash receptacle to be approved by the Board of Commissioners or in accordance with their standard

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product selection.

2. Plazas

- a. One (1) linear foot of seating shall be provided for each linear foot of plaza perimeter. Plaza perimeter shall be defined as the continuous line forming the boundary of the plaza.
- b. Seating space may include planters, benches, fountains, etc.
- c. Plaza must be securely lit, similarly to park lighting requirements in Section 6.3.1.1.h.
- d. Fountains, landscaping, and public art are encouraged in plaza areas.
- e. If any landscaping is proposed, salt and wind tolerant species shall be encouraged in waterfront area.

J. Access + Circulation

1. At the writing of this redevelopment plan, provisions for access and circulation of any mode have not been approved. Following the submission of adequate design standards for internal roadways, the nature of required off-site circulation improvements, mass transit access, and similar improvements the Board of Commissioners shall make final approval in-line with the process outlined in Section 7.4. Until the following materials are provided for Township review, neither the Planning Board or Construction Official shall approve any improvements relating to on or off-site circulation:
 - a. Detailed plans for all private or public roads and rights-of-ways.
 - b. Pedestrian, Public Transit and Vehicular Circulation Plans for entirety of redevelopment areas in Nutley and Clifton
 - c. Traffic Impact Study for full build out of redevelopment area in Nutley and Clifton

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K. Design Requirements

1. Walls + Fences

- a. Chain link fencing is prohibited in the front yard setback area.
- b. Fences and walls shall complement the architectural character of the principal building.
- c. A finished side of all fences shall face “out” from the property. All structural supporting members of the fence must face the interior portion of the lot and no portion of any at-grade fence may extend beyond or across the property line.
- d. All fencing and walls must be part of an approved security plan approved by the Township’s Board of Commissioners and submitted by the Developer prior to the execution of a Redevelopment Agreement.
- e. No fencing or walls shall exceed six (6) feet in height.
- f. Fences on corners shall maintain clear lines of sight for vehicular traffic and shall be subject to the requirements of sight triangles. On corner lots, the fencing shall have matching fence heights and materials on both frontages.

L. Landscaping

1. A landscape plan shall be prepared by a landscape architect, licensed by the New Jersey Board of Architects, who is also approved by the Township Board of Commissioners without unreasonable delay, and shall be submitted by the Developer before the execution of a Redevelopment Agreement. To date, the Board of Commissioners has approved WeintraubDiaz as landscape architecture firm for this redevelopment area and no further consent is required to continue to use WeintraubDiaz.
2. Foundation landscaping shall be provided at building setbacks, either at grade or in raised planter beds. Xeriscaping should be employed as much as possible. Shrubs shall be planted at a maximum of 2’6” on center

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3. Rain gardens and bioswales are encouraged to the greatest extent practicable.
4. Tree grouping, or clustering, is encouraged.

M. Affordability

For non-residential construction, a fee shall be paid before a Certificate of Occupancy is issued by Code Enforcement equal to 2.5 percent of the equalized assessed value of the land and improvements, unless such non-residential fee is exempted by P.L. 2008 Chapter 46. Redeveloper shall comply with N.J.S.A. 40:55D-8.1 et seq. the Statewide Non-Residential Development Fee Act.

N. Water/Sewer/Stormwater

1. Sewage discharged into sanitary trunk lines must be monitored/metered.
 - a. A sewer/maintenance agreement shall be entered into between the Township of Clifton, any designated developer and the Township of Nutley with regard to the sanitary trunk line.
 - i. Agreement will need to address potential for any substantial new development in either Clifton or Nutley may require additional water allotment which will result in additional costs to the Township.
 - ii. Agreement will need to address potential for additional development in either Clifton or Nutley may result in capacity constraints for Township Water/Sewer/Storm utility conveyance systems which might require expansion of existing utilities.
2. On-site storm water management design in accordance with DEP storm water regulations.
3. Township will require the installation of an emergency interconnect upon the Township's receipt of all necessary approvals, and permits from all utility providers, governmental or quasi-governmental authorities having jurisdiction thereof.

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- O. Hazardous Waste
 - 1. All operators or activates within the project site must comply with the Code of Federal Regulations, Title 40, Chapter I, Subchapter I, Part 262.
 - 2. Disposal of all hazardous waste must comply with all federal, state, and local disposal standards.
 - 3. No hazardous waste generated off-site may be stored on this site for any period of time.

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7.1. Computations

Zoning Standard Calculations: When a numerical calculation of zoning standards for a particular lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .500 and rounded up for fractions .500 and above.

7.2. Other Actions by the Township in Furtherance of the Plan

Other actions may be taken by the Township in its sole discretion, to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment. The costs for such actions shall be borne by the designated redeveloper(s).

7.3. Township Designation - Redevelopment Agreement

- A. Anytime the word “developer” is utilized in this Redevelopment Plan, the same shall mean the redeveloper or redeveloper(s) that are to be designated by the Township in accordance with this Redevelopment Plan.
- B. Only redevelopers designated by the Township by resolution of the Board of Commissioners may proceed to implement the redevelopment projects set forth in this Redevelopment Plan before the Planning Board. In order to assure that the vision of this Redevelopment Plan will be successfully implemented in an effective, comprehensive and timely way, and in order to promptly achieve the public purpose goals of the Plan, the Township Board of Commissioners, acting as the Redevelopment Entity, will select the redeveloper(s) in all areas governed by this Redevelopment Plan. Any party not specifically designated as the “redeveloper” as set forth above shall not have the standing to proceed before the Planning Board for site plan approval.

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C. Procedural Standards for Redeveloper Applications

1. All designated redeveloper(s) will be required to execute a Redevelopment Agreement satisfactory to and authorized by the Township. The procedural standards described here will guide redeveloper selection. The Township, acting as the Redevelopment Entity may, at any time, entertain unsolicited proposal(s) from a prospective redeveloper(s) for redevelopment of one or more parcels. A prospective redeveloper will be required to provide a Pre-Submission Form to the Township including information that specifies their qualifications, financial resources, professional team, experience and design approach to the proposed redevelopment project and compliance with the Pay to Play Ordinance, if any. The selection process will likely include the submission of some or all of the following materials (additional submission materials may be requested by the Township as deemed appropriate to the particular project sites.):
 - a. Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of dwelling units, if any, retail and or commercial uses, parking, traffic circulation, flood mitigation, landscaping, open space, construction schedule, including estimated pre-construction time period to secure permits and approvals, and other elements are consistent with the objectives and standards of this Redevelopment Plan.
 - b. Documentation evidencing the financial responsibility and capability of the proposed redeveloper with respect to carrying out the proposed redevelopment including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, financing plan, and financial profile of the redeveloper entity and its parent, if applicable.
2. Evaluation of the Pre-Submission Form + Conditional Designation Interim Cost Agreement

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The Township may require a Pre-Submission Form, and after its evaluation of same, may consider the execution of a Conditional Designation and Interim Cost Agreement to establish a period of exclusive negotiations and the deposit of funds with the Township to defray the costs incurred by the Township in the effort to negotiate a Redevelopment Agreement.

7.4. Approval Process

This Redevelopment Plan requires the redeveloper to 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. Where specificity is not provided in this plan, particularly but not exclusively regarding parking decks, roadways, open space and landscaping, such specificity shall be provided to the Board of Commissioners for review and authorization prior to submission to the Planning Board and execution of a redevelopment agreement. The Township, by and through the Board of Commissioners, acting as the redevelopment agency, will be required to review and authorize same as a condition precedent to submission of an application before the Planning Board.

A. Township Review

The Board of Commissioners, acting as the Redevelopment Entity, shall review and approve, in a manner consistent with redevelopment plan and municipal master plan all proposed redevelopment projects within the Redevelopment Area to ensure that such project(s) is consistent with the Redevelopment Plan and any relevant Redeveloper Agreement(s). Such review shall occur prior to the submission of an application for approval of the redevelopment project(s) to the Planning Board. In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.

1. Schedule:

- a. Prior to any submission to the Planning Board, the redeveloper shall submit a site plan package for

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review and approval by the Board of Commissioners, in consultation with its consultants. This site plan package may, as the Commissioners may require, include, but is not limited to, the documents listed below. The Commissioners may request additional reasonable analyses and information as required to make a decision. All submissions shall meet design standards enumerated in this redevelopment plan and indicated any variances from this redevelopment plan.

- i. Boundary survey of the property Including easements, water bodies, parcel numbers, street names, route numbers, adjacent properties and other landmarks.
- ii. The location, size, height, floors and use of all proposed and existing buildings.
- iii. The location, size and type of all parking spaces, loading areas and sidewalks.
- iv. A landscaping plan.
- v. The location of any outside storage of equipment, supplies, materials, or vehicles.
- vi. The height, location, type, lighting and square footage of proposed signage.
- vii. The location, type and size of all entrances to the site or rights-of-ways located on or adjacent to the site.
- viii. The location, type and size of any primary drainfields or reserved drainfields.
- ix. The location, size and type of any trash disposal facilities.
- x. Outside lights, streetlights or other lighting mechanisms.
- xi. Existing and proposed finished contours at two (2) foot intervals.
- xii. The location of any buffers, including berms, trees and fencing, used to minimize the visual, sound,

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lighting or any other negative impacts of the project.

- xiii. The location of all utility lines.
- xiv. The location of any conservation easements dedicated open space, recreational facilities or similar areas.
- xv. The location of any emergency service facilities, such as fire suppression lines, hydrants or other facilities.
- xvi. The location of any permanent stormwater management structures or devices.
- xvii. The location of any gas tanks, pumps or other facilities that may require additional federal, state or local permits.
- xviii. The location and type of soils, water features and wetlands.
- xix. A schematic drawing, artist rendition or elevation drawing of the site and any buildings located on the site.
- xx. The location and size of any monuments, statues or similar features.
- xxi. The location and type of any historic building, feature or any archaeological sites.
- xxii. The location of any rights-of-way, adjacent or nearby road improvements and uses of adjacent properties.
- xxiii. An Erosion and Sediment Control Plan that meets the regulatory requirements.
- xxiv. Any local, county, state or federal permits required for development of the site.
- xxv. A community impact statement and traffic impact statement.

B. Planning Board Review Process

After the Township Review process noted above is

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completed, all development applications shall be submitted to the Township of Nutley's Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not been designated by the Board of Commissioners as a redeveloper(s), a Redevelopment Agreement has not been fully executed and the development application is not submitted with a letter of approval from the Board of Commissioners.

C. Site Plan and Subdivision Review

Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Township and Nutley Planning Board. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Redevelopment Plan, the Redevelopment Agreement, and the subdivision ordinance of the Township, except that where this Redevelopment Plan contains provisions that differ from those in the subdivision ordinance, this Plan shall prevail.

D. Approvals by Other Agencies

The redeveloper shall be required to provide the Township with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the Redevelopment Agreement to be executed between the redeveloper and the Township.

7.5 Review of Clifton Applications

The Township shall have the opportunity to review all proposed redevelopment projects within 1000 feet of the Nutley border located in the Clifton Redevelopment Area. Site plans will be submitted to the Commissioners and redevelopment professionals within five (5) days of being deemed complete by the City of Clifton board and no less than 20 days before a scheduled hearing on such

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application. For redevelopment plans, the developer will submit the plan to the Commissioners and redevelopment professionals at the time of the first reading of the redevelopment plan in Clifton. The Township's consent is not required for any approval or action by the City of Clifton.

7.6. Deviations

The Planning Board shall be allowed to grant "c" variances, deviations, design waivers, and/or exceptions. The Zoning Board of Adjustment shall not be allowed to grant any "d" variances, but rather the applicant shall be required to seek an amendment to the redevelopment plan. Any proposed changes to the Redevelopment Plan shall be in the form of an amendment to the Redevelopment Plan adopted by the Board of Commissioners in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

7.7. Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

7.8. Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

7.9. Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the Board of Commissioners or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Board of Commissioners, or the developer, upon the basis of race, creed, color, national

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origin, ancestry, affectional preference, marital status or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender.

7.10. Escrows

At a minimum, the Redevelopment Agreement shall provide that the redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the Township and the professional consultants retained by the Township to negotiate the Redevelopment Agreement, undertake any studies in connection with the project, review the proposed redevelopment project and advise the Township on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.

7.11. Infrastructure

The redeveloper, at the redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection of traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on and off-site traffic controls and road improvements for the project or required due to the impacts of the project.

7.12. Procedures for Amending the Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A request for same may be submitted to the Board of Commissioners. The Township of Nutley reserves the right to amend this plan. A non-refundable application fee of \$10,000 shall be paid by the party requesting such amendment, except for an amendment to incorporate signage provisions/criteria, unless the request is issued from an agency

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of the Township. The Township, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals as may be required by the Township.

7.13. Additional Superseding Provisions

- A. Terms and Definitions
 - 1. Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Township of Nutley.
- B. Other Applicable Design and Performance Standards
 - 1. Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Ordinance of the Township of Nutley.

7.14. Certificates of Completion

Upon completion of a project, the developer shall submit for a Certificate of Completion. Concurrently, a zoning ordinance amendment shall be submitted to the Nutley Board of Commissioner requesting that the zoning for the subject parcel(s) be incorporated into the Township Code to ensure that the standards remain applicable.

7.15. Land Use Map Amendments

The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Township Land Use Map to ensure consistency between the two documents.

APPENDIX A

Background

New Jersey's Local Redevelopment and Housing Law (the "LRHL") empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated "in need of redevelopment" in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the redevelopment area for financial subsidies or other incentive programs offered by the State of New Jersey.

A.1. Process

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- A. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- B. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).
- C. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment

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area, specifying the parcels to be included and investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.

- D. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
- E. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an “Area in Need of Redevelopment.” The Governing Body must make the final determination as to the Non-Condemnation Redevelopment Area boundaries.
- F. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that:
 - 1. The determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and
 - 2. Legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
- G. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the “Area in Need of Redevelopment.”
- H. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance. Only after completion of this process is a municipality able to exercise the powers under the LRHL.

APPENDIX A

A.2. Redevelopment Plan Content

The LRHL identifies required components to be included in a redevelopment plan. In accordance with N.J.S.A 40A:12A-7a, the redevelopment plan must include an outline for the planning, development, redevelopment or rehabilitation of a project area which is sufficient to indicate:

- A. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- B. Proposed land uses and building requirements in the project area.
- C. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- D. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- E. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).

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B.1. Relationship to 2012 Master Plan for The Township of Nutley

This Redevelopment Plan has no inconsistencies with the existing municipal Master Plan. This Redevelopment Plan is consistent with the following goals and objectives:

Goals

- Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Township.
- Strengthen retail and service trade, especially comparison shopping facilities in locations which will not have an adverse effect on residential areas.
- Encourage good design, amenity and proper landscaping in new and rehabilitated buildings.
- Conduct the Township's planning program within the framework of a regional setting and fully cognizant of the needs and rights of the adjoining municipalities and of Essex County.
- Encourage stormwater management controls for all new developments.
- Encourage citizen and business participation in the planning process.

Objectives

Economic & Non-Residential

- Broaden the tax base through the attraction of commercial uses compatible with a residential community in order to provide for government services needed by residents and taxpayers of the Township.
- Strengthen retail and service trade, especially comparison shopping facilities in locations which will not have an adverse effect on residential areas.
- Encourage citizen and business participation in the planning process.
- Encourage the development of a diversified economic base that generates employment growth, increases property values

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and income levels, and promotes the reuse of underutilized properties.

- Recognize the unique character of each area and promote development that takes advantage of market opportunities unique to Nutley.
- Capitalize on Nutley's competitive advantages for economic development including its metropolitan location, extensive transportation and utility infrastructure, land available for redevelopment, a stable and highly skilled labor force, and an excellent quality of life.
- Encourage redevelopment in areas that need rehabilitation or improvement.

Residential

- Require all in-fill development to be undertaken in a manner that is consistent and compatible with the surrounding neighborhood and environment.
- Ensure that the use of public and quasi-public land remains compatible with the character of adjacent neighborhoods and meets the needs of the public.

Conservation

- Preserve and enhance the quality of the environment.
- Encourage stormwater management controls for all new developments.
- Encourage sustainable development practices.
- Establish the Township as a leader of sustainable practices through the adoption and implementation of environmentally responsible policies.
- Seek opportunities to add open space to the Township's inventory where other government or private funding is available.
- Maintain Nutley as a Tree Township, U.S.A. community.
- Conserve and protect as many environmentally sensitive areas in the Township as possible, including but not limited to waterways, wetlands and woodlands. Require new development to conform to rigorous performance standards so as to minimize potential adverse impacts on the environment.
- Support the goals and objectives of Nutley's Stormwater

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Management Plan and implement best management practices so as to improve local stormwater drainage patterns and enhance environmental protection.

- Maintain and upgrade the storm and sanitary systems.
- Reduce the extent of removal of existing trees so as to improve the Township's air quality, reduce erosion, and to preserve community character.
- Minimize the potential environmental impacts that could result from development and redevelopment.
- Protect groundwater resources and promote the recharge of groundwater.
- Incorporate the utilization of energy-efficient technologies in new development.
- Encourage the remediation of brownfield sites and their reuse in a sustainable manner.
- Promote development and redevelopment in existing non-residential areas of the community that accommodate alternative modes of transportation and shared parking where possible.
- Encourage opportunities for increase mass-transit ridership where practicable and appropriate.
- Promote and encourage the use of LEED (Leadership in Energy and Environmental Design) standards in all development.

Community Facilities/Utilities

- Conduct the Township's planning program within the framework of a regional setting and fully cognizant of the needs and rights of the adjoining municipalities and of Essex County.
- Encourage the preservation of historic buildings and landmarks that are significant to Nutley's past by pursuing and adopting a historic preservation ordinance.

Recreation and Open Space

- Continue to provide improved and increased park, open space, recreational and cultural facilities for all Township residents.
- Encourage the use of high quality landscaping design and encourage the development of civic space and public art.
- Develop an increasingly diversified array of quality recreational and cultural facilities, services and offerings.

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Community Identity

- Encourage good design, amenity and landscaping in new and rehabilitated buildings.
- Develop and effectively communicate a strong and appealing identity for the Township.
- Preserve and protect historic resources and natural amenities.
- Encourage quality architectural and landscape design through the use of design standards.
- Retain the quality of aesthetically appealing neighborhoods.
- Promote the adoption of design standards to enhance the aesthetic appearance of all new development and redevelopment projects.

B.2. Relationship to Nutley HLR/Phase 1 Redevelopment Plan

This Redevelopment Plan has no inconsistencies with the existing Nutley HLR/Phase 1 Redevelopment Plan. This Redevelopment Plan is consistent with the following goals and objectives:

- Allow the phased development of the overall Redevelopment Area such that each individual project adequately functions in terms of access, circulation, parking and utilities without impairing the vision of a cohesive, integrated and well-planned community upon full build-out.
- Encourage the reuse of valuable existing research and laboratory facilities for appropriate non-residential uses.
- Allow the creation of a campus-like environment with outdoor gathering spaces.
- Coordinate traffic and circulation plans for Phase 1 with anticipated future phases of redevelopment in a way that facilitates a visually attractive, park-like campus environment that is compatible with adjacent residential neighborhoods and includes provisions for pedestrian and bicycle mobility.

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B.3. Relationship to Adjacent Communities

The City of Clifton 2008 Master Plan Reexamination Report

The area addressed by this Redevelopment Plan is directly adjacent to the City of Clifton and their designated redevelopment area for the portion of the Hoffman-La Roche campus that is in their municipality. The redevelopment proposed in this plan is consistent with Clifton's promotion of revitalizing their older industrial and commercial sites as is stated in the following goal from Clifton's 2008 Master Plan Reexamination Report:

To encourage the re-use, rehabilitation or reconstruction of older non-residential areas and existing commercial and industrial structures which have been vacated for potential re-use as appropriate non-residential uses in order to maintain a balance of land uses, existing jobs and to produce new jobs. Environmentally safe uses should be encouraged in such re-use, rehabilitation or reconstruction should be accomplished.

This goal is expanded upon in the following policy statement from the same report which is consistent with this redevelopment plan:

The City seeks to address the continuing loss of the manufacturing base by encouraging the adaptive reuse of older, obsolete industrial facilities. It is the policy of the city to promote the re-use of these facilities as non-residential uses in order to maintain the vitality of the employment base in the City and a balanced land use distribution; provide a comprehensive and coordinated plan to guide the redevelopment and necessary physical improvements; and plan for the redevelopment of vacant commercial and industrial structures as well as industrial complexes that are available to public and private redevelopment efforts. The city should actively promote the continued revitalization of existing commercial areas, identify potential parcels for redevelopment, and seek State and County funds earmarked for commercial revitalization.

This Redevelopment Plan has no inconsistencies with Clifton's 2008 Master Plan Reexamination Report and is consistent with the above goals and objectives.

The Township of Bloomfield 2002 Master Plan And 2008 Master Plan Update

The area addressed by this Redevelopment Plan is approximately

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900 feet from the border with Bloomfield and is expected to have a relatively minor impact on that community. Bloomfield's 2002 Master Plan And 2008 Master Plan Update makes the recommendation to "eliminate professional offices as a permitted use, as the activity levels and parking needs of these uses may be incompatible with established residential neighborhoods". This recommendation is complementary to the goals of this plan in that the provision of professional office space within the redevelopment area is intended to serve the surrounding residents in Nutley and nearby.

This Redevelopment Plan has no inconsistencies with Bloomfield's 2002 Master Plan And 2008 Master Plan Update.

B.4. Relationship to Essex and Passaic County Master Plans

Although the Counties of Essex and Passaic do not have current Master Plans, the revitalization of vacant commercial properties to create new jobs and generate economic activity is considered consistent with the land use planning goals of the Essex and Passaic County Planning Boards.

B.5. Relationship to 2001 State Development and Redevelopment Plan

This Redevelopment Plan has no inconsistencies with the existing 2001 State Development and Redevelopment Plan. This Redevelopment Plan is consistent with the following statewide goals and objectives:

- Revitalize the State's Cities and Towns
- Conserve the State's Natural Resources and Systems
- Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey
- Protect the Environment, Prevent and Clean Up Pollution
- Ensure Sound and Integrated Planning and Implementation Statewide

The area addressed by this Redevelopment Plan falls within the State's PAI - Metropolitan Planning Area which is intended to "[p]rovide for much of the state's future redevelopment; revitalize

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cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.”

This Redevelopment Plan is consistent with the following PAI - Metropolitan Planning Area intentions and objectives:

PAI Intentions:

- Provide for much of the state’s future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

PAI Policy Objectives:

Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

Maintain and enhance a transportation system that capitalizes on high density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit-oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development and promote complementary uses for airport property such as business centers.

Reclaim environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, scenic vistas, wildlife habitats and to Critical Environmental Sites, and Historic and Cultural Sites. Give special emphasis to improving air quality. Use

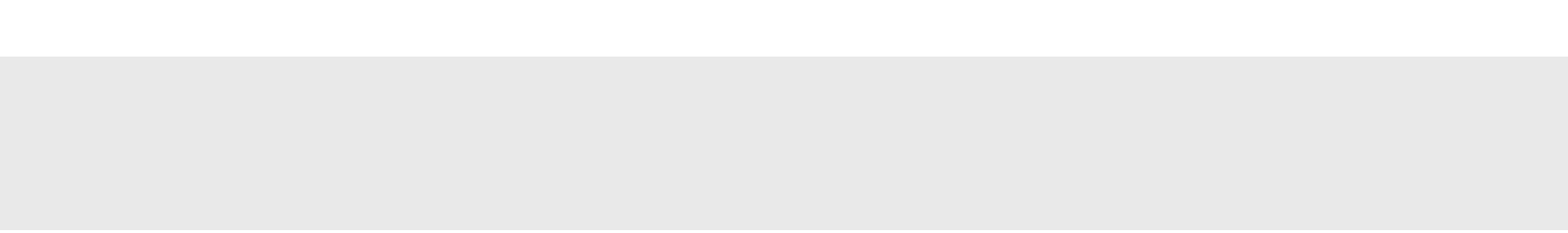
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open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link to other Planning Areas.

Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects.

Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.



60 Union St #1N, Newark, NJ 07105

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