



# Redevelopment Plan - Nutley HLR/Phase 1

Prepared for the Township of Nutley, Essex County NJ

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Reviewed and Revised by MASER CONSULTING, PA for Township of Nutley

**ADOPTED BY THE NUTLEY BOARD OF COMMISSIONERS: JULY 19, 2016**



## Table of Contents

1	INTRODUCTION .....	3
1.1	STATUTORY BASIS FOR THE REDEVELOPMENT PLAN .....	3
1.2	PLAN OVERVIEW.....	5
1.3	DESCRIPTION OF REDEVELOPMENT PROJECT AREA .....	7
1.4	EXISTING ZONING .....	9
1.5	PLANNING OBJECTIVES FOR THE PHASE 1 PROJECT AREA.....	10
1.6	DEFINITIONS .....	11
2	LAND USES.....	12
2.1	PERMITTED PRINCIPAL USES IN THE NUTLEY PHASE 1 PROJECT AREA.....	12
2.2	PERMITTED ACCESSORY USES IN THE NUTLEY PHASE 1 PROJECT AREA.....	12
2.3	MINIMUM PARKING SPACE REQUIREMENTS .....	13
3	BULK AND DEVELOPMENT STANDARDS .....	14
3.1	MINIMUM LOT REQUIREMENTS FOR NUTLEY PHASE 1 PROJECT AREA.....	14
3.2	BULK REQUIREMENTS FOR NUTLEY PHASE 1 PROJECT AREA.....	14
3.2.1	Minimum Lot Width .....	14
3.2.2	Maximum Floor Area Ratio (FAR).....	14
3.2.3	Building Setbacks.....	14
3.2.4	Building Coverage.....	14
3.2.5	Impervious Coverage.....	14
3.2.6	Setbacks to Parking .....	14
3.3	PARKING AND LOADING.....	15
3.3.1	Location of Parking.....	15
3.3.2	Parking Space Dimensions .....	15
3.3.3	Minimum Number of Loading Spaces .....	15
3.3.4	Location of Loading Spaces .....	15
3.3.5	Loading Space Dimensions .....	15
3.4	SIGNAGE IDENTIFYING PHASE 1 USES.....	15
3.5	LANDSCAPING AND FENCES.....	16
3.5.1	General Standards.....	16

3.5.2	Parking Areas.....	16
3.5.3	Fences.....	16
3.6	ACCESS AND CIRCULATION .....	16
3.6.1	Vehicular Access.....	16
3.6.2	Pedestrian Circulation.....	17
3.7	ROADS, UTILITIES, & SOLID WASTE REMOVAL.....	17
4	PLAN CONSISTENCY REVIEW .....	18
4.1	RELATIONSHIP TO MUNICIPAL MASTER PLAN .....	18
4.1.1	Township of Nutley Master Plan .....	18
4.2	RELATIONSHIP TO ADJACENT COMMUNITIES.....	19
4.3	RELATIONSHIP TO ESSEX AND PASSAIC COUNTY MASTER PLANS .....	19
4.4	RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN .....	19
5	REDEVELOPMENT ACTIONS .....	20
5.1	OUTLINE OF PROPOSED ACTIONS .....	20
5.2	PROPERTIES TO BE ACQUIRED .....	20
5.3	RELOCATION.....	20
5.4	INFRASTRUCTURE.....	20
5.5	TAX ABATEMENT & PAYMENT-IN-LIEU -OF -TAXES.....	20
6	GENERAL PROVISIONS.....	21
6.1	AMENDMENT TO THE ZONING MAPS AND ORDINANCES .....	21
6.2	DEVIATION REQUESTS.....	21
6.3	SITE PLAN AND SUBDIVISION REVIEW .....	21
6.4	REDEVELOPMENT AGREEMENT .....	22
6.5	NON-DISCRIMINATION PROVISIONS.....	22
6.6	DURATION OF THE PLAN .....	22
6.7	COMPLETION OF REDEVELOPMENT.....	22
6.8	SEVERABILITY.....	22
7	SUMMARY OF COMPLIANCE WITH THE STATUTORY REQUIREMENTS OF THE LRHL.....	23
8	PROCEDURE FOR AMENDING THE PLAN.....	24

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# 1 INTRODUCTION

## 1.1 STATUTORY BASIS FOR THE REDEVELOPMENT PLAN

This Redevelopment Plan (Plan or Phase 1 Redevelopment Plan) has been prepared solely for the Phase 1 Project Area of the Hoffmann-La Roche (Roche) Redevelopment Area located within the Township of Nutley in Essex County. However, the Plan will at times reference the City of Clifton in Passaic County because a portion of the redevelopment parcel that includes Building 123 and 123A is on the Clifton side of the municipal boundary between the two towns. The Hoffman-La Roche Redevelopment Area, also referred to as the overall Redevelopment Area, is an approximately 119-acre area including property within the Township of Nutley in Essex County and the City of Clifton in Passaic County that formerly served as the U.S. headquarters for Hoffmann-La Roche Inc., a global healthcare company. Approximately 52 acres of the overall Redevelopment Area is in the Township of Nutley. Figures 1 and 2 provide a locational map and aerial photograph of the overall Redevelopment Area.

On March 18, 2014, the Nutley Township Board of Commissioners directed the Planning Board to conduct a preliminary investigation of the Nutley portion of the property to determine whether it meets the statutory criteria for a condemnation area in need of redevelopment under the Local Redevelopment and Housing Law (LRHL). The City of Clifton Municipal Council directed its Planning Board to conduct a preliminary investigation to determine whether its portion of the property meets the statutory criteria for a non-condemnation area in need of redevelopment on November 5, 2014.

In 2015, following the completion of an investigation of the overall property prepared by Maser Consulting P.A., the Nutley Planning Board, on February 24, 2015, adopted a Resolution recommending that Block 102, Lot 2; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2101, Lot 1, and Block 2304, Lot 17, as shown on the official Tax Map of the Township of Nutley be determined by the Board of Commissioners to be a condemnation “area in need of redevelopment.”

On March 3, 2015, the Nutley Township Board of Commissioners adopted a resolution finding that the properties recommended by the Planning Board met the statutory criteria for a condemnation area in

need of redevelopment under the LRHL. In early 2015, the City of Clifton adopted a resolution finding that the 67.39 acres located within its municipal boundaries constituted a non-condemnation area in need of redevelopment under the LRHL. Consequently, the entirety of the Roche-owned property between Kingsland Street and Route 3 was designated as an area in need of redevelopment.<sup>1</sup>

The first phase of the redevelopment project focuses on a 16.873 acre portion of the overall Redevelopment Area (hereafter referred to as the “Phase 1 Project Area”), which is located in both Nutley Township and the City of Clifton. This Redevelopment Plan concerns the Nutley portion of the Phase 1 Project Area, which consists of 10.98 acres comprised of the area of the four lots approved by the Nutley Planning Board in 2015 (hereafter referred to as the “Nutley Phase 1 Project Area”). As further provided herein, it is anticipated that the balance of the overall Redevelopment Area will be addressed as part of one or more subsequent redevelopment plans. Any references to uses and design criteria other than for the Nutley Phase 1 Project Area are conceptual only, as the final determination of uses for portions of the overall Redevelopment Area other than that identified as the Nutley Phase 1 Project Area will be the subject of future municipal actions, if any. Therefore, this Redevelopment Plan will only establish



<sup>1</sup> The criteria for designating an Area In Need of Redevelopment is found within Section 5 of the Local Redevelopment and Housing Law (NJS 40A:12A-5). There is no distinction between a condemnation or non-condemnation redevelopment area in the criteria for designation in Section 5 of the statute.

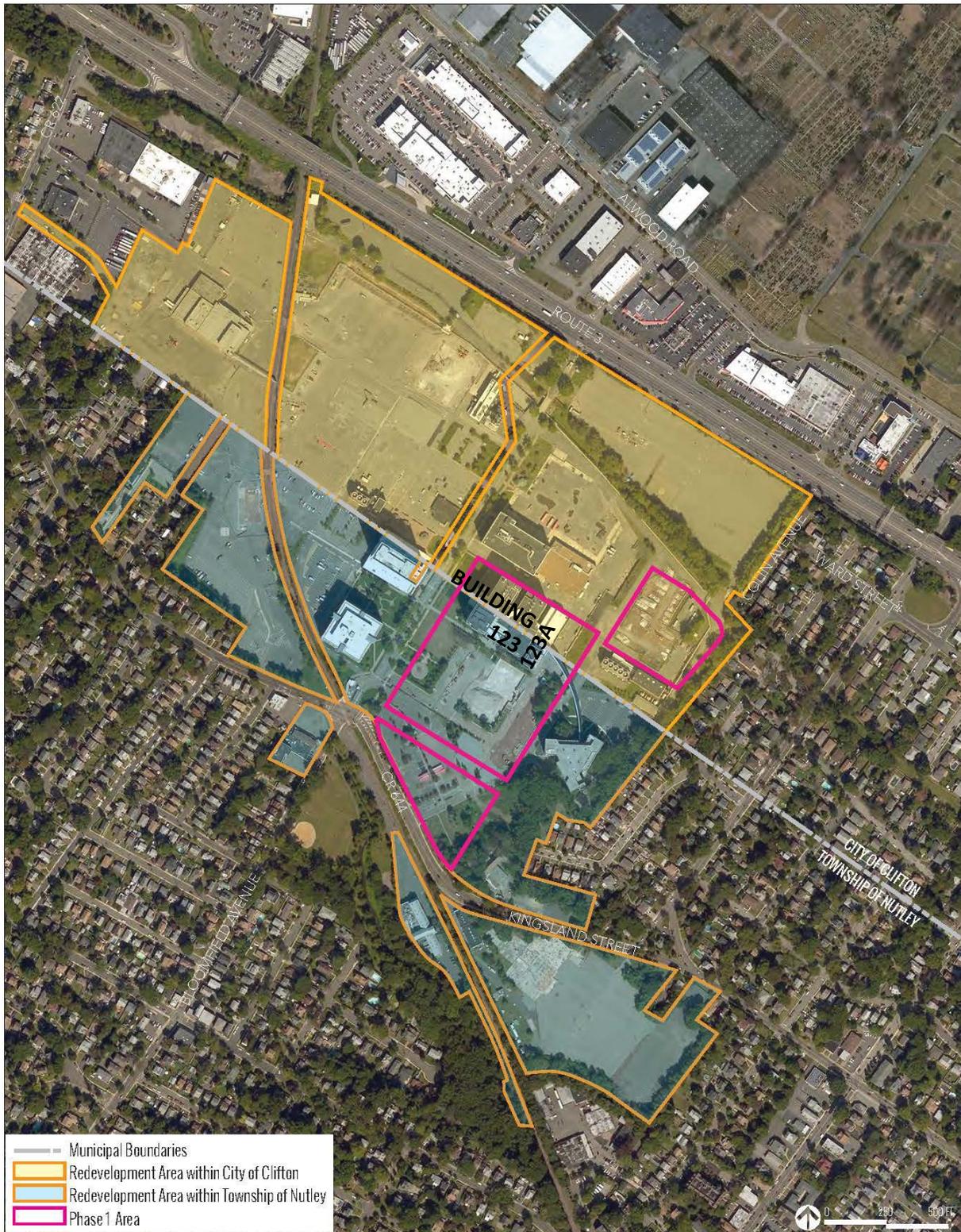
permitted uses in Phase 1 and not of any subsequent phase. The boundaries of the Nutley Phase 1 Project Area for purposes of this Phase 1 Redevelopment Plan are highlighted in Figure 2.

## 1.2 PLAN OVERVIEW

The intent of this Phase 1 Redevelopment Plan is to allow for the rehabilitation of Building 123 and Building 123A as a new private medical school that would also accommodate existing programs in health science and nursing for Seton Hall University. This Redevelopment Plan also contemplates that the remaining portion of the Phase 1 Project Area will be used for office, research and other compatible commercial uses, along with structured and surface parking facilities. It is anticipated that the medical school will be formed and operated by a joint venture between the Hackensack University Health Network (HackensackUHN) and Seton Hall University under a long term lease between a private entity and Hoffman-La Roche. For the purposes of this Phase 1 Redevelopment Plan, the balance of the overall Redevelopment Area shall be referred to as Phase 2, although there may ultimately be more than one additional phase in the buildout of the overall Redevelopment Area.

In accordance with the LRHL [N.J.S.A. 40A:12A-7.a.2], this Phase 1 Redevelopment Plan sets forth the proposed land uses, design criteria and building requirements for the Nutley Phase 1 Project Area. The school uses, as well as either independent or affiliated research activities, will be located within the existing buildings known as Building 123 and Building 123A, as shown on Figure 3. Other buildings that may be constructed in the Nutley Phase I Project Area will be permitted for uses set forth in this Plan, subject to review and approval by the Township as part of a Redevelopment Agreement.

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. 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 1 Project Area and the Official Zoning Map of the Township of Nutley shall be amended to show the Nutley Phase 1 Project Area as “RRP-1” (Roche Redevelopment Plan Phase 1). The subdivision of the Nutley Phase 1 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 the preceding Redevelopment Agreement.



**FIGURE 2: AERIAL MAP OF REDEVELOPMENT AREA**

### 1.3 DESCRIPTION OF REDEVELOPMENT PROJECT AREA

The Phase 1 Project Area is located in both the Township of Nutley and the City of Clifton. The total area of Phase 1 is approximately 16.873 acres of which 5.893 acres are located in Clifton and 10.98 acres are located in Nutley, which represent the total area of the four lots created by the subdivision approval by the Nutley Planning Board in 2015. Table 1 lists all of the existing lots that are located in the Township of Nutley within the Hoffmann-LaRoche Redevelopment Area. As illustrated in Figure 3, it is envisioned that the Phase 1 Project Area will be subdivided to create Block 80.02, Lots 4.01, 4.02 and 4.03 in the City of Clifton and Block 300, Lots 1.01, 1.02, 1.03 and 1.04 in the Township of Nutley.<sup>2</sup>

The Phase 1 Project Area includes Buildings 123 and 123A. Building 123 is a 6 story building which consists of approximately 412,092 gross square feet of building area. It was constructed in 1994 and substantially upgraded in 2012-13. The 6 story Building 123A functions as a wing of Building 123 and consists of approximately 65,059 gross square feet. It was built in 2003 and 2009. Although the Nutley Phase 1 Project Area has frontage on Kingsland Street as a potential means of access, access to the Phase 1 Project Area is currently provided via private roads internal to the Hoffmann-La Roche campus which connect to two access driveways along Kingsland Street.

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<sup>2</sup> The newly created lots include portions of existing Block 80.02, Lot 4 in Clifton and Block 201, Lot 1 and Block 300, Lot 1 in Nutley.

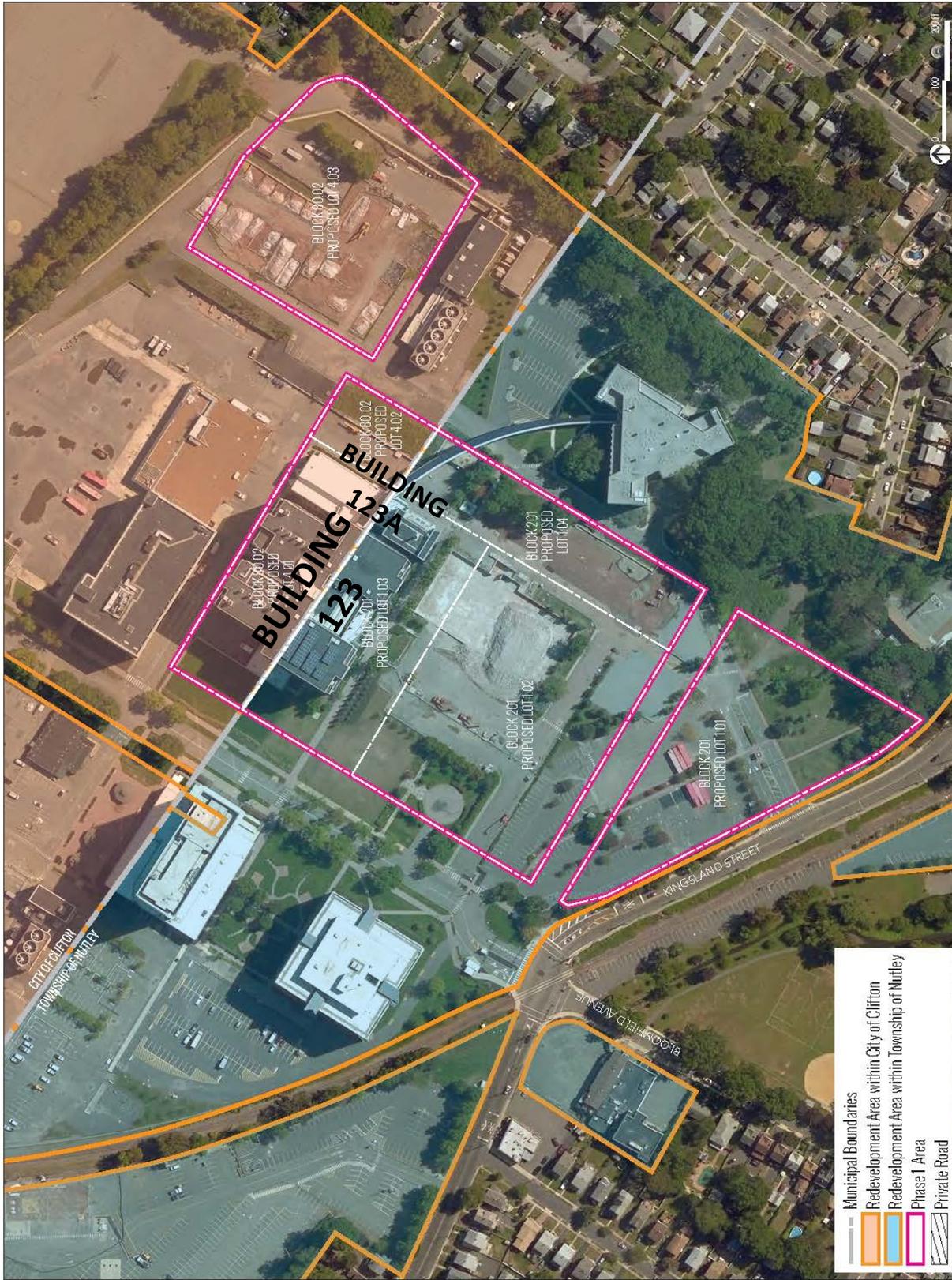


FIGURE 3: AERIAL PHOTOGRAPH OF THE PHASE I PROJECT AREA | Hoffmann-La Roche Redevelopment Plan - Phase I

Hoffmann La Roche Site – Nutley/Clifton, Macer Consulting, 2015; Lease Area 16 Survey, Paulus, Sotolowski and Sartor, LLC, 2016

Phillips Preis Gygiel LLC, 2016  
 Sources: Bing.com; Redevelopment Study Area Determination of Need, Macer Consulting, 2015; Lease Area 16 Survey, Paulus, Sotolowski and Sartor, LLC, 2016

**Table 1: Tax Lots Located within the Nutley Roche Overall Redevelopment Area**

Block	Lot	Address	Acres
<b>TOWNSHIP OF NUTLEY</b>			
102	2	41-47 Windsor Place	1.25
102	9	500 Kingsland Street	0.89
200	1	54 Windsor Place	0.275
200	2	340 Kingsland Street	1.42
200	3	340 Kingsland Street	4.87
200	4	340 and 430 Kingsland Street	0.74
200	5	434 Kingsland Street	0.20
200	24	44-50 Windsor Place	0.51
201	1	340 Kingsland Street	10.04
300	1	340 Kingsland Street	19.62
300	20	66 Montclair Avenue	0.31
2000	1	247 Kingsland Street	0.18
2000	4	237 Kingsland Street	1.23
2000	5	233 Kingsland Street	2.56
2101	1	299 Kingsland Street	7.54
2304	17	413 Kingsland Street	0.36
		<b>TOTAL</b>	<b>51.995</b>

### 1.4 EXISTING ZONING

The existing zoning designations for the Phase 1 area are shown in Figure 4. The Nutley portion of the Phase 1 Project Area is located within the M-O Industry and Office Work Zoning District. The M-O permits manufacturing, commercial warehouse, printing establishments, commercial greenhouses, laboratories and offices. The minimum lot area required for development in the M-O is 1 acre, and the maximum building height is 8 stories or 100 feet. The adjacent land of the overall Redevelopment Area located in Clifton is zoned M-3. Laboratories for research, design and experimentation are permitted as a conditional use in the M-3 subject to the bulk requirements for the M-2 zone. Nutley Township anticipates that the City of Clifton will adopt a redevelopment plan governing such land in coordination with this Plan.

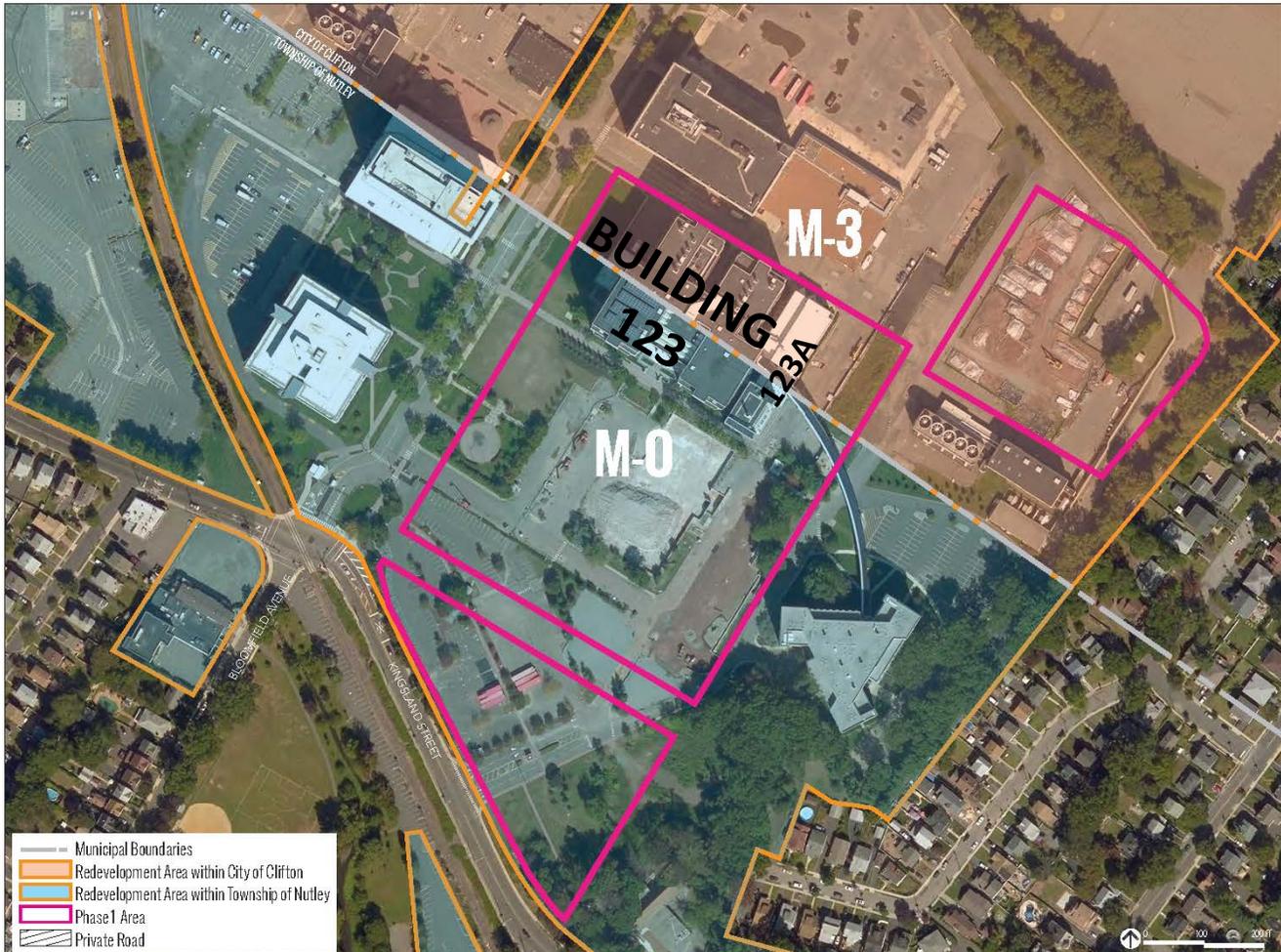


FIGURE 4: EXISTING ZONING OF THE PHASE 1 PROJECT AREA | Hoffmann-La Roche Redevelopment Plan - Phase 1

Phillips Preis Grygiel LLC, 2016  
 Sources: bing.com; Redevelopment Study Area Determination of Need, Hoffmann-La Roche Site – Nutley/Clifton, Maier Consulting, 2015; Lease Area 16 Survey, Paulus, Sokolowski and Sartor, LLC, 2016

### 1.5 PLANNING OBJECTIVES FOR THE PHASE 1 PROJECT AREA

The Phase 1 Project Area consists of the rehabilitation of Building 123 and 123A for the development of a new medical school, the relocation of the Seton Hall University College of Nursing and School of Health and Medical Science, creation of an incubator facility for entrepreneurs and state-of-the-art research and laboratory facilities for companies involved in related research and development fields, along with the construction of parking facilities. Establishing a premier medical school and research institution on a portion of the Phase 1 Project Area should generate substantial business activity within the balance of the Phase 1 Project Area and the rest of the overall Redevelopment Area, become an economic driver in the region and the State in health care and bio-pharma fields, and help address the critical physician shortage predicted for New Jersey. Hackensack UHN and Seton Hall

University anticipate that their use of the Phase 1 Project Area should create a vibrant university campus with the presence of over 500 medical students and faculty in addition to approximately 1,500 faculty and students enrolled in the College of Nursing and School of Health and Medical Sciences. Many of these students could live in nearby communities and their daily consumption of goods and services from area businesses, restaurants and retail establishments will create a large economic footprint. The research to be conducted on site in combination with the new medical and nursing school may be a catalyst to attract bio/pharma and other companies in the healthcare industry. Additionally, studies indicate that new doctors are likely to establish practices in close proximity to their medical schools and/or residency programs. This project could help to keep highly valued professionals in New Jersey, and more specifically, the Township of Nutley, and help meet the increased demand for physicians to treat State residents.

The specific planning objectives that will be advanced in the Phase 1 Project include:

- 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.
- Utilize existing campus-wide utility systems to serve the Phase 1 redevelopment while preserving the capacity to extend adequate utility services to future phases of redevelopment.
- Provide sufficient off-street parking to serve the Phase 1 redevelopment both on-site and in other locations within the overall Redevelopment Area.

## 1.6 DEFINITIONS

The definitions set forth in the Township of Nutley Municipal Code shall apply to the Nutley Phase 1 Project Area.

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## 2 LAND USES

### 2.1 PERMITTED PRINCIPAL USES IN THE NUTLEY PHASE 1 PROJECT AREA

Permitted principal uses in the Nutley Phase

1 Project Area are as follows:

- Education facilities, including medical education, nursing, health sciences and related fields
- Research and laboratory facilities
- Offices, including medical and professional
- Medical and Healthcare Services, including pharmacies, physical therapy and related services
- Restaurants, coffee shops and bookstores.
- Structured parking (freestanding parking structures providing parking to staff, employees, students and the general public with or without a fee, which may include retail or other commercial uses integrated with the structure, provided such retail or other commercial uses are for the purpose of providing ancillary retail/commercial services to users of buildings within the Phase 1 Project Area and are limited in square footage to the minimum that which is required for funding of the HUMC/Seton Hall facilities under either the Economic Recovery Growth Grant (ERG), Redevelopment Area Bond (RAB) financing, or similar incentive program, but not to exceed 10,000 square feet.
- Surface parking as a transitional use for [a temporary period to be determined in a redevelopment agreement](#)

Multiple principal uses on a single lot and/or within a single building shall be permitted. Uses not listed above are not permitted in the Nutley Phase 1 Project Area. However, final determination as to whether a use is permitted as included in the above shall be made by the Board of Commissioners, acting as the Redevelopment Entity based on a concept plan reviewed during the negotiation of a Redevelopment Agreement.

### 2.2 PERMITTED ACCESSORY USES IN THE NUTLEY PHASE 1 PROJECT AREA

Permitted accessory uses in the Nutley Phase 1 Project Area are as follows:

- Structured parking (parking within an enclosed building attached or dedicated exclusively to one or more principal buildings or uses).
- Surface parking (temporary and/or permanent parking lots dedicated exclusively to one or more principal buildings or uses).
- Private roadways
- Off-street loading
- Cafeterias, coffee shops, delicatessens, other food services, bookstores and

other service oriented retail incorporated into a building containing one or more principal uses.

- Common facilities and amenities for students and employees
- Child Daycare Centers, within a building containing one or more permitted principal uses.
- Health Clubs/Gyms as an accessory use for faculty, staff and students within a building containing one or more permitted principal uses.
- Chapels, Houses of Worship and other religious uses
- Other uses customarily incidental to a permitted principal use. However, final determination as to whether a use is permitted as included in the above shall be made by the Board of Commissioners, acting as the Redevelopment Entity based on a concept plan reviewed during the negotiation of a Redevelopment Agreement.

### 2.3 MINIMUM PARKING SPACE REQUIREMENTS

The minimum parking requirements for the Nutley Phase 1 Project Area shall be as follows:

Principal Use	Parking Requirement
Education facilities	0.7 spaces per student
Offices, including medical and professional	1 space per employee. If number of employees are not established, 1 space per 300 sq. ft. of Gross Floor Area.
Research and laboratory facilities	1 space per employee. If number of employees are not established, 1 space per 1000 sq. ft. of Gross Floor Area.

- Parking for all principal uses not listed in the above table shall be in accordance with Chapter 700, Article XIII of the Nutley Municipal Code.
- Final determination of parking provided in the Nutley Phase 1 Project Area shall be subject to review by the Township of Nutley to ensure that there is no spillover of project parking into adjacent residential neighborhoods.

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## **3 BULK AND DEVELOPMENT STANDARDS**

### **3.1 MINIMUM LOT REQUIREMENTS FOR NUTLEY PHASE 1 PROJECT AREA**

Compliance with the lot dimension requirements shall be governed by the “Schedule of Regulations as to Bulk, Height and Other Requirements” for the M-O District in Chapter 700 (Zoning) of the Nutley Municipal Code. The lot requirements shall not apply to tracts created for the express purpose of constructing internal roads.

### **3.2 BULK REQUIREMENTS FOR NUTLEY PHASE 1 PROJECT AREA**

Compliance with the building height and bulk requirements shall be governed by the “Schedule of Regulations as to Bulk, Height and Other Requirements” for the M-O District in Chapter 700 (Zoning) of the Nutley Municipal Code except as provided below.

#### **3.2.1 Minimum Lot Width**

The minimum lot width for the Phase 1 Project Area shall be 125 feet.

#### **3.2.2 Maximum Floor Area Ratio (FAR)**

The maximum FAR for the Phase 1 Project Area shall be 2.0. Structured parking facilities shall be excluded from the calculation of FAR.

#### **3.2.3 Building Setbacks**

None required from interior lot lines of proposed Lots 1.01, 1.02, 1.03 and 1.04, except that all new buildings (excluding existing Building 123 and 123A), including a building containing a parking structure in whole or in part, constructed in the Nutley Phase 1 Project Area shall be setback at least 10 feet from an interior private road and at least 20 feet from Kingsland Street, except that buildings higher than 50 feet shall be setback at least 50 feet from Kingsland Street.

#### **3.2.4 Building Coverage**

The maximum building coverage shall be 50% of the Nutley Phase 1 Project Area.

#### **3.2.5 Impervious Coverage**

The maximum impervious coverage shall be 85% of the Nutley Phase 1 Project Area, subject to final determination by the Board of Commissioners, acting as the Redevelopment Entity upon review of a concept plan justifying the coverage at the time of the execution of the Redevelopment Agreement. The Board of Commissioners will seek to ensure that the concept plan achieves a campus environment that is “park” like in nature and consistent with adjacent residential neighborhoods.

#### **3.2.6 Setbacks to Parking**

The minimum setbacks to surface (temporary and/or permanent) parking areas and parking structures shall be 5 feet, except as set forth in Section 3.2.3.

## **3.3 PARKING AND LOADING**

### **3.3.1 Location of Parking**

Some or all of the required parking for the Phase 1 Project Area may initially occur in temporary locations. The required parking for redevelopment within the Phase 1 Project Area, temporary and permanent, may be located in surface lots or structured parking facilities, which may be relocated from time to time, in the Phase 1 Project Area and/or other locations within the overall Redevelopment Area. Bicycle parking may be located in designated areas throughout the Nutley Phase 1 Project Area, subject to final determination by the Board of Commissioners, acting as the Redevelopment Entity, upon review of a concept plan at the time of the negotiation of the Redevelopment Agreement. The subsequent redevelopment plan(s) to be adopted for the remainder of the overall Redevelopment Area, as referenced in Section 1.1, will further address parking locations; provided that sufficient parking for Phase 1 shall at all times be maintained.

### **3.3.2 Parking Space Dimensions**

- Parking spaces shall have dimensions of at least 9 feet by 18 feet and parking layout shall comply with the requirements of § 600-6 of the Municipal Code (General Standards of Site Plan Ordinance). Compact spaces (7.5 x 15') may be incorporated into a parking layout, limited to 20% of the total number of parking spaces required.

### **3.3.3 Minimum Number of Loading Spaces**

- As determined by the Planning Board based on § 700-102 of the Zoning Ordinance; except that for existing buildings the requirement shall not exceed the number of existing loading spaces.

### **3.3.4 Location of Loading Spaces**

- Loading areas shall face the 4<sup>th</sup> Street (i.e., rear) side of Building 123 and/or 123A.
- Loading areas shall be located along the side or rear facades of new buildings. No loading areas shall face Kingsland Avenue.

### **3.3.5 Loading Space Dimensions**

- Loading spaces shall have dimensions of at least 12 feet by 25 feet.

## **3.4 SIGNAGE IDENTIFYING PHASE 1 USES**

- Identification signage for uses within the Phase 1 Project Area shall be permitted at all entrance driveways to the overall Redevelopment Area providing access to the Phase 1 Project Area.
- Wayfinding signage shall be permitted, subject to approval by the Planning Board, throughout the Nutley portion of the overall Redevelopment Area, including the Nutley Phase 1 Project Area, to guide visitors to parking facilities.
- Identification signage will be permitted on the front and rear facades of Building 123 and 123A and any new buildings. A complete signage and graphics plan shall be included in the site plan application for any Phase 1 Project and will be subject to the approval of the Planning Board. The area of each sign shall not exceed 5% of the area of the façade to which it is affixed, except that the Planning Board may further restrict the area based on its review of the signage and graphic

plan. The signage and graphic plan shall be guided by the Township's objective that the design of the project create a visually attractive, park-like campus environment that is compatible with adjacent residential neighborhoods.

## **3.5 LANDSCAPING AND FENCES**

### **3.5.1 General Standards**

- All land area not covered with buildings, parking or other impervious surfaces shall be landscaped with suitable materials, such as trees, shrubs, ground cover, perennials and annuals along with inanimate materials such as rocks, water, sculpture, art, walls, fences and pervious paving materials. The standards of § 600-6 of the Municipal Code (General Standards of Site Plan Ordinance), § 700-71 (Fences and Retaining Walls) and § 700-97/98 (parking lot landscaping and buffering) shall apply with additional standards set forth below:
  - Landscaping shall be designed to achieve a thorough integration of the various elements of site design, including building and parking placement and natural features.
  - All landscape plants shall be typical in size and weight for their species and shall conform to the standards of the American Association of Nurserymen for quality and installation.
  - Shade trees should be provided at regular intervals in appropriate locations along internal roadways as well as within any public street right-of-way providing access to the Phase 1 Project Area in accordance with a landscape plan.
- All portions of a project that abuts a residential development or public park shall include a buffer planting suitable to form an effective screen.

### **3.5.2 Parking Areas**

- All permanent surface parking lots of over 20,000 square feet in area should have at least 5% of the area within the parking lot devoted to landscaping, including shade trees. The use of low-maintenance native vegetation, which requires less fertilizer and watering, is encouraged.
- All temporary surface parking lots shall be paved and lighting shall be provided by light poles that are between 10 feet and 30 feet in height from finished grade, and placed at intervals sufficient to light the entire parking lot with uniformity, provided that the lighting is shielded and directed away from adjacent uses.

### **3.5.3 Fences**

- Fences should not exceed 6 feet in height unless necessary to protect the public health and safety.

## **3.6 ACCESS AND CIRCULATION**

### **3.6.1 Vehicular Access**

- Uses within the Phase 1 Project Area are currently accessed via existing private roadways within the overall Redevelopment Area, but may be provided by direct curb cuts onto Kingsland Street, subject to obtaining Essex County approval.
- Driveways shall have a minimum width of 24 feet.
- Vehicular/truck access to the rear of Building 123 and Building 123A shall be provided via 4<sup>th</sup> Street, located within the Clifton portion of the site. The Kingsland Avenue entrance shall

not be used for truck deliveries, whether entering or exiting the site.

- If any access is to be provided through driveways and roadways not located within the Phase 1 Project Area, evidence of an access easement providing such access shall be a condition of approval.

### **3.6.2 Pedestrian Circulation**

- Sidewalks shall connect the main entrance of each building with the street or with the interior road giving access to the building. Interior roads giving access to buildings shall have a sidewalk on at least one side of such road. Each parking area shall be provided with a sidewalk connecting the parking area to the building entrance or entrances to be used by the employees, general public or tenants using said parking area.
- Sidewalk design shall be subject to Planning Board approval.

## **3.7 ROADS, UTILITIES, & SOLID WASTE REMOVAL**

Uses with the Nutley Phase 1 Project Area shall be permitted to use any and all existing utility systems within the overall Redevelopment Area, including the Central Utility Plant, the Fire Pump House and the Central Environmental Control Facility. To the extent that utilities, such as power, cable, communication and related services are installed within the Nutley Phase 1 Project Area to service new or existing buildings, they shall be located underground.

All interior roads, parking areas and other public facilities owned and operated by the redeveloper(s) of the Nutley Phase 1 Project Area shall be maintained by the redeveloper(s) or their agents or tenants at their sole cost and expense. The Township of Nutley will not be responsible for snow removal, solid waste removal, street cleaning , installation or maintenance of water, sewer or stormwater facilities and utilities within any portion of the Nutley Phase 1 Project Area that is not owned by the Township of Nutley except as may otherwise be set forth in one or more redevelopment agreements.

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## 4 PLAN CONSISTENCY REVIEW

### 4.1 RELATIONSHIP TO MUNICIPAL MASTER PLAN

#### 4.1.1 Township of Nutley Master Plan

The Township of Nutley's Master Plan was updated in 2012 and sets forth a number of fairly specific policy statements with respect to the anticipated closure and reuse of the closed Hoffmann-La Roche campus. The Master Plan advocated cooperation with the City of Clifton to encourage a redevelopment of the property that would consist of non-residential uses (with the exception of big-box retail) and promoted continued office use in particular.

*"In July 2012 Roche announced it would be closing the campus by December 2013. The closing of Roche is expected to result in loss of jobs for those employed at the facility. Until a plan for redevelopment is adopted and implemented, the impact on Nutley cannot be fully known. Given the size and location of the Roche property, Nutley should consider general principles of development that allow for use consistent with Nutley's economic and quality of life needs. In order to achieve those goals, Nutley should work closely with the City of Clifton, whose property, while smaller, is adjacent to Route 3 east. Working together with Clifton, Nutley should seek to avoid any residential development or commercial big-box retail stores for the site. If possible, Nutley should seek the continued use of the Roche campus for Class "A" office and research purposes. Nutley should consider other uses to be added to the M-O zone (Roche property). The Board recommends that a hotel convention center, restaurant facilities for events, entertainment (theater, movies, music) be added to the uses as being compatible with and complementing present use. Regulations which discourage future subdivision of existing large lots, which provide significant economic development opportunities for the Township, should be followed. Every effort should be made to preserve and maintain the Roche site until a full redevelopment plan has been presented and approved."*<sup>2</sup>

The Master Plan set forth a number of recommended land uses for the M-O district to provide redevelopment opportunities for the Hoffmann-La Roche campus. Warehouse uses were expressly discouraged.

*"The range of principal permitted uses in the Corporate Campus and M-O district should include office, laboratories for research analysis, design and/or experimentation; printing establishments; commercial greenhouses; manufacturing uses; data processing and storage; hotel convention center, restaurant/catering for events, entertainment (theater, movies, music); and similar uses. This plan specifically recommends the elimination of warehouses not associated with a manufacturing facility"*.<sup>3</sup>

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<sup>2</sup> Township of Nutley 2012 Master Plan Reexamination Report, pp. 3-31 and 3-32. It should be noted that while the excerpt references the portion of the Roche site in Clifton as being "smaller", there is slightly more than 60 acres in Clifton and 50.87 acres in Nutley.

<sup>3</sup> Township of Nutley 2012 Master Plan Reexamination Report, p. 3-32.

The reuse of Buildings 123 and 123A for a new medical school/health sciences facility/nursing school and the potential development of additional non-residential uses within the Nutley Phase 1 Project Area is consistent with the above policy objectives, as it is a natural expansion of the historic laboratory/R&D and office use of the property by the introduction of complementary retail uses, such as restaurants and a variety of services. The successful redevelopment of the Phase 1 Project Area should also provide a key economic driver that will set the standard for future phases of redevelopment. Therefore, this Redevelopment Plan for the Nutley Phase 1 Project Area is consistent with and/or designed to effectuate the Township of Nutley's Master Plan.

## **4.2 RELATIONSHIP TO ADJACENT COMMUNITIES**

The Nutley Phase 1 Project Area is adjacent and contiguous only to the City of Clifton. Given its physical separation, the Redevelopment Plan will not affect any other nearby municipalities to any significant degree, other than have a generally positive economic impact via the redevelopment of a former corporate headquarters facility. The reuse of the Phase 1 Project Area for a medical school/health sciences/nursing school facility is consistent with Clifton's promotion of the revitalization of the City's older industrial and commercial facilities. Therefore, this Redevelopment Plan for the Nutley Phase 1 Project Area is consistent with the City of Clifton Master Plan.

## **4.3 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.

## **4.4 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

The objectives of the Redevelopment Plan are consistent with the goals, strategies and policies outlined in the 2001 New Jersey State Development and Redevelopment Plan. The revitalization of existing urban centers is among the key objectives of the State Plan and the entirety of the Hoffman-LaRoche Redevelopment Area is located within the PA-1 Metropolitan Planning Area. The Plan Area is previously developed and has the infrastructure in place to accommodate the development envisioned in this Redevelopment Plan. As such, it is an appropriate location for growth in accordance with the State's objectives for PA-1 areas. Ultimately, the overall redevelopment of the Roche site will leverage the existing valuable infrastructure, buildings and improvements on the site to attract new land uses that will advance the planning goals of both Clifton and Nutley. Further, the creation of a new medical school/health sciences/nursing school will help address the State's anticipated physician and health professional shortage and provide highly-skilled job opportunities for the residents of the region. Therefore, the redevelopment activities envisioned under this Plan are considered consistent with State planning policies, including the State Development and Redevelopment Plan.

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## **5 REDEVELOPMENT ACTIONS**

### **5.1 OUTLINE OF PROPOSED ACTIONS**

This Redevelopment Plan envisions the development of a new medical/educational facility within the Nutley Phase 1 Project Area through the reuse of two existing and interconnecting buildings (Building 123 and Building 123A) designed principally for research/laboratory use. There is also an existing elevated sky bridge connecting Building 123 to Building 102. While Building 102 is expected to remain, it is not included in the Nutley Phase 1 Project Area and the ultimate use of that building is not addressed in this Plan. The use of Building 102 will continue to be governed by the existing M-O District zoning regulations until it is otherwise addressed in an adopted redevelopment plan for a later phase of the Roche site redevelopment. The sky bridge between Buildings 123 and 102 is recognized as an existing connection between the buildings, but the disposition of the bridge will be addressed in one or more Redevelopment Agreements.

### **5.2 PROPERTIES TO BE ACQUIRED**

As the majority of the Phase 1 Project Area is located in the Township of Nutley and the Township of Nutley designated the parcels of the Nutley Phase 1 Project Area as a “Condemnation Redevelopment Area”, the Township of Nutley identifies all of the parcels in the Nutley Phase 1 Project Area as potentially necessary for acquisition via Eminent Domain in order to effectuate the redevelopment of the site.

### **5.3 RELOCATION**

The Redevelopment Plan does not involve the displacement or relocation of any residents or businesses within the Nutley Phase 1 Project Area. There are no existing residential uses within the Nutley Phase 1 Project Area and the existing buildings in the Nutley Phase 1 Project Area have been vacated except for security and maintenance personnel and will be completely vacated with any transfer of ownership or control to a redeveloper.

### **5.4 INFRASTRUCTURE**

In addition to the proposed actions outlined above, other actions may be taken to further the goals of this Plan. These may include, but shall not be limited to: 1) provisions for infrastructure and related improvements necessary to service new development (including any necessary improvements on other lands within the Hoffmann-La Roche Redevelopment Area); 2) environmental remediation; and 3) vacation of public utility easements and other easements and rights-of-way as may be necessary to effectuate redevelopment. The responsibility for the costs of necessary infrastructure improvements will be set forth as part of the Redevelopment Agreement for the Nutley Phase 1 Project Area.

### **5.5 TAX ABATEMENT & PAYMENT-IN-LIEU -OF -TAXES**

All improvements (existing and proposed) and the use thereof in furtherance of the redevelopment of the Nutley portion of the overall Redevelopment Area shall be either taxable or otherwise generate revenue to the Township, including, at the sole discretion of the Township Board of Commissioners, a payment-in-lieu-of-taxes (PILOT) and a Financial Agreement, in accordance with terms acceptable to the Township in all respects, to the extent permitted by the Long Term Tax Exemption Law (LTTEL) and the LRHL.

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## **6 GENERAL PROVISIONS**

### **6.1 AMENDMENT TO THE ZONING MAPS AND ORDINANCES**

Except as otherwise set forth herein, 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. For items not specifically addressed in this Redevelopment Plan, the Nutley Municipal Codes shall be applicable. The adoption of this Plan shall result in a rezoning of the Nutley Phase 1 Project Area and an amendment of the Township of Nutley's Zoning Map to indicate the Nutley Phase 1 Project Area as "RRP-1" (Roche Redevelopment Plan Phase 1).

### **6.2 DEVIATION REQUESTS**

The Planning Board of Nutley may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reasons of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, the strict application of any bulk regulation adopted pursuant to this Redevelopment Plan would result in peculiar difficulties to, or exceptional and undue hardship upon, the redeveloper. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Any deviation for a use or principal structure that is not permitted by this Redevelopment Plan; an increase in the maximum floor area ratio; and an increase in the maximum permitted height of a principal structure by more than 10 feet or 10% shall require an amendment to this Redevelopment Plan by ordinance of the Nutley Board of Commissioners.

### **6.3 SITE PLAN AND SUBDIVISION REVIEW**

Subdivision and Site plans for the construction of improvements within the Nutley Phase 1 Project Area shall be subject to the approval of the Planning Board in accordance with the Township of Nutley's Site Plan Review Ordinance (Chapter 600 of the Municipal Code) and Subdivision Ordinance (Chapter 630 of the Municipal Code). Notwithstanding the foregoing, interior demolition and interior building construction shall be permitted within the Nutley Phase 1 Project Area prior to site plan approval, with site plan approval being required prior to building occupancy.

Given the specialized nature of the Nutley Phase 1 Project Area, the specific architectural and site design standards will be addressed as expressed in the Redevelopment Agreement based upon concept plans and illustrations submitted by the redeveloper and approved by the Board of Commissioners, acting as the Redevelopment Entity.

## **6.4 REDEVELOPMENT AGREEMENT**

No application for subdivision or site plan approval within the Nutley Phase 1 Project Area shall be deemed complete or heard by the Planning Board unless and until a either a redevelopment agreement between the redevelopment entity and the prospective applicant has been executed or the requirement for an executed redevelopment agreement is waived in writing by the Township Commission.

## **6.5 NON-DISCRIMINATION PROVISIONS**

No covenant, lease, conveyance or other instrument shall be affected or executed by the governing body of Nutley or by a redeveloper or any of his successors or assignees, whereby land within the Nutley Phase 1 Project Area is restricted by the municipality, or the redeveloper, upon the basis of race, creed, color or national origin 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 Nutley Phase 1 Project Area on the basis of race, creed, color or national origin.

## **6.6 DURATION OF THE PLAN**

The provisions of this Plan specifying the redevelopment of the Nutley Phase 1 Project Area and the requirements and restrictions with respect thereto shall be in effect until all redevelopment projects constructed within the entire portion of the Redevelopment Area located within Nutley have been issued a Certificate of Completion by the Township of Nutley such that the redevelopment agreement(s) pertaining to such projects have been fulfilled and are no longer effective pursuant to NJSA 40A-12A-9. At such time the land use and development provisions of this Plan in effect for the Phase 1 Project Area shall become the regulations of the "RRP-1" (Roche Redevelopment Plan Phase 1) District as part of the Township of Nutley Zoning Ordinance (Chapter 700 of the Municipal Code). In the event that the Nutley portion of the overall Redevelopment Area is converted to a non-condemnation redevelopment area, this Plan shall remain in full force and effect.

## **6.7 COMPLETION OF REDEVELOPMENT**

Upon the inspection and verification by the Township of Nutley that the redevelopment within the Nutley Phase 1 Project Area has been completed and all provisions of the Redevelopment Agreement have been satisfied, a Certificate of Completion shall be issued to the redeveloper by the Board of Commissioners, acting as the Redevelopment Entity. All redevelopment agreements associated with the implementation of this Redevelopment Plan shall be in effect until the issuance of such a certificate by the Township of Nutley. The Certificate of Completion does not constitute a Certificate of Occupancy pursuant the Municipal Code of the Township of Nutley, which shall be required of every redevelopment project for which a construction permit is issued by the Code Official.

## **6.8 SEVERABILITY**

If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

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## **7 SUMMARY OF COMPLIANCE WITH THE STATUTORY REQUIREMENTS OF THE LRHL**

In accordance with the LRHL (NJSA 40A:12A-1 et seq.), the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, transportation and utilities, recreational and municipal facilities and other public improvements. The Plan has laid out a specific development program intended to carry out the planning objectives of the Township of Nutley.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Nutley Phase 1 Project Area.
- The Redevelopment Plan identifies the conditions upon which address any acquisition of any privately-owned properties and does not require relocation of any residents or businesses.
- The Redevelopment Plan is consistent with and designed to effectuate the Master Plan for the Township of Nutley. The Plan also advances the goals and objectives of the New Jersey State Development and Redevelopment Plan.

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## **8 PROCEDURE FOR AMENDING THE PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law and in adherence to any applicable redevelopment agreements affected by such amendments. The Nutley Township Commission, 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.