

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

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SPECIAL PUBLIC MEETING) TRANSCRIPT OF

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PROCEEDINGS:

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October 27, 2015

7:42 p.m.

BEFORE:

Commissioner Steven Rogers

Commissioner Joseph Scarpelli

Commissioner Mauro Tucci

Mayor Alphonse Petracco

Commissioner Thomas J. Evans

Job No. NJ2177335

P R O C E E D I N G S

MADAM CLERK: Yes, Mayor. Board of Commissioners special meeting, Tuesday, October 27th, 2015. The time is now 7:42. Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the October 15th, 2015 issue of the Nutley Sun. A copy of this notice has been posted on the Nutley Town Hall bulletin board, Township website, and a copy is on file in the Municipal Clerk's Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor.

MAYOR PETRACCO: Thank you. This evening we have a motion. Let me read it.

We received correspondence from the Planning Board after their review of the redevelopment plan seeking certain amendments to the plan as a result of their meeting on

1 October 21, 2015.

2 There are material changes to the redevelopment
3 plan for phase 1 which was originally introduced by the
4 Commissioners on October 16th, and a vote is required to
5 amend the redevelopment plan in accordance with the letter
6 dated October 23th, 2015, from Barry Kozyra, the attorney
7 for the planning board illustrating the changes recommended
8 by the planning board. The redevelopment plan has also been
9 amended by Dave Roberts of Maser Consulting, our planner for
10 this project.

11 Therefore a vote is required to accept the
12 amendments to the redevelopment plan and upon counsel's
13 recommendation that we carry the date for the public hearing
14 on the ordinance until November 5th, 2015 and that a new
15 publication of the amended ordinance be made as soon as
16 possible after this meeting.

17 The plan as amended will be available tomorrow for
18 public inspection and will be placed on the Township's
19 website as soon as possible.

20 I motion that we accept the amendments to the
21 redemption plan as illustrated in the letter of Barry
22 Kozyra, planning board attorney, and by Dave Roberts,
23 planner, and that a public hearing be conducted on
24 November 5th, 2015 to adopt the ordinance as amended.

25 Move it.

1 COMMISSIONER TUCCI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 MADAM CLERK: Mayor Petracco?

11 MAYOR PETRACCO: Aye. Thank you. This is
12 ordinance number 3327.

13 An ordinance of the Board of Commissioners of the
14 Township of Nutley in the County of Essex adopting the
15 Hoffman-Laroche redevelopment plan for phase one.

16 I move that this ordinance be passed to a second
17 reading and advertised in The Nutley Sun, together with the
18 notice required by law that further consideration of the
19 said ordinance for final passage by the Board of
20 Commissioners to be held at its second reading on
21 November 5th, 2015. Move the ordinance.

22 COMMISSIONER TUCCI: Second.

23 MR. GENITEMPO: Mayor, just -- I'm sorry,
24 Mayor, may I interrupt. Just to make clear, this is the
25 amended ordinance of the ordinance that was first introduced

1 October 16th, 2015. Thank you.

2 MAYOR PETRACCO: Thank you. I move it.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco?

13 MAYOR PETRACCO: Aye. Thank you. We'll have our
14 -- do we just close or is there a section for public
15 comment, counsel?

16 MR. GENITEMPO: (Indiscernible) the agenda,
17 so it's up to you.

18 MAYOR PETRACCO: Okay, is there anyone here that
19 would like to address the Board of Commissioners this
20 evening? Seeing no one, we need a motion to close.

21 COMMISSIONER SCARPELLI: Move to adjourn.

22 COMMISSIONER ROGERS: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Mayor Petracco?

7 MAYOR PETRACCO: Aye.

8 MADAM CLERK: The time is now 7:45.

9 (Meeting was adjourned at 7:45 P.M.)

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C E R T I F I C A T I O N

I, Jamie Gallagher, certify that the foregoing transcript is
a true and accurate record of the proceedings.


Jamie Gallagher

Date: November 13, 2015

AGENDA
TOWNSHIP OF NUTLEY
BOARD OF COMMISSIONERS
SPECIAL PUBLIC MEETING
TUESDAY, OCTOBER 27, 2015 / 7:00P.M.

PLEDGE OF ALLEGIANCE:

SUNSHINE NOTICE:

Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, P.L.1975), notice of this meeting was published in the October 15, 2015 issue of The Nutley Sun. A copy of this notice has been posted on the Nutley Town Hall bulletin board, Township Website and a copy is on file in the Municipal Clerk's Office.

ROLL CALL:

Commissioner Rogers
Commissioner Tucci
Commissioner Evans
Commissioner Scarpelli
Mayor Petracco

MINUTES:

ORDINANCE INTRODUCTIONS:

ORDINANCE PUBLIC HEARINGS:

BOARD OF COMMISSIONERS/AMENDMENT TO ORDINANCE NO. 3327

“AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ADOPTING THE HOFFMAN-LAROCHE REDEVELOPMENT PLAN FOR PHASE ONE” (INTRODUCED ON OCTOBER 16, 2015) (AMENDED OCTOBER 27, 2015) (PUBLIC HEARING NOVEMBER 5, 2015)

RESOLUTIONS:

Commissioner Rogers:

Commissioner Tucci:

Commissioner Evans:

Commissioner Scarpelli:

Mayor Petracco:

MEETING OPEN TO THE PUBLIC:

ADJOURNMENT:

REMINDER:

The next Board of Commissioners meeting is scheduled for Thursday, November 5, 2015 at 7:00 P.M., Nutley Town Hall, 3rd Floor Commission Chambers.

ELECTION DAY/ GENERAL ELECTION, Tuesday, November 3, 2015

Notice Pursuant to N.J.S.A 10:4-8(d)

This agenda for the next regular meeting of the Township of Nutley Board of Commissioners, and the resolutions on the agenda, reflect the agenda and proposed resolutions to the extent known at the time of posting, pursuant to N.J.S.A. 10:4-8(d). The agenda and resolutions are tentative. They are subject to amendment additions or deletions prior to the meeting. Any inquiries concerning the agenda and its contents should be directed to the Municipal Clerk's Office at (973) 284-4955.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Board of Commissioners Read by Mayor Alphonse Petracco *Date:* October 27, 2015
Seconded by: Commissioner Mauro G. Tucci *No.* 313-15

We received correspondence from the Planning Board after their review of the redevelopment plan seeking certain amendments to the plan as a result of their meeting on October 21, 2015.

There are material changes to the redevelopment plan for phase 1 which was originally introduced by the Commissioners on October 16th, and a vote is required to amend the redevelopment plan in accordance with the letter dated October 23, 2015, from Barry Kozyra, the attorney for the planning board illustrating the changes recommended by the planning board. The redevelopment plan has also been amended by Dave Roberts of Maser Consulting, our planner for this project.

Therefore a vote is required to accept the amendments to the redevelopment plan and upon counsel's recommendation that we carry the date for the public hearing on the ordinance until November 5, 2015 and that a new publication of the amended ordinance be made as soon as possible after this meeting.

The plan as amended will be available tomorrow for public inspection and will be placed on the Township's website as soon as possible.

I motion that we accept the amendments to the redevelopment plan as illustrated in the letter of Barry Kozyra, planning board attorney, and by Dave Roberts, planner, and that a public hearing be conducted on November 5, 2015 to adopt the ordinance as amended.

I, 
Eleni Pettas

. . .

_____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 27, 2015

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

ORDINANCE NO. 3327
INTRODUCED BY: BOARD OF COMMISSIONERS
INTRODUCED ON: FRIDAY, OCTOBER 16, 2015
PUBLISHED ON: MONDAY, OCTOBER 19, 2015
AMENDED ON: TUESDAY, OCTOBER 27, 2015
PUBLISHED ON: THURSDAY, OCTOBER 29, 2015
PUBLIC HEARING: THURSDAY, NOVEMBER 5, 2015

AMENDMENT TO ORDINANCE NO. 3327

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ADOPTING THE HOFFMAN-LAROCHE REDEVELOPMENT PLAN FOR PHASE ONE

WHEREAS, the Board of Commissioners of the Township of Nutley (the "Board of Commissioners") identified the certain properties in the Township of Nutley (the "Township") designated as follows on the official Tax Map of the Township of Nutley (collectively, the "Study Area"):

Block 102, Lots 2 and 9; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2100, Lot 9 C0101, Lot 9 C0102, Lot 9 C0103, Lot 9 C0104, Lot 9 C0105, Lot 9 C0106, Lot 9 C0107, Lot 9 C0108, Lot 9 C0109, Lot 9 C0110, Lot 9 C0111, Lot 9 C0208, Lot 9 C0209, Lot 9 C0210, Lot 9 C0211, Lot 9 C0212, Lot 9 C0214, Lot 9 C0215, Lot 9 C0216 and Lot 9 C0217; Block 2101, Lot 1; and Block 2304, Lot 17, Lot 18 C0001, Lot 18 C0002, Lot 18 C0003 and Lot 18 C0203,

also known as the former Hoffmann LaRoche corporate campus site, to be considered for designation as a condemnation "area in need of redevelopment" under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"); and

WHEREAS, on February 24, 2015, the Planning Board 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 (the "Redevelopment Area") be determined by the Board of Commissioners to be a condemnation "area in need of redevelopment" under the LRHL; and

WHEREAS, the Board of Commissioners concurred and agreed with the Planning Board's recommendation, as supported by the reasons stated in the Preliminary Investigation, that the Redevelopment Area constitutes and meets the criteria under the LRHL and that the Redevelopment Area should be determined and declared a condemnation "area in need of redevelopment", which determination shall, among other things, authorize the Township to exercise the power of eminent domain to acquire all or any portion of such Redevelopment Area; and

WHEREAS, on March 3, 2015, the Board of Commissioners adopted Resolution No. 74-15 declaring the Redevelopment Area a condemnation “area in need of redevelopment” under the LRHL; and

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, the Board of Commissioners directed Maser Consulting, P.A. to prepare a redevelopment plan, entitled “Hoffmann-LaRoche Redevelopment Plan – Phase 1”, dated October 16, 2015 (the “Redevelopment Plan”), which contains a detailed development program and design criteria for an approximately 10.9 acre portion of the Redevelopment Area located within portions of Block 201, Lot 1 and Block 300, Lot 1 (which is indicated in the Redevelopment Plan as possibly being subdivided into up to four (4) smaller separate lots), while maintaining existing zoning for the remainder of the larger Redevelopment Area, with an understanding that the Redevelopment Plan will be amended in the future to encourage and permit uses in the Redevelopment Area complimentary to and consistent with the Redevelopment Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Redevelopment Plan shall be referred to the Nutley Planning Board for review and issuance of a report containing its recommendations, if any, concerning the Redevelopment Plan and its consistency with the Nutley Township Master Plan within forty five (45) days of referral; and

WHEREAS, at the October 21, 2015 meeting of the Nutley Planning Board, the Planning Board reviewed the Redevelopment Plan and also heard the presentation of David Roberts, P.P. on behalf of Maser Consulting, P.A. and Paul Ricci, P.P., and thereafter recommended certain amendments to the proposed Redevelopment Plan; and

WHEREAS, the Planning Board further found that the proposed Redevelopment Plan, as amended to include the Planning Board’s recommended amendments, is consistent with the Nutley Master Plan unanimously resolved to recommend that the Board of Commissioners adopt and approve the proposed Redevelopment Plan; and

WHEREAS, the Board of Commissioners concur and agree with the findings and the amendments to the Redevelopment Plan recommended by the Planning Board and desire to incorporate such amendments into the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7 the Board of Commissioners hereby accept and approve the Redevelopment Plan, as amended as set forth herein, and hereby adopts said Redevelopment Plan; and

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall

apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township's zoning ordinance shall be deemed amended accordingly; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage and publication in accordance with applicable law.

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the
Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 27, 2015

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