

**BOROUGH OF METUCHEN
COUNCIL MINUTES AUGUST 5, 2013**

A Regular Meeting of the Borough Of Metuchen was held in the Council Chambers of Borough Hall on Monday August 5, 2013. The meeting was called to order at 7:30pm by Mayor Vahalla. The invocation was given by Councilwoman Rasmussen followed by the Pledge of Allegence.

The Mayor advised that adequate notice of this meeting was provided by an annual notice sent to the Home News Tribune and the Star Ledger and filing a copy with the Borough Clerk within seven days following the annual organization meeting of the body.

Present were Councilmembers Wallace, Rasmussen, Inzerro, Grayzel, Cammarano and Council President Muldoon.

Also present were Mayor Vahalla, Borough Administrator Boerth, Borough Attorney Murphy and Borough Clerk Harris.

AGENDA SESSION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the agenda session was opened.

Councilwoman Rasmussen asked about having the parking spots throughout the town clearly marked.

Mayor Vahalla stated that he has seen in other towns having white stripes painted in the cross walks and in no parking zones.

Council President Muldoon stated that the Parking Authority was looking into existing parking areas in town and spaces and they should be giving their recommendations.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the agenda session was closed.

RESOLUTION NO.2013-158

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor Resolution R2013-158 was approved.

RESOLUTION NO.2013-158

**RESOLUTION TO APPOINT PATROLMAN TO THE POLICE DEPARTMENT-
WENSKOSKI**

BE IT RESOLVED by the Borough Council of the Borough of Metuchen that Joseph Wenskoski, be and he is hereby appointed as a Police Officer of the Police Department of the Borough of Metuchen, Middlesex County, State of New Jersey in accordance with the law at the starting rate as Patrolman with the said appointment being effective July 29, 2013.

Dated August 5, 2013.

The oath of office was administered by Borough Attorney Boerth.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Hearing no wishing to speak, Mayor Vahalla closed the public comment portion of the meeting.

COMMUNICATIONS CONSENT AGENDA

On a motion from Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda, Items #'s 5 through 9 were approved.

5. Receive Planning Board Minutes of October 18, 2012.
6. Receive Zoning Board Minutes of November 8, 2012.
7. Receive Parking Authority Minutes of July 16, 2013.
8. Receive Environmental Commission Minutes of June 19, 2013.
9. Receive and Approve Block Party Request for Upland Avenue On Saturday, September 7, 2013 (Raindate Sunday, September 8, 2013).

REPORTS OF OFFICIALS

SHADE TREE

Councilwoman Rasmussen reported that the Shade Tree Commission met and are promoting their "Tree Of Life" program

MUNICIPAL ALLIANCE/YOUTH SEVICE

Councilwoman Rasmussen stated that the Youth Services Board will be hosting National Night Out from 6:00pm-8:30pm tomorrow night in the Friendly's parking lot. Councilwoman Rasmussen also stated that September 26 is Recovery Month Celebration and October will be Overdose Awareness Month.

ENVIRONMENTAL

Councilwoman Rasmussen stated that the Environmental Commission met and discussed the recycling situation. They would like to develop a program to present to citizens and the schools and brochures from the DEP to distribute for the fair in October.

SENIOR CITIZEN

Councilwoman Inserro reported on the upcoming fundraising events provided by the Metuchen Seniors Inc., the fundraising group for the Senior Citizens Center.

Councilwoman Inserro also stated that the Metuchen Seniors Inc. is also having their 20th Annual Luncheon at Kiddie Keepwell Camp on Sunday, September 29th at 1:00 pm. The requested donation is \$25.00

CHAMBER OF COMMERCE

Councilwoman Inserro stated that the Chamber of Commerce has begun to accept registrations for the 50th Annual Country Fair on Saturday, October 5th.

Councilwoman Inserro also stated that the Chamber has a new executive director, Nicole Chinchare.

ARTS

Councilman Grayzel stated that on Thursday, August 15th the Outdoor Arts Summer Concert Series will begin. The additional dates are August 22nd and 29th and September 1st.

LIBRARY

Councilman Cammarano stated that an interm Library Director will begin working at the Library to replace long standing Director Melody Kokola who retired August 1st. The search for a new Library Director will be begin immediately.

POOL

Councilman Cammarano stated that the Pool is up and running with no complaints received.

REPORT OF THE BOROUGH ATTORNEY

Borough Attorney Murphy had nothing to report but did clarify two things on the evenings agenda. The first was the Resolution for the renewal of Sping Inc. liquor license. Borough Attorney Murphy stated that Alcohol and Beverage Control has issued a fourth amended order permitting the Borough of Metuchen to consider the renewal of their license however the license must remain in a suspended status pending the license being transferred to a bonafide third party. Borough Attorney Murphy stated that with the approval of this Resolution, Sping will have until June 30, 2014 to transfer the liquor license to a third party. The transfer application will then be considered by the Borough as well as the State.

Borough Attorney Murphy explained Ordiance 2013-13 authorizing the Borough of Metuchen to sell and convey Borough owned property that is not needed for public use located at Block 33 Lots 1 and 2, Block 33 Lots 23.01, 24.01, 25.01.

REPORT OF BOROUGH ADMINISTOR

Borough Administrator Boerth reported that the Engineer is in the final stages of completing the plans and specifications for the pump station repairs. He and that the Public Works Director, Fred Hall have reviewed the plans and are hoping to set a date soon to go out to bid.

REPORT OF THE MAYOR

Mayor Vahalla reported that he received a resignation from Sherry Rose Rubin whose is resigning from the Zoning Board.

Mayor Vahalla stated that he has created an ad hoc bipartisan committee of former Council Members to review the stipends paid to Mayor and Council for their services provided to the taxpayers of the Borough.

NEW BUSINESS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the New Business Consent Agenda item numbers 14 through 26, encompassing Resolutions R2013-145 through R2013-157 were approved except R2013-152 Councilman Wallace abstained.

RESOLUTION NO.2013-145

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-014

JOSEPH NUNZIATO – 206 MASON DRIVE

WHEREAS, Joseph Nunziato posted \$112.00 for sidewalk escrow fees at 206 Mason Drive; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Joseph Nunziato,

NOW, THEREFORE, BE IT RESOLVED, that Joseph Nunziato be refunded \$112.00

from the Sidewalk Inspection Escrow account.

Dated: August 5, 2013

RESOLUTION NO.2013-146

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-017

FOX & FOXX DEVELOPMENT, LLC – 120 HARVARD AVENUE

WHEREAS, Fox & Foxx Development, LLC posted \$450.00 for curb, apron and sidewalk escrow fees at 120 Harvard Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Fox & Foxx Development, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Fox & Foxx Development, LLC be refunded \$450.00 from the Sidewalk Inspection Escrow account.

Dated: August 5, 2013

RESOLUTION NO.2013-147

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-020

SUBURBAN DEVELOPMENT LLC – 109 COLUMBIA AVENUE

WHEREAS, Suburban Development LLC posted \$368.00 for curb, apron and sidewalk escrow fees at 109 Columbia Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Suburban Development LLC,

NOW, THEREFORE, BE IT RESOLVED, that Suburban Development LLC be refunded \$368.00 from the Sidewalk Inspection Escrow account.

Dated: August 5, 2013

RESOLUTION NO.2013-148

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-021

LOCHIATTO PAVING MASONRY CO. – 6 ROOSEVELT COURT

WHEREAS, Lochiatto Paving Masonry Co. posted \$378.00 for curb, apron and sidewalk escrow fees at 6 Roosevelt Court; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Lochiatto Paving Masonry Co.,

NOW, THEREFORE, BE IT RESOLVED, that Lochiatto Paving Masonry Co. be refunded \$378.00 from the Sidewalk Inspection Escrow account.

Dated: August 5, 2013

RESOLUTION NO.2013-149

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-023

FRANK STRUCK – 92 MYRTLE AVENUE

WHEREAS, Frank Struck posted \$221.50 for curb and apron escrow fees at 92 Myrtle Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to 92 Myrtle Avenue,

NOW, THEREFORE, BE IT RESOLVED, that Frank Struck be refunded \$221.50 from the Sidewalk Inspection Escrow account.

Dated: August 5, 2013

RESOLUTION NO.2013-150

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-022

FOX & FOXX DEVELOPMENT, LLC – 14 POPLAR STREET

WHEREAS, Fox & Foxx Development, LLC posted \$85.00 for curb escrow fees at 14 Poplar Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Fox & Foxx Development, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Fox & Foxx Development, LLC be refunded \$85.00 from the Sidewalk Inspection Escrow account.

Dated: August 5, 2013

RESOLUTION NO.2013-151

RESOLUTION REFUNDING SIDEWALK ESCROW FEE #12-035

FOX & FOXX DEVELOPMENT, LLC – 25 JUNIPER STREET

WHEREAS, Fox & Foxx Development, LLC posted \$615.00 for curb, apron and sidewalk escrow fees at 25 Juniper Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Fox & Foxx Development, LLC,

NOW, THEREFORE, BE IT RESOLVED, that Fox & Foxx Development, LLC be refunded \$615.00 from the Sidewalk Inspection Escrow account.

Dated: August 5, 2013

RESOLUTION NO. 2013-152

RESOLUTION AUTHORIZING PURCHASE FROM HOUSTON GALVESTON AREA COUNCIL BUY COOP FOR ONE TRIPLE COMBINATION PUMPER

WHEREAS, there exists a need to purchase one **Triple Combination Pumper** for the Borough of Metuchen, in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through the Houston Galveston Area Council Buy Coop pursuant to the provisions of NJSA 40A:11-11 (5); and

WHEREAS, said contract is in effect from October 20, 2012 through October 20, 2013; and

WHEREAS, the maximum amount of the purchase of one Triple Combination Pumper for the Borough of Metuchen is **\$458,640.50** and funds will be available in the 2013 Capital Budget as evidenced by the Chief Financial Officer's Certification of which **\$458,640.50** is certified from the 2013 Capital Budget; and

WHEREAS, the Houston Galveston Area Council Buy Coop shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

1. The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a Purchase Order to Pierce Manufacturing 2600 American Drive, Appleton, WI, 54912.

Dated: August 5, 2013

RESOLUTION NO. 2013-153

RESOLUTION AUTHORIZING RENEWAL OF POCKET LIQUOR LICENSE- MERCADO GRILL

WHEREAS, the following applicant for Plenary Retail Consumption has complied with the provisions of R.S. Title 33, Intoxicating Liquors, C.L., Alcoholic Beverage Law; and

WHEREAS, these applicants will have been investigated by the Chief of Police, Fire Inspector and Health Inspector by June 30th; and

WHEREAS, the proper application and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that pursuant to the statute in such case made and provided that the following Plenary Retail Consumption, Plenary Retail Distribution and Club Licenses for the period July 1, 2013 to June 30, 2014, be and the same are hereby granted to said applicants.

| State License No. | Licensee & Licensed Premises | Fee Paid |
|-------------------|--|----------|
| | <u>PLENARY RETAIL CONSUMPTION</u> | |
| 1210-33-009-008 | MERCADO GRILL (In pocket) | \$2,200 |

Dated: August 5, 2014

RESOLUTION NO.2013-154
Refund of 2013 Taxes

WHEREAS, the following has made an overpayment of taxes,

| Name | Block/Lot | Address | Amount | | Year |
|---|-----------|--------------------|------------|-------------|--------------------------|
| Wells Fargo for Robert & Gina Rettagliata | 126/42 | 85 Woodside Avenue | \$1,573.50 | Overpayment | 2012/4 th qtr |
| Charles A Albert | 186/52 | 6 Vorhees Place | \$2,255.33 | Overpayment | 2013/4 th qtr |

WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$3,828.83.

Dated: August 5, 2013

RESOLUTION NO.2013-155
Reapply 2013 Tax Overpayment and Reapply 2013 Taxes

WHEREAS, the following has made overpayment of 2013 taxes,

| Name | Block/Lot | Address | Amount | | |
|---------------------------------------|-----------|--------------------|----------|--------------------------------|--------------------|
| Ural & Janine Oyler & Phyllis Rispoli | 166/31 | 204 Woodbridge Ave | \$333.28 | Overpayment of taxes-refinance | Apply to 2013/ qtr |

WHEREAS, sufficient documentation of proof of overpayment of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property tax overpayment be applied as described, in the amount of \$333.28.

WHEREAS, the following has made payment of 2013 taxes that need to be reapplied,

| Name | Block/Lot | Address | Amount | | |
|------------------------|-----------|---------------------|--------------|--|--|
| Jonathan & Kathy Busch | 99/80.1 | 204 E. Chestnut Ave | \$(8,864.93) | Property subdivided new lot 80.011 created | Deduct fr 2013/1 st and 2 nd qtr |
| Jonathan & Kathy Busch | 99/80.011 | 204 E. Chestnut Ave | \$8,864.93 | Property subdivided new lot 80.011 created | Apply to 2013/ and 4 th qtr |

| | | | | | |
|-----------------------------|----------------|-------------------|--------------|---|---|
| Ankur & Kishori Shah | 197/52.01 C012 | 195A Amboy Ave | \$1,179.48 | Central Mortgage Company submitted payment with incorrect qualifier | Apply to 2013/ and 2 nd qtr |
| Fang Zhou Zhao & Ying Liang | 197/52.01 C004 | 199A Amboy Avenue | \$(1,179.48) | Central Mortgage Company submitted payment with incorrect qualifier | Deduct from 2013/1 st and 2 nd qtr to apply 197/52.01 C01 |

WHEREAS, sufficient documentation of payment and substantiation to reapply of taxes has been provided to the Tax Collector,

NOW, THEREFORE, BE IT RESOLVED, that the above listed property tax transfers for reapplication be applied as described, in the amount of \$10,044.41

Dated: August 5, 2013

RESOLUTION NO 2013-156

WHEREAS, the Tax Collector received the necessary amount to redeem the following Tax Sale Certificates on the following properties:

| Cert # | Block/Lot | Address | Lienholder |
|----------|---------------|-----------------|-----------------------|
| 11-00015 | 158/17 | 167 Main Street | US Bank for Empire IV |
| 12-00008 | 153.1/6 C101F | 253 Rose Street | ATCF II NJ LLC |

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel these liens from the municipal record.

Dated: August 5, 2013

RESOLUTION NO. 2013-157

RESOLUTION AUTHORIZING RENEWAL OF A LIQUOR LICENSE

WHEREAS, Notices of Charges were filed against Sping, Inc. which resulted in various Consent Orders entered between Sping, Inc. and the Division of Alcoholic Beverage Control; and

WHEREAS, pursuant to the Third Amended Order, Sping, Inc. was permitted to file a renewal application for 2012-2013 with the Borough of Metuchen and to seek further relief of a Special Ruling from the Division pursuant to *N.J.S.A. 33:1-12.18* before the license could be renewed; and

WHEREAS, by way of Resolution, the Borough of Metuchen authorized the renewal of Liquor License No. 1210-33-006-004 for the period of July 1, 2012 through June 30, 2013, subject to the Third Amended Order entered by the Director suspending this license indefinitely until such time as the license is transferred to a bona fide third party; and

WHEREAS, counsel for Sping, Inc. filed with the Division of Alcoholic Beverage Control a Verified Petition in Support of a Special Ruling, various Certifications and documents requesting the Director to amend the Consent Order to permit the license renewal and to be extended for the 2013-2014 year in order for the license to be transferred to a bona fide third party; and

WHEREAS, on or about June 28, 2013, the Director issued a Fourth Amended Order, pursuant to which Sping, Inc. was permitted to file and the Borough was permitted to consider a renewal application for 2013-2014 with the Borough of Metuchen; and

WHEREAS, the proper renewal application and fees have been received by the Borough of Metuchen for the renewal of the liquor license for the 2013-2014 year; and

WHEREAS, at this point in time, no objections have been made as to why the application to renew should not be approved under the conditions set forth in the Fourth Amended Order, including but not limited to the license is to remain suspended indefinitely until the license has been transferred to a bona fide third party and subject to the Director of the ABC and the Borough of Metuchen's approval of the transfer to a bona fide third party.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Metuchen, that the application for renewal for Plenary Retail Consumption of Sping, Inc., t/a NJ's Tavern and Restaurant, 154 Main Street, Metuchen, NJ, State License No. 1210-33-006-005 for the period July 1, 2013 to June 30, 2014 be and the same is hereby granted subject to the conditions of the Fourth Amended Order of the Director of the ABC permitting Sping, Inc. to seek to renew Liquor License No. 1210-33-006-004 for the period of July 1, 2013 through June 30, 2014 and subject to all of the conditions of the prior renewal; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that the within renewal is subject to the Fourth Amended Order entered by the Director suspending this license indefinitely until such time as the license is transferred to a bona fide third party and approved by the Borough and the Division of Alcoholic Beverage Control, which remains in full effect. Hence, although the license is renewed for 2013-2014 it remains suspended indefinitely,

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Metuchen, that the within renewal shall not be construed as a waiver of any rights or actions the Borough may take relating to the license or licensee, nor shall it be construed as an approval to transfer the license.
Dated: August 5, 2013

BILL RESOLUTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Bill Resolution in the amount of \$5,695,359.73 was approved.

APPOINTMENTS

The Mayor made the appointment of 2 council members to the finance committee, Councilman Ron Grayzel and Councilman Pete Cammarano.

On a motion by Council President Muldoon, s, seconded by Councilman Wallace with all in favor to approve the appointments to the finance review committee

ORDINANCE-INTRODUCTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2013-12" AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF METUCHEN was taken up on first reading.

Borough Clerk Harris read the ordinance by title.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen Ordinance 2013-12 was passed on first reading, published according to law and a public hearing date set for September 3, 2013.

ORDINANCE NO. 2013-12

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCES OF THE BOROUGH OF METUCHEN

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that Chapter 110 of the Land Development Ordinances of the Borough of Metuchen, specifically §110-4,

entitled, “Definitions”; § 110-8, entitled, “Submission”; §110-13, entitled “Contents”; §110-14, entitled, “Fees”; §110-15, entitled, “Explanation of Fees”; §110-44, entitled, “Applicability”; §110-47, entitled, “Submission requirements”; §110-48, entitled, “Applicability”; §110-50, entitled “Submission requirements”; §110-53, entitled “Submission requirements”; §110-57, entitled, “Effect of zoning”; §110-75, entitled, “B-1 Central Business District”; §110-76, entitled, “B-2 Neighborhood Business District”; §110-77, entitled, “B-3 Office Business District”; §110-78, entitled, “ B-4 Restricted Business District”; §110-79, entitled, “B-5 Restricted Business District”; §110-96.4, entitled, “New construction”; §110-108, entitled, “Nonconforming yard setback”; §110-109, entitled,“ Height exceptions”; §110-110, entitled, “Permitted projections”; §110-112.2, entitled, “Fences and Walls”; §110-112.3, entitled “Driveways”; §110-112.4, entitled “Patios and walkways”; §110-112.5, entitled, “Swimming pools and sports courts”; §110-112.6, entitled, “Accessory structures”; §110-112.7, entitled, “Design and landscape provisions”; §110-112.8, entitled, “Antennas”; §110-128, entitled, “Standards”; §110-136.1, entitled, “Applicability and design standards for single-family and two-family dwellings”; §110-147, entitled, “Standards”; §110-148, entitled, “Public sidewalks”; §110-151, entitled, “Design standards”; §110-154, entitled, “Parking regulations”; §110-171, entitled, “Standards”; §110-180.1, entitled “Tree Removal requirements for major and minor subdivisions and site plans”; §110-180.2, entitled, “Tree replacement and reforestation”; § 110-181, entitled “Applicability”; § 110-182, entitled, “Standards”; §110-183, entitled, “Type and location”; § 110-192, entitled, “Swimming pools, tennis courts and racquetball courts.”; § 110-193, entitled, “Accessory structures”; § 110-194, entitled, “Antennas”; §110-195.1, entitled, “Sidewalk cafes” and §110-217, entitled, “Duties” shall be amended as follows:

§ 110-4. Definitions.

Unless otherwise specified herein, the following definitions shall be used for terms within this chapter:

CHANGE OF USE

The use of a building or land which constitutes a different use group from the previous use group, pursuant to the New Jersey Uniform Construction Code, N.J.A.C 5:23-1 et seq.

COVERAGE

A. **BUILDING COVERAGE** – The aggregate square footage or other area measurement of the footprints by which all structures occupy a lot including principal structures, detached garages, sheds, carports, porches, decks, raised patios more than thirty (30) inches above grade and any other structure deemed to be permitted accessory structures.

B. **IMPERVIOUS COVERAGE** – The aggregate square footage or other area measurement of the footprints by which all structures and paved areas occupy a lot including principal structures, detached garages, sheds, carports, porches, decks, patios, walkways, driveways, parking areas, sports courts, plazas and any other structure deemed to be permitted accessory structures. Swimming pool water surface areas, fences and walls less than two (2) feet in width, loose stones and mulch areas intended for landscaping purposes shall be excluded.

CALIPER

Diameter of a tree trunk measured at 54 inches above grade.

LOT WIDTH

The shortest distance between the side lot lines as measured between the front lot line and the required front setback line.

PORCH

A portion of the structure covered by a roof which has one or more sides open to the atmosphere.

PERSONAL SERVICE BUSINESS

Any business use that provides services to individuals or businesses, such as acupuncturists, barbershops, beauty salons, learning and training centers, photocopy and print shops, computer repair, shoe repair, travel agencies, appliance repair shops and similar type uses.

§ 110-8. Submission.

The applicant shall submit to the appropriate Board Secretary the specified number of copies of the following items:

- A. Eighteen copies of the completed application for development form, development plans and other documents related to the application.
- B. Six copies of the applicable completed application checklist.
- C. Six copies of any requests for waivers.
- D. A check payable to the Borough of Metuchen for the appropriate application fee.

§ 110-13. Contents.

The application form shall be completed with the following information:

- A. The applicant's name, address and telephone number; the owner's name, address and telephone number; the street address of the tract to be developed and Borough Tax Map block and lot numbers; and site situation.
- B. The type of application for development requested.
- C. Usage information for the tract to be developed, including the nature of the review, present or previous use and proposed use.
- D. The zoning district in which the tract to be developed is located.
- E. Usage data for any nonresidential use or development, including the portion of building, structure and/or tract to be used, developed or occupied (in square feet); the number of employees; the number and location of parking spaces provided; the days and hours of operation; and machinery and equipment used.
- F. Height of buildings or structures located on the tract to be developed, in number of stories and feet.
- G. Building coverage and impervious coverage.
- H. Copies of any easements, covenants or deed restrictions affecting the tract to be developed.
- I. Certification by the Borough Tax Collector that no taxes or assessments for local improvements are due or delinquent on the tract to be developed.

J. Consent of the property owner of record, if the applicant is not the owner of the tract to be developed, certifying that the owner of record concurs with such application for development.

K. List of individuals owning 10% of stock or partnership in the same, if the applicant is a corporation, pursuant to N.J.S.A. 40:55D-48.1.

L. Proof of application to the Middlesex County Planning Board, pursuant to N.J.S.A. 40:27-6.3 for subdivision approval, or N.J.S.A. 40:27-6.6 for site plan approval, in cases where the Middlesex County Planning Board has jurisdiction over such application.

M. The name, address and telephone number of the applicant's attorney, engineer, architect, landscape architect, planner, land surveyor and other professional consultants who have prepared surveys, maps, plans, reports or other documents and/or will appear at the hearing on the application.

N. Signed and dated certification by the applicant that all statements contained in the application for development are true.

O. The name, address and telephone number of the person(s) to be contacted in regard to all matters pertaining to the application.

P. A summary that explains the nature of the application, the proposed improvements and a description of any variances or waivers requested and specify the section(s) of code for which it is seeking deviation.

§ 110-14. Fees.

Every application for development and informal request for reviews by the Borough Engineer, Board Planner and Board Attorney as to zone change or other questions regarding the implementation, enforcement or application of this chapter shall not be acted upon unless and until:

A. Accompanied by a check made payable to the Borough of Metuchen for the application and escrow fees prescribed below; and

B. The party seeking the application for development or informal request executes an agreement to pay for services to be rendered by the Board professionals or the Borough Attorney.

Fee Schedule

| | Application Charge/Fee | Escrow Account |
|---|-------------------------------|-----------------------|
| Subdivisions | | |
| Minor subdivision | \$150 | \$1,000 |
| Preliminary major subdivision | \$250 | \$1,500 |
| Final major subdivision | \$150 | \$1,000 |
| Informal presentation (one appearance only) | \$100 | \$500 |
| Concept plat for review | | |
| Minor subdivision | \$75 | \$1,000 |
| Major subdivision | \$150 | \$1,000 |

| | | |
|---|--|---|
| Upon Approval of Minor or Major Final Subdivision For amendment of Borough Tax Map | \$500 per new lot created | |
| Site Plans | | |
| Minor site plan | \$100 | \$250 |
| Change of Use | \$150 | \$500 |
| Preliminary site plan | \$250 | \$1,500 |
| Final site plan | \$150 | \$1,000 |
| PURD and PUCD | \$750 | 1,500/acre or part thereof plus \$50/dwelling unit |
| Informal presentation (one appearance only) | \$100 | \$500 |
| Concept plat for review | | |
| Minor site plan | \$100 | \$1,000 |
| Major site plan | \$200 | \$1,000 |
| Technical Assistance at Technical Review Committee | | |
| Residential properties | \$50 | \$250 |
| Non-Residential properties | \$100 | \$500 |
| Variances | | |
| Appeals (N.J.S.A. 40:55D-70a) | \$100 | \$500 |
| Interpretation (N.J.S.A. 40:55D-70b) | \$100 | \$500 |
| Bulk (N.J.S.A. 40:55D-70c) | | |
| First variance for Principal Structures | \$100 | \$500 |
| First variance for Accessory Structures | \$50 | \$250 |
| Each additional variance | \$50 | \$250 |
| Use (N.J.S.A. 40:55D-70d) | \$250 | \$2,000 |
| Permits (N.J.S.A. 40:55D-34 & 35) | \$100 | \$500 |
| Miscellaneous requests for reviews, meetings or required by consultations involving planning, engineer or other applicable Board professional review, including request for zoning changes | Hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office | As required by applicable Board and or professional |
| Certified list of property owners | \$0.25/name or \$10, whichever is greater | None |
| Copy of minutes/transcripts of decisions | \$1.00/page for first copy, plus \$0.25/page for each additional copy or as required | As required by transcription service |

Legal reviews

| | | | |
|--|--|--|---|
| Guaranty review | | | |
| Review of performance guaranty by Borough Attorney | | \$150 per review | None |
| Review of maintenance guaranty by Borough Attorney | | \$150 per review | None |
| Preparation of developer's agreement by Borough Attorney | | \$400.00 minimum per agreement, plus \$125 per hour after first three hours | As required by Borough Attorney |
| Miscellaneous reviews: master deed, certificate of incorporation, bylaws, unit deeds, etc. | | \$150 per review | None |
| Appeal of any determination by Borough official to the Planning or Zoning Board | | \$50 per appeal, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office | As required by applicable Board and/or professional |
| Special Meeting | | \$750 per meeting, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office | As required by applicable Board and/or professional |
| Continuation of hearing | | \$250 per appeal, plus hourly rates as set forth on an annual basis by the approving authority's retained professional, which are available in the Borough Clerk's office | As required by applicable Board and/or professional |
| Zoning Permits | | | |
| Principal Structures | | | |
| New Principal Structures | | \$150 | \$500* |
| Additions | | | |
| Greater than 500 square feet | | \$100 | |
| 500 square feet or less | | \$75 | |
| Porches and Decks | | \$50 | |
| Accessory Structures | | | |
| Retaining Walls four (4) feet or greater in height and in-ground swimming pools | | \$50 | \$250* |
| Detached Garages, Sheds, Driveways, Fences, | | | |

| | |
|---|-------|
| Walls, Above-Ground Swimming Pools, Air Conditioning Units, Generators, and any other structure deemed to be accessory structures | \$50 |
| Sheds 100 square feet or less, Patios and Walkways | \$25 |
| Change of Occupancy or Use | |
| Greater than 3,000 square feet | \$100 |
| Between 500 and 3,000 square feet | \$75 |
| 500 square feet or less | \$50 |
| Primary Signs | \$50 |
| Home Occupations | \$25 |
| Zoning permit with exemption from site plan review | \$250 |

* Escrow Accounts for New Principal Structures, Retaining Walls four (4) feet or greater in height and In-Ground Swimming Pools are for Engineering Inspection only.

§ 110-15. Explanation of Fees.

The application charge/fee is a flat fee to cover administrative expenses and is nonrefundable. The escrow account is established to cover the costs of professional services, including engineering, planning, legal, environmental, traffic and other expenses connected with the review of the submitted materials, including any necessary studies regarding off-tract improvements and preparation of any resolutions, agreements, reports or other documents. Sums not utilized in the review process shall be returned to the requester/applicant. If additional sums are deemed necessary, the requester/applicant shall be notified of the required additional amount and shall add such sum to the escrow within 15 days. Should the requester/applicant not add such sum to the escrow within said 15 days, the requester/applicant shall indicate, in writing, prior to any further consideration of the request/application by the approving authority and/or professional, why such sum is not being paid. In the event that such additional amount is not added to the escrow by the requester/applicant, the approving authority and/or professional shall be under no obligation to proceed in reviewing the matter.

§ 110-44. Applicability.

This article shall apply to all applications for development involving a subdivision of land for the creation of not more than two lots, provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

§ 110-47. Submission requirements.

The development plans for a major subdivision shall be prepared in accordance with the zoning requirements of Part III of this chapter, development and design standards of Part IV of this chapter and provisions of Part VI of this chapter, as applicable. Such plans shall also be prepared in accordance with the following, which shall constitute a checklist for major subdivision application completeness, pursuant to N.J.S.A. 40:55D-10.3:

A. The size of sheets for all plans shall be one of the following: 8 1/2 inches by 13 inches, 15 inches by 21 inches, 24 inches by 36 inches or 30 inches by 42 inches. All plans shall be folded prior to submission by the applicant to a size not to exceed 9 inches by 12 inches.

B. All plans shall be drawn at one of the following scales, unless specified otherwise herein: one inch equals 10 feet or one inch equals 20 feet for a tract up to five acres in size and one inch equals 30 feet, one inch equals 40 feet or one inch equals 50 feet for a tract over five acres in size. The scale chosen shall be sufficient to enable the entire tract to be shown on a single sheet.

C. The plans shall be submitted in bound sets, organized by pages as follows:

- (1) Title sheet, key map,, zoning schedule comparison and signature box.
- (2) Location map, list of property owners within 200 feet and property survey.
- (3) Environmental analysis map(s).
- (4) Subdivision plat.
- (5) Clearing, grading, drainage and vegetation protection plan.
- (6) Soil erosion and sediment control plan.

- (7) Utilities plan.
- (8) Construction details.
- (9) Phasing plan (only if phasing is proposed).

D. Title block for each page, including the following information:

- (1) The name of the development.
- (2) The type of application (preliminary and/or final major subdivision).
- (3) The location of the tract to be developed, including existing block and lot numbers as they appear on the Borough Tax Map, street address (if such exists), municipality (Borough of Metuchen), county (Middlesex) and state (New Jersey).
- (4) Written scale.
- (5) The date of preparation, and revision box with the date of each revision.
- (6) The name, address, signature, license number and seal of the person(s) who prepared the plans.

E. Title sheet, including the following information:

- (1) The name of the proposed development.
- (2) The type of application (preliminary and/or final major subdivision).
- (3) The location of the tract to be developed, including existing block and lot numbers as they appear on the Borough Tax Map, street address (if such exists), municipality (Borough of Metuchen), county (Middlesex) and state (New Jersey).
- (4) The name and address of the applicant, the name and address of the property owner(s) of record and authorized agent, if any.

F. Key map showing and identifying the location of the tract to be developed superimposed on a map of a section of the Borough showing all streets within 1/2 mile of the same and drawn at a scale not larger than one inch equals 1,000 feet.

G. Zoning schedule comparison showing both the requirements of §§ 110-63 and § 110-154B and what is proposed for each lot on the tract to be developed, including notations for any proposed variances.

H. Signature box containing the following:

| | |
|--|------|
| Approved by the Planning Board/Zoning Board of Adjustment (only include applicable Board) | |
| Preliminary/Final (include one or both as appropriate) | |
| Chairman | Date |
| | |
| Secretary | Date |
| | |
| Engineer | Date |
| | |
| Borough Clerk | Date |

I. Location map showing and identifying the existing location of the following information:

- (1) All properties, public rights-of-way, railroad rights-of-way, municipal boundaries with Edison Township and zoning district boundaries within 500 feet of the tract to be developed.
- (2) A line delineating a two-hundred-foot radius from the extreme limits of the tract to be developed.
- (3) The block and lot numbers, as they appear on the Borough Tax Map, of all properties located within 200 feet of the tract to be developed.
- (4) All buildings on the tract to be developed and all adjacent properties and an indication as to the current use of each.

(5) Any historic sites on the tract to be developed and all properties within 200 feet thereof, as shown on the Borough's Historic Sites Inventory.

(6) Graphic scale.

(7) North arrow.

(8) The above is to be drawn at a scale not larger than one inch equals 100 feet.

J. A list of the names, addresses and block and lot numbers of all property owners within 200 feet of the tract to be developed, as shown on the most recent Borough tax duplicates.

K. A property survey of the tract to be developed and all adjacent properties within 75 feet of the same, showing and identifying the existing location of the following information:

(1) Property lines and reference corners.

(2) Structures, both on the tract to be developed and all adjacent properties, including setback distances from all property lines.

(3) Other man-made features, such as culverts, drain pipes, fences and retaining walls.

(4) Unique land forms, natural features, watercourses or bodies of water.

(5) Vegetation, including all lawn, shrubs, wooded areas and individual trees over four inches in caliper.

(6) The public right-of-way adjacent to the tract, including improvements such as sidewalks, curbs, driveway aprons, street paving, utility poles, hydrants and shade trees.

(7) Utilities, including the type and/or width of all lateral connections or easements for water, sanitary sewer, electricity, telephone and cable television.

(8) Easements or rights-of-way affecting the tract to be developed, whether public or private, including an attached written statement of the extent, limits and purpose of the easement rights.

(9) Graphic scale.

(10) North arrow.

(11) The above is to be drawn at a scale not larger than one inch equals 50 feet.

L. Environmental analysis map(s) of the tract to be developed showing and identifying the existing location of the following information:

(1) Elevations or contours at one-foot intervals in order to determine general slope, natural drainage, high and low points of the tract and areas of steep slopes. Such shall be referred to U.S.C. & G.S. datum and indicated by a dashed line.

(2) Unique land forms or natural features, such as hills, berms, knolls, mounds, swales, bowls, depressions, rock outcroppings or scenic views.

(3) The type of bedrock and its associated environmental characteristics affecting the tract to be developed.

(4) The type of soils and their associated environmental characteristics, such as depth to seasonal high water table, depth to bedrock, erodibility and permeability.

(5) Watercourses or bodies of water.

(6) Floodplains, flood hazard areas, wetlands or other hydrologic conditions affecting the tract. (Proof of the nonexistence of such conditions shall be provided by the applicant.)

(7) Any other environmentally sensitive features.

M. Subdivision plat showing and identifying the location of the following information:

(1) All information regarding existing conditions as taken from the property survey, as specified in Subsection K above.

(2) Any pertinent information regarding existing environmental conditions as taken from the environmental analysis map(s), as specified in Subsection L above.

(3) Existing and proposed lot lines and reference corners shall be clearly delineated, including lengths of course to 1/100 of a foot, bearings to 30 seconds in the New Jersey Plane Coordinate System, with an error of closure not to exceed 1 to 10,000.

(4) Lot area, in square feet to the nearest 1/100 of a foot and in acreage to the nearest 1/100 of an acre, for all lots to be developed.

(5) Building envelopes for all lots to be developed, including setback distances to all lot lines.

(6) Reference as to whether each existing structure on the tract to be developed is to be retained or removed.

(7) Proposed improvements to that portion of the public right-of-way adjacent to the tract, including sidewalks, curbs, driveway aprons, street paving, utility poles, hydrants and shade trees.

(8) Vehicular ingress and egress to and from the tract to be developed, showing the dimensions and curb radii of intersections, clear sight triangle easements for corner lots and all driveways, acceleration and deceleration lanes, traffic signs and signals and any other vehicular circulation improvements.

(9) Areas proposed to be dedicated to the public accurately delineated with the extent, limits and purpose of such dedication being definitely stated on the plan.

(10) Areas proposed to be reserved by covenant in deed(s), for the common use of all property owners or otherwise for whom the property is reserved, accurately delineated with the extent, limits and purpose of such areas being definitely stated on the plan.

(11) Proposed easements or rights-of-way, whether public or private, accurately delineated with the extent, limits and purpose of such easements or rights-of-way being definitely stated on the plan.

(12) Existing vegetation to be retained and proposed buffer areas or screens, if any.

(13) A conceptual plan of the proposed layout or disposition of all remaining land within the tract to be developed in the future, if any.

(14) Any additional information that may be required by the Map Filing Law.

(15) For application of 50 or more units, a recycling plan.

N. Clearing, grading, drainage and vegetation protection plan showing and identifying the location of the following information:

(1) All areas of the tract to be cleared and all areas of soil disturbance and topsoil stockpiling during the period of development shall be clearly delineated.

(2) All existing vegetation to be retained, including details for the methods of vegetation protection during the period of development.

(3) Existing elevations or contours shall be shown as dashed lines and proposed grading at one-foot contour intervals shown as solid lines and referred to U.S.G.S. datum.

(4) Proposed finished elevations at all property corners and proposed first floor elevations of all buildings.

(5) Existing and proposed storm drainage systems, including the following specific information:

(a) The size, profile and direction of flow of all existing and proposed storm sewer lines within or adjacent to the tract and the location of each catch basin, inlet, manhole, culvert and headwall, including the invert elevations of each.

(b) Detailed plans and construction specifications for all drainage facilities, including drywells, groundwater recharge basins, detention basins or retention basins.

(6) Developments of lands in excess of one acre shall submit detailed storm drainage computations.

(7) When any natural or man-made watercourse is to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as detailed typical ditch sections and profiles, shall be shown.

O. Soil erosion and sediment control plan, pursuant to the requirements of the Freehold Soil Conservation District.

P. Utilities plan showing and identifying the location of the following:

(1) Existing and proposed utilities, including lateral connections and/or easements for water, sanitary sewer, gas, electricity, telephone and cable television, including the sizes.

(2) Detailed plans, specifications and cross sections for all proposed utility improvements, layouts and fixtures, whether located on-, adjacent to or off-tract.

Q. Construction details shall be shown for all improvements to the tract or public right-of-way or to any public utility system, whether located on-, adjacent to or off-tract. Such shall include detailed plans, typical cross sections and construction specifications for improvements, such as sidewalks, curbs, driveway aprons and shade trees. Additional information for all street improvements, including centerline profiles and tentative grades at selected points, shall be provided.

R. Phasing plan showing and identifying the location of the sequence of each phase of development and the projected time frame to complete each such phase, if a phased development is proposed, including any details related to phasing.

S. Organization documents, if applicable, for informational review by the Board only. This requirement is not intended to imply the Board has any right of approval or acceptance of such documents, which shall be the full responsibility of the State of New Jersey. However, final approval may be conditioned upon submission of the following documents, which may be necessary to ensure proper guaranty for the maintenance of common elements:

(1) Articles of incorporation for any homeowners' association, condominium association or other organization to maintain common open space or other common facilities.

(2) Bylaws and membership rules and regulations of any such organization, defining its rights, duties and responsibilities.

(3) A copy of the master deed detailing the rights and privileges of individual owners of common property.

(4) A copy of all materials submitted to the New Jersey Department of Community Affairs, as required by the New Jersey Planned Real Estate Development Full Disclosure Act.

(5) Covenants or easements restricting the use of the common open space or elements.

(6) Covenants or agreements requiring homeowners or residents to pay the organization for the maintenance of the common open space and/or community facilities. This shall include a proposed schedule of membership fees for at least the first three years of operation.

T. Any proposed easements, deed restrictions or covenants affecting any portion of the tract.

U. Any information relating to any applicable provision of Part VI of this chapter.

V. Any additional information the Board finds is reasonably necessary to make an informed decision on any aspect of the application may be required.

§ 110-48. Applicability.

This article is applicable in appropriate cases where minor development is proposed. No public notice is required for such application. Approvals, if granted, shall be granted by resolution of the Board having jurisdiction. Minor site plan approval will be required for development involving any of the following:

A. Occupancy or change of use of a structure, building or land exclusive of permitted retail shops and stores and eating and drinking establishments, pursuant to Article 17 of this Chapter, that does not qualify for an exemption from site plan requirements in accordance with Article 2 of this chapter.

B. Erection of a freestanding sign.

C. The expansion of a driveway or parking lot by no greater than two parking spaces or 500 square feet in area.

D. Structural additions to buildings (including awnings and canopies) that will not result in the creation of any additional usable floor area for which parking is required under the provisions of § 110-154 and which does not qualify for an exemption from site plan requirements in accordance with Article 2 of this chapter.

E. The construction of nonresidential accessory structures consisting of no greater than 100 square feet in floor area.

F. The erection of satellite dishes or antennas in excess of 10 feet in height or six feet in diameter.

G. Site improvements which involve the removal of two or more trees of nine inches in caliper.

H. Minor amendments to an existing site plan or minor subdivision plat that does not result in a substantial alteration of any aspect of the existing approval.

I. Requires more parking than was required for the previous use pursuant to 110-154 of this chapter and which parking is not provided.

§ 110-50. Submission requirements.

A. The development plans for a minor site plan shall be prepared in accordance with the applicable zoning requirements of Part III of this chapter, development and design standards of Part IV of this chapter and provisions of Part VI of this chapter, as applicable.

B. The submission requirements for a minor site plan are detailed on the checklist appended at the end of this section. This checklist shall be used for determining completeness pursuant to N.J.S.A. 40:44D-10.3.

C. The Planning Board may waive the submission of portions of the technical data required by this article if it is determined by the Board that said data is not necessary to arrive at an informed decision.

D. Checklist.

| Checklist Details Required for Minor Site Plans | |
|--|---|
| _____ | Application form(s) and checklist(s) (six copies). |
| _____ | Plats or plans (16 copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required and folded into eighths with title block revealed. |
| _____ | Protective covenants, easements and/or deed restrictions (six copies). |
| _____ | Scale of not less than one inch equals 50 feet on one of four of the following standard sheet sizes (8 1/2 inches by 13 inches; 15 inches by 21 inches; 24 inches by 36 inches; or 30 inches by 42 inches). |
| _____ | Key map at not more than one foot equals one thousand feet. |
| Title Block: | |
| _____ | Name of development, Borough of Metuchen, Middlesex County, with each sheet specifically titled with appropriately descriptive words; |
| _____ | Name, title, address and telephone number of subdivider or developer; |
| _____ | Name, title, address and license number of the professional(s) who prepared the plot or plan; |
| _____ | Name, title and address of the owner(s) of record; |
| _____ | North arrow; and |
| _____ | Scale (written and graphic). |
| _____ | Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet. |
| _____ | Names and addresses of partners or stockholders as required by ordinance. |
| _____ | Acreage fixtures (both with and without areas within public rights-of-way). |
| _____ | Approval signature lines. |
| _____ | Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Borough Tax Map and proposed block and lot numbers as provided by the Borough Tax Assessor upon written request. |
| _____ | Tract boundary line (heavy solid line). |
| _____ | The location of existing and proposed property lines (with bearings and distances) streets, |

| Checklist Details Required for Minor Site Plans | |
|--|--|
| | structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and treed areas, both within the tract and within 100 feet of its boundary. |
| _____ | The location and width of all existing and proposed utility easements, the use(s) for which they are intended to be limited and the manner in which the easements will be controlled. |
| _____ | Zoning schedule for districts affecting the tract, including district names and all area and bulk requirements, with a comparison to the proposed development. |
| _____ | Proposed buffer and landscaped areas. |
| _____ | Delineation of floodplains, including both floodway and flood fringe areas. |
| _____ | Contours as shown on the U.S.G.S. topographic sheets. |
| _____ | Marshes, ponds and land subject to flooding within the tract and within 100 feet thereof. |
| _____ | The names of all adjacent property owners as they appear on the most recent tax list prepared by the Clerk of the Planning Board, Clerk of the Zoning Board of Adjustment or Engineer, as the case may be. |
| _____ | Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq. |

Signature of Person who Prepared Checklist

Date

§ 110-53. Submission requirements. The development plans for a site plan shall be prepared in accordance with the applicable zoning requirements of Part III of this chapter, development and design standards of Part IV of this chapter and provisions of Part VI of this chapter, as applicable. Such plans shall also be prepared in accordance with the following, which shall constitute a checklist for site plan application completeness, pursuant to N.J.S.A. 40:55D-10.3:

A. The size of sheets for all plans shall be either 24 inches by 36 inches or 30 inches by 42 inches. All plans shall be folded prior to submission by the applicant to a size not to exceed 9 inches by 12 inches.

B. All plans shall be drawn at one of the following scales, unless specified otherwise herein: one inch equals 10 feet or one inch equals 20 feet for a tract up to five acres in size and one inch equals 30 feet, one inch equals 40 feet or one inch equals 50 feet for a tract over five acres in size. The scale chosen shall be sufficient to enable the entire tract to be shown on a single sheet.

C. The plans shall be submitted in bound sets, organized by pages as follows:

- (1) Title sheet, key map, zoning schedule comparison and signature box.
- (2) Location map, list of property owners within 200 feet and property survey.
- (3) Environmental analysis map(s).
- (4) Site Plan.
- (5) Clearing, grading, drainage and vegetation protection plan.
- (6) Landscaping, lighting and signage plan.
- (7) Soil erosion and sediment control plan.
- (8) Utilities plan.
- (9) Construction details.
- (10) Phasing plan (only if phasing is proposed).
- (11) Urban design and architectural design elements inventory (may be submitted separately).
- (12) Architectural plans (may be bound separately).

D. Title block for each page including the following information:

- (1) The name of the development.
- (2) The type of application (preliminary and/or final site plan).
- (3) The location of the tract to be developed, including existing block and lot numbers as they appear on the Borough Tax Map, street address (if such exists), municipality (Borough of Metuchen), county (Middlesex) and state (New Jersey).
- (4) Written scale.
- (5) The date of preparation, and revision box with the date of each revision.
- (6) The name, address, signature, license number and seal of the person(s) who prepared the plans.

E. Title sheet including the following information:

- (1) The name of the proposed development.
- (2) The type of application (preliminary and/or final site plan).
- (3) The location of the tract to be developed, including existing block and lot numbers as they appear on the Borough Tax Map, street address (if such exists), municipality (Borough of Metuchen), county (Middlesex) and state (New Jersey).
- (4) The name and address of the applicant, name and address of property owner(s) of record and authorized agent, if any.

F. Key map showing and identifying the location of the tract to be developed superimposed on a map of a section of the Borough showing all streets within 1/2 mile of the same and drawn at a scale not larger than one inch equals 1,000 feet.

G. Zoning schedule comparison showing both the requirements of §§ 110-63 and 110-154B and what is proposed for the tract to be developed, including notations for any proposed variances.

H. Signature box containing the following:

| | | |
|---|------|--|
| Approved by the Planning Board of Zoning Board of Adjustment | | |
| (only include applicable Board) | | |
| Preliminary/Final (include one or both as appropriate) | | |
| | | |
| Engineer | Date | |
| | | |
| Chairman | Date | |
| | | |
| Secretary | Date | |
| | | |

I. Location map showing and identifying the existing location of the following information:

- (1) All properties, public rights-of-way, railroad rights-of-way, municipal boundaries with Edison Township and zoning district boundaries within 500 feet of the tract to be developed.
- (2) A line delineating a two-hundred-foot radius from the extreme limits of the tract to be developed.
- (3) The block and lot numbers, as they appear on the Borough Tax Map, of all properties located within 200 feet of the tract to be developed.
- (4) All buildings on the tract to be developed and all adjacent properties and an indication as to the current use of each.

(5) Any historic sites on the tract to be developed and all properties within 200 feet thereof, as shown on the Borough's Historic Sites Inventory.

(6) Graphic scale.

(7) North arrow.

(8) The above is to be drawn at a scale not larger than one inch equals 100 feet.

J. A list of the names, addresses and block and lot numbers of all property owners within 200 feet of the tract to be developed, as shown on the most recent Borough tax duplicate.

K. Property survey of the tract to be developed and all adjacent properties within 75 feet of the same, showing and identifying the existing location of the following information:

(1) Property lines and reference corners.

(2) Structures, both on the tract to be developed and all adjacent properties, including setback distances from all property lines.

(3) Other man-made features, such as culverts, drain pipes, fences and retaining walls.

(4) Unique land forms, natural features, watercourses or bodies of water.

(5) Vegetation, including all lawn, shrubs, wooded areas and individual trees over four inches in caliper..

§ 110-57. Effect of zoning.

No land may be used and no structure or building may be erected, raised, moved, extended, enlarged or altered or used for any purpose other than a use specifically permitted in this Part III of this chapter for the district in which it is located. All development shall be in conformance with the regulations provided for the district in which such development is located and in conformance with an approved development plan and/or zoning permit.

§ 110-75. B-1 Central Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-1 Central Business District as follows:

A. Permitted principal uses:

(1) Retail shops and stores.

(2) Personal service businesses.

(3) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within fifty (50) feet of residentially zoned land.

(4) Banks and other financial institutions, except drive-in banks.

(5) Offices, except located on the ground floor of a building fronting on Main Street.

(6) Nursery schools and day-care centers.

(7) Apartments, except located on the ground floor of a building.

(8) Borough-operated public facilities.

(9) Massage and somatic therapy establishments.

B. Permitted accessory uses:

(1) Driveways, parking lots, loading areas and multilevel parking facilities, except where such is located to have ingress and/or egress on Route 27 (Middlesex Avenue) and the same can be provided from another street or municipal parking lot abutting the site.

(2) Plazas, courtyards, alleys and other similar type public and semipublic spaces.

(3) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses:

(1) Dry-cleaning establishments, pursuant to § 110-87B.

(2) Inns and hotels, pursuant to § 110-87C.

(3) Religious affiliated office or counseling center, pursuant to § 110-87D.

(4) Two-family detached dwellings, pursuant to § 110-87E.

§ 110-76. B-2 Neighborhood Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-2 Neighborhood Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that such shall not generate objectionable noise, odors, smoke or glare or require extensive loading areas within proximity of residential uses on adjacent lots.
- (2) Personal service businesses.
- (3) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within fifty (50) feet of residentially zoned land or require extensive loading areas within proximity of residential uses on adjacent lots.
- (4) Banks and other financial institutions, except drive-in banks.
- (5) Offices.
- (6) Nursery schools and day-care centers.
- (7) Apartments, except located on the ground floor of a building.
- (8) Borough-operated public facilities.
- (9) Massage and somatic therapy establishments.
- (10) Affordable senior housing.

B. Permitted accessory uses:

- (1) Driveways and parking lots.
- (2) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses:

- (1) Dry-cleaning establishments, pursuant to § 110-87B.
- (2) Two-family detached dwellings, pursuant to § 110-87E.

§ 110-77. B-3 Office Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-3 Office Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on Main Street.
- (2) Personal service businesses.
- (3) Offices.
- (4) Banks and other financial institutions, except drive-in banks.
- (5) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within fifty (50) feet of residentially zoned land.
- (6) Funeral homes and mortuaries.
- (7) Nursery schools and day-care centers.
- (8) Social halls, clubs, lodges and places of public assembly.
- (9) Apartments, if located on upper floors above another permitted use at the ground level.
- (10) Borough-operated public facilities.
- (11) Affordable senior housing.

B. Permitted accessory uses:

- (1) Driveways, parking lots and loading areas.
- (2) Other uses deemed to be permitted accessory uses.

C. Permitted conditional uses.

- (1) Any conditional uses permitted in the B-2 zone.
- (2) Drive-in banking facilities pursuant to § 110-87J, on the condition that the property fronts on Central Avenue, Middlesex Avenue between Central Avenue and the Lehigh Valley Railroad, right-of-way (abandoned) or the westerly side of Lake Avenue.

§ 110-78. B-4 Restricted Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-4 Restricted Business District as follows:

A. Permitted principal uses:

- (1) Personal service businesses.

- (2) Offices.
- (3) Banks and other financial institutions.
- (4) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within fifty (50) feet of residentially zoned land.
- (5) Health clubs, gyms and spas.
- (6) Borough-operated public facilities.
- (7) Affordable senior housing.

B. Permitted accessory uses:

- (1) Driveways, parking lots and loading areas.
- (2) Other uses deemed to be permitted accessory uses.
- (3) Plazas, courtyards, alleys and other similar type public and semipublic open spaces.

C. Permitted conditional uses:

- (1) (Reserved)
- (2) Inns and hotels on parcels of land with a minimum lot frontage of 300 feet on a minor arterial street as designated in the Borough of Metuchen Master Plan, provided that no parking lot shall be located within 25 feet of a lot line on which there is a residential use.
- (3) New automobile dealerships, provided that they are located on parcels of land with a minimum lot frontage of 300 feet on a minor arterial street as designated in the Borough of Metuchen Master Plan and provided that they were in existence as of August 1993.
- (4) (Reserved)
- (5) Automobile washing establishments, pursuant to § 110-87H.
- (6) Automobile repair establishments, pursuant to § 110-87I.
- (7) Drive-in bank facilities pursuant to § 110-87J.

§ 110-79. B-5 Restricted Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-5 Restricted Business District as follows:

A. Permitted principal uses:

- (1) Personal service businesses.
- (2) Offices.
- (3) Banks and other financial institutions.
- (4) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within fifty (50) feet of residentially zoned land.
- (5) Health clubs, gyms and spas.
- (6) Planned unit residential development use, in accordance with the uses specified and the bulk standards described in § 110-91E of this chapter and which shall be permitted on a tract with a minimum lot size of five acres.
- (7) Affordable senior housing.

B. Permitted accessory uses:

- (1) Driveways, parking lots and loading areas.
- (2) Other uses deemed to be permitted accessory uses.
- (3) Plazas, courtyards, alleys and other similar type public and semipublic open spaces.

C. Permitted conditional uses:

- (1) Inns and hotels on parcels of land with a minimum lot frontage of 300 feet on a minor arterial street as designated in the Borough of Metuchen Master Plan, provided that no parking lot shall be located within 25 feet of a lot line on which there is a residential use.

(2) New automobile dealerships, provided that they are located on parcels of land with a minimum lot frontage of 300 feet on a minor arterial street as designated in the Borough of Metuchen Master Plan and provided that they were in existence as of August 1993.

(3) Townhouses, pursuant to § 110-87G.

§ 110-96.4. New construction.

A. Low/mod split and bedroom distribution of affordable housing units:

(1) The fair share obligation shall be divided equally between low- and moderate-income households.

(2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.

(3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(a) The combined number of efficiency and one-bedroom units is no greater than 20% of the total low- and moderate-income units;

(b) At least 30% of all low- and moderate-income units are two-bedroom units;

(c) At least 20% of all low- and moderate-income units are three-bedroom units; and

(d) The remainder may be allocated at the discretion of the developer.

(e) Age-restricted low- and moderate-income units may utilize a modified bedroom distribution, and, at a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development.

(4) For new developments of five (5) or more residential units, twenty percent (20%) of "for sale" units and fifteen percent (15%) of rental units shall be affordable units as defined by COAH. Ten percent (10%) of the total units in the development shall be applied to satisfy "unmet need" as defined by COAH. Affordable units or credits in excess of ten percent (10%) of the total shall be applied to "future need" or "growth share."

B. Accessible townhouse units.

(1) The first floor of all townhouse dwelling units and of all other multistory dwelling units for which credit is sought pursuant to P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), on or after October 1, 2006, the effective date of P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.), and for which an application for a construction permit has not been declared complete by the enforcing agency pursuant to P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and which were included in a prior round fair share plan or in a third round fair share plan and for which credit continues to be sought shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7;

(2) To receive Council credit for a townhouse unit or other multistory dwelling unit that is attached to at least one other dwelling unit, Metuchen shall ensure that:

(a) Townhouses or other multistory dwelling units that are attached to at least one other dwelling unit for which credit is sought for low- or moderate-income housing shall have the following features:

[1] An adaptable toilet and bathing facility on the first floor;

[2] An adaptable kitchen on the first floor;

[3] An accessible route of travel;

[a] An interior accessible route of travel shall not be required between stories;

[4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

[5] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Metuchen has collected funds from the development sufficient to make 10% of the adaptable entrances in the development accessible;

(b) In the case of a unit or units which are constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed;

(3) The builder of the unit or units shall deposit funds, sufficient to adapt 10% of the affordable units in the projects which have not been constructed with accessible entrances, with Metuchen, for deposit into the municipal affordable housing trust fund;

(4) The funds under Subsection B(3) above shall be available for the use of Metuchen for the purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance;

(5) The developer of the affordable project subject to P.L. 2005, c. 350 (N.J.S.A. 52:27D-31 1a et seq.) shall submit the design with a cost estimate for conversion to Metuchen; and

(6) Once Metuchen has determined that the plans to adapt the entrances of the townhouse or other multistory unit meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, the Metuchen Chief Financial Officer shall ensure that the funds are deposited into that fund;

(7) Full compliance with this section shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Maximum rents and sales prices.

(1) Metuchen hereby establishes that the maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60% of median income and the average rent for low- and moderate-income units shall be affordable to households earning no more than 52% of median income.

(2) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.

(3) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income and each affordable development must achieve an affordability average of 55% for restricted ownership units and in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

(4) At least 13% of all the affordable housing in Metuchen must be affordable to households at 30% of median income.

§ 110-108. Nonconforming yard setbacks.

The requirements of Article 16 of this chapter pertaining to setbacks for yards shall apply to any building located on a lot with an existing nonconforming setback, except that if such building is used as a permitted single-family dwelling, such may be altered or enlarged, provided that either of the following conditions are complied with:

A. The alteration or enlargement shall not affect, extend or increase the existing nonconforming setback and meets all other applicable requirements of this article.

B. The alteration or enlargement involves the extension of an existing exterior side building wall with a nonconforming side yard setback equaling a minimum of 50% of the individual side yard and a minimum of 75% of the combined side yard setback requirements for the district in which it is located. In addition, such alteration or enlargement shall only involve an extension at the first or second story level of the existing building. In no instance shall this provision permit a decrease in the existing nonconforming side yard setback resulting in a greater nonconformity after such alteration or enlargement is constructed. This provision for exception shall not be applicable to corner lots, two-level additions or third-story additions.

§ 110-109. Height exceptions.

The maximum height requirements of § 110-64 shall not apply to the erection of building appurtenances such as chimneys, church spires, cupolas, belfries, clock towers, flagpoles, stairway or elevator penthouses, solar panels or mechanical equipment provided that such shall not exceed such height requirements for the district in which such is located by greater than 10 feet.

§ 110-110. Permitted projections.

Cornices, eaves, gutters, bay windows and chimneys may project a maximum of two (2) feet from an exterior building wall into any required yard setback. Nonenclosed porches, entrance platforms and steps leading to a first floor, excluding decks, may project a maximum of eight (8) feet into a required front yard setback. Nonenclosed

porches, uncovered decks, entrance platforms and steps leading to a basement or first floor may project a maximum of four (4) feet into a required side or rear yard setback.

§110-112.2. Fences and Walls.

Fences or walls shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

- A. Materials.
 - (1) Fences shall be constructed of aluminum, vinyl, wood or wrought iron.
 - (2) Walls shall be constructed of stone or brick with a stone or cast stone cap. Corners and entrances shall be defined with articulated piers.
 - (3) In no case shall a fence or wall be constructed of any material harmful to humans or animals, such as barbed wire, metal spikes, or electrified conductors.
- B. Type and location.
 - (1) Front yards.
 - (a) Fences shall be permitted to be located in front yards, provided that such shall not exceed a height of four (4) feet above grade. Fences shall be constructed so that at least 50% thereof is nonsolid and open.
 - (b) Walls shall be permitted to be located in front yards, provided that such shall not exceed a height of two (2) feet above grade.
 - (2) Side and rear yards.
 - (a) Both solid and nonsolid fences shall be permitted to be located in side or rear yards, provided that such shall not exceed a height of six (6) feet above grade and be no closer than ten (10) feet to any property line along a street.
 - (b) For properties abutting an active or former rail right of way, both solid and nonsolid fences shall be permitted to be located within a distance of ten (10) feet from the active or former rail right of way, provided that such shall not exceed a height of eight (8) feet above grade and be no closer than twenty five (25) feet to any property line along a street.
 - (c) Walls shall be permitted to be located in side or rear yards, provided that such shall not exceed a height of four (4) feet above grade.
 - (3) On corner lots and through lots, the reviewing agency or the Zoning Officer shall have the ability to determine which streets shall be treated as the primary and secondary streets for the purposes of this subsection. A side or rear yard fence or wall shall be permitted to be located in the front yard along the secondary street, provided that such shall be no closer than ten (10) feet to any property line along a street.
 - (4) Fenceposts, corners and piers may be articulated to a height not to exceed one (1) additional foot above a permitted fence height. Piers may be articulated to a height not to exceed two (2) additional feet above a permitted wall height, provided that such does not exceed thirty (30) inches in width or depth. Pergola, trellis or arbor entryways may be articulated to a height not to exceed ten (10) feet above grade, provided that such does not exceed six (6) feet in width.
 - (5) In no case shall a permitted fence or wall be placed so as to constitute a traffic or safety hazard. No fence or wall shall be located in the public right-of-way. The fence or wall shall be located entirely within the property upon which it is located.
- C. Orientation. The face or finished side of a fence or wall shall face the adjacent property. All supporting posts and cross-members shall face the property upon which it is located.
- D. Drainage. The fence or wall shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located, on any adjacent lot or public right-of-way.
- E. Buffering and Screening. Any permitted side or rear yard fence or wall that is less than twenty five (25) feet to the property line along any street shall have foundation plantings consisting of evergreen and deciduous shrubs and trees. Such plantings shall be a minimum of thirty (30) inches tall at time of planting and spaced an average of five (5) feet on center. A planting bed

containing extensive flower and ground cover shall extend out a minimum of two (2) feet in front of the foundation plantings along the entire fence or wall facing the street.

- F. Retaining walls. Any permitted wall proposed to be used as a retaining wall four (4) feet or greater in height shall be required to be reviewed by the Borough Engineer prior to the issuance of a zoning permit.

§110-112.3. Driveways.

Driveways shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Lot Access.

(1) Every lot shall have a maximum of one (1) driveway apron providing access to a street.

(2) A lot with a minimum lot width of one hundred (100) feet shall be permitted to have an additional driveway apron for the purpose of creating a connected or U-shaped driveway in the front yard area. However, in no case shall the two (2) driveway aprons be located closer than 25 feet to each other.

B. Location. Driveways shall be located along the street line of a lot as follows:

(1) A driveway on a corner lot shall be set back a minimum of 40 feet from the intersecting lot lines at the corner.

(2) A driveway shall be set back a minimum of three (3) feet from a side lot line, unless such is a common driveway for dwelling units on adjacent lots.

C. Width. In the front yard area, a driveway shall maintain a maximum width of 12 feet at the driveway apron after which the driveway may flare out to a maximum width of 20 feet.

D. Coverage. The area of a driveway shall not exceed thirty-five percent (35%) impervious coverage of the front yard.

E. Design specifications. A driveway shall comply with the provisions for construction specifications, grading, aprons, side slopes and clear sight triangles, pursuant to Article 35 of this chapter.

§110-112.4. Patios and walkways.

Patios and walkways shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Materials. Patios and walkways shall be constructed of slate, stone, brick or concrete.

B. Type and Location. No patio shall be located in the front yard. On corner lots and through lots, the reviewing agency or the Zoning Officer shall have the ability to determine which streets shall be treated as the primary and secondary streets for the purposes of this subsection. A patio shall be permitted to be located in the front yard along the secondary street provided that such shall be no closer than fifteen (15) feet to any property line along a street.

C.. Setbacks. No part of the patio or any walkway shall be closer than eighteen (18) inches to any lot line exclusive of the private walkway providing access to the lot. Raised patios greater than 30 inches above grade shall be no closer than three (3) feet to any lot line.

D. Drainage. Patios and walkways shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located, on any adjacent lot or public right-of-way.

§110-112.5. Swimming pools and sport courts.

Swimming pools-and sport courts shall be permitted on all lots used as single- and two-family dwellings in residential districts and on any tract developed for townhouses or apartments. Such shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Location. Any swimming pool or sport court shall be permitted in a rear yard, located completely behind the rear walls of the principal structure.

B. Coverage. The surface area of a swimming pool or sport court shall not exceed 25% coverage of the rear yard area.

C. Setbacks. No part of the surface area of a swimming pool or sport court, including structures attached thereto or any pool filtering equipment, whether or not such is attached, shall be closer than 10 feet to any side or rear lot line. For the purposes of this subsection, a ground-level patio and associated walkways surrounding a swimming pool shall not be considered to be a structure attached thereto.

D. Fencing. The entire swimming pool or sport court shall be fenced. Said fence shall be six (6) feet above grade for sport courts and a minimum height of four (4) feet above grade for swimming pools and shall be of such design that it securely controls access to such area. Where such is located on a corner lot and the fence on the side facing the street is nonsolid, that portion of the fence shall be screened with shrubs not less than four (4) feet tall at the time of planting.

E. Swimming pool drainage. No swimming pool shall drain into a public sanitary sewer or be located in such a manner that water from the pool or filtering equipment drains onto another property. Any permitted in-ground pool shall be required to be reviewed by the Borough Engineer prior to the issuance of a zoning permit.

§110-112.6. Accessory structures.

Accessory structures, inclusive of air conditioner (A/C) condenser units and generators shall be permitted in all districts and shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Location.

(1) No accessory structure shall be located in a front yard. On corner lots and through lots, the reviewing agency or the Zoning Officer shall have the ability to determine which streets shall be treated as the primary and secondary streets for the purposes of this subsection. An accessory structure shall be permitted to be located in the front yard along the secondary street, provided that such shall be no closer than fifteen (15) feet to any property line along a street.

B. Setbacks. Accessory structures shall be set back a minimum distance from side and rear property lines, based on the size of such and the district such is located, as follows:

(1) Residence and Business Districts: three (3) feet, not to exceed one hundred (100) square feet in area and does not exceed a height of ten (10) feet above grade, otherwise five (5) feet.

(2) Light Industrial Districts: Ten (10) feet.

Pre-existing dwellings may be exempt from these requirements.

C. Height. No accessory structure shall be greater than one and one-half (1 ½) stories or a height of twenty (20) feet above grade. Pre-existing dwellings may be exempt from these requirements.

D. Screening. Air conditioner (A/C) condenser units and generators shall be properly screened from the street by planting of evergreen trees and shrubs and/or a berm and/or a permitted fence to provide an opaque visual barrier, provided that such shall be 100% visually impervious at all times of the year.

§110-112.7. Design and landscape provisions.

Design provisions. The following provisions shall apply to all applications involving construction, reconstruction or addition to a single- or two-family detached dwelling.

A. Orientation. The dwelling shall be oriented to face to and relate to the street and sidewalk in terms of the footprint location and front entrance. On corner lots, the reviewing agency or the Zoning Officer shall have the ability to determine which street such dwelling shall face and relate to as the primary street and which side shall be treated as a secondary street for the purposes of orientation.

B. Facade width. The width of the foremost portion of the front of the structure shall not extend greater than 50% of the required lot width. A structure may gradually become wider by stepping back and outward with offsets of a minimum of eight (8) feet from the foremost portion of the front of the structure. For the purposes of this subsection, a covered porch at least eight (8) feet in width at the foremost portion of such structure shall meet the intent of being a portion of the principal structure. This provision shall apply to pre-existing dwellings that currently conform to this provision and new dwellings only.

C. Garage locations and design. A one- or two-car garage facing the street shall be recessed behind the nearest portion of the facade by a minimum of eight (8) feet. Any three-car garage shall be located to face the side or rear of the property and not the street. In relation to the facade, any garage facing

a street shall be designed as a less obvious feature of the home in terms of location, massing, recessing, shadowing by overhangs and architectural treatments. In no case shall the garage door(s) be closer to the street than the main entry door. For the purposes of this subsection, a covered porch at least eight (8) feet in width at the foremost portion of such structure shall meet the intent of being a portion of the principal structure. This provision shall apply to pre-existing dwellings that currently conform to this provision and new dwellings only.

D. Repetition of building design. The same building design shall not be utilized on adjacent lots not within 200 feet of another building of the same design. Building design shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, entrance and garage location, architectural style, materials and colors and details.

E. Existing vegetation. To the greatest extent possible, significant existing vegetation in good health and condition shall be preserved. Particular consideration shall be given to preserving any tree greater than four (4) inches in caliper, as well as existing stands of trees and tall shrubs and hedgerows along property lines.

F. Foundation plantings. The base of the front yard and side of all buildings shall be planted consisting of evergreen and deciduous shrubs and trees. Such plantings shall be a minimum of thirty (30) inches tall at time of planting and spaced an average of three (3) feet on center. A planting bed containing extensive flower and ground cover shall extend a minimum of two (2) feet in front of the foundation plantings along the entire façade facing the street.

G. Front yard plantings. The front yard of each dwelling shall be planted with a minimum of one (1) shade tree and one (1) flowering tree for each 50 feet of frontage along the street or part thereof. Such trees shall be a minimum of 3 ½ inches in caliper. If shade tree(s) cannot be reasonably accommodated, a contribution to the Shade Tree Commission in lieu of planting shade tree(s) on the lot shall meet the intent of this subsection.

H. Street Trees. Street trees shall be provided in accordance with Article 46 of this Chapter. If street tree(s) cannot be reasonably accommodated, a contribution to the Shade Tree Commission in lieu of planting street tree(s) on the property shall meet the intent of this subsection.

I. Public sidewalks. Public sidewalks shall be provided in accordance with §110-148 of this Chapter. In the case where lots directly adjacent to and fifty percent (50%) or more of all lots on the same side of the street in the same block do not have public sidewalks, such property may be exempt from this requirement.

J. Private walkways. Private walkways shall be provided in accordance with §110-149 of this chapter. In the case where there is no public sidewalk located or to be provided at the front of the property, such may provide access from the driveway.

§ 110-112.8. Antennas.

Television, radio and satellite dish antennas shall be permitted in any district and require minor site plan approval and/or an approved zoning permit prior to construction. Type and location of such shall be as follows:

A. Conventional television and/or radio antennas shall be permitted as follows:

(1) Such antennas may be located either attached to a permitted principal building or permitted accessory structure or freestanding in a rear yard.

(2) The maximum height of an attached antenna shall be 10 feet above the existing height of the building or structure to which it is attached, not to exceed 10 feet above the maximum permitted height for the district in which such building or structure is located. The maximum height of freestanding antennas shall not exceed the permitted height of accessory structures for the district in which it is located.

(3) The minimum setback distances for an attached antenna or any part thereof shall be the requirements regularly applicable for principal buildings or accessory structures for the district in which such building or structure is located.

(4) Not more than one such antenna shall be permitted to be located on a lot.

B. Radio antenna structures to be operated by a holder of a Federal Communications Commission Amateur Radio License shall be permitted as follows:

- (1) Such antennas may be located either attached to a permitted principal building or permitted accessory structure or freestanding in a rear yard.
- (2) The maximum height of such attached antennas shall be 10 feet above the existing height of the building or structure to which it is attached, not to exceed a maximum of 10 feet above the maximum permitted height for the district in which such building or structure is located. The height of freestanding antennas shall not exceed 70 feet.
- (3) The minimum setback distances for an attached antenna or any part thereof shall be the requirement regularly applicable for principal buildings or accessory structures for the district in which such building or structure is located. The minimum side and rear yard setback distances for a freestanding antenna shall be 50% of the total height of such antenna.
- (4) Not more than one such antenna shall be permitted to be located on a lot.

C. Satellite dish antennas shall be permitted as follows:

- (1) Such antennas shall be located either attached to a permitted principal building or permitted accessory structure or freestanding in a rear yard.
- (2) The maximum height of an attached antenna shall be ten (10) feet above the existing height of the building or structure to which it is attached, not to exceed a maximum of ten (10) feet above the maximum permitted height for the district in which such building or structure is located. The height of freestanding antennas shall not exceed fifteen (15) feet.
- (3) The minimum setback distance of such antennas or any part thereof shall be 10 feet from any side or rear lot line.

D. Provisions applicable to all antennas shall include the following:

- (1) All antennas shall employ materials and colors that are consistent with and visually blend into the surrounding landscape to the greatest extent possible.
- (2) All freestanding antennas shall be screened from view from all adjacent properties and public rights-of-way in order that a six-foot-tall person, with an eye level from grade of approximately 5 1/2 feet, is not able to see the lowest 20% of the total antenna height from a distance of 25 feet from the lot line containing such antenna. In no instance, however, shall such screening be less than six feet in height; however, any fence greater than six feet in height shall require a variance from the provisions of § 110-112.2. Such screening may utilize a solid wooden fence, earth berms, closely spaced evergreen plantings or some combination of these devices. If evergreen plantings are utilized, such shall be sufficiently dense as to achieve 75% of the required screening at time of planting.
- (3) All lots containing freestanding antennas shall be enclosed with a minimum four-foot-high fence that must be kept secured and locked to prevent entry at all times, except to those using the premises.
- (4) All applications for zoning permits for freestanding antennas shall include certification by a New Jersey licensed professional engineer that the proposed installation:
 - (a) Complies with those standards of the BOCA National Building Code for radio and television towers and radio and television antennas listed in Sections 614.0 and 615.0 of the BOCA Basic Building Code.
 - (b) Can withstand wind speeds of a maximum of 70 mph.

§ 110-128. Standards.

The following standards shall be used to prepare any development plan for a subdivision:

- A. Blocks. The length, width and area of blocks created within bounding roads creating blocks shall be such as to accommodate the lot areas and dimensions required by Part III of this chapter for the specific district in which the block is located and to provide for convenient access, circulation, control and safety of street traffic.
- B. Lots. No lot shall be created on which development may be rendered impracticable due to significant environmental or man-made constraints, such as steep slopes, wetlands, floodplains, flood hazard areas, drainage or other natural conditions or lack of sewer capacity, utility service, vehicular access or other man-made conditions.

Where such conditions occur, the affected land shall be incorporated into the adjoining lots or contiguous open space. Where there are unanswered questions as to the suitability of a lot for its intended use due to any of the above referenced factors or similar circumstances, the Board may, after adequate investigation, withhold approval of such a lot.

C. Lot lines. Side lot lines shall be at right angles to straight street lines and radial to curved street lines, wherever practical.

D. Setbacks. Slight variations in setbacks may be provided at the discretion of the Board, in order to provide visual interest and relieve the sometimes negative effect of multiple lots with uniform setbacks.

E. Repetition of building design. The same building design for single- and two-family dwellings shall not be utilized on more than two adjacent lots nor within 200 feet of another building of the same design. Building designs shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, entrance and garage locations, architectural style, materials, colors and details.

F. Existing vegetation. To the greatest extent possible, significant existing vegetation in good health and condition shall be preserved. Particular consideration shall be given to preserving any existing tree greater than four inches in caliper, as well as existing stands of trees and tall shrubs and hedgerows along or near lot lines.

G. Foundation plantings. The base of the front and sides of all single- and two-family dwellings shall be planted with foundation plantings consisting of evergreen and/or semi-evergreen shrubs and trees. Such plantings shall be a minimum of 2 1/2 feet tall at time of planting and spaced an average of three feet on center.

H. Replacement of dead plantings. The developer shall be required to replace dead or dying plant material for a period of two (2) years from the date of issuance of a final zoning permit for occupancy and shall post a maintenance guaranty for such pursuant to Article 58 of this Chapter. If plant material is dead or dying during a planting season, it shall be replaced that same season. If plant material is dead or dying during a nonplanting season, it shall be replaced as soon as reasonably possible at the start of the next planting season.

§ 110-147. Design Standards.

The following standards shall be used to prepare and review any development plan that involves the construction of a new public sidewalk or private walkway or repair of an existing public sidewalk or private walkway:

A. Lot access. All lots shall have private walkway access to a public sidewalk in the right-of-way if such is provided. Such access shall be designed for the safety, control, efficient movement, convenience and encouragement of pedestrian traffic into and out of the site and to promote pedestrian circulation generally within the Borough.

B. Construction and repair specifications. All sidewalks and walkways shall meet the construction specifications as set forth in applicable Borough ordinances or as approved by the Borough Engineer. This shall also apply to recommendations by the Borough Engineer regarding the maintenance, repair or upgrading of existing sidewalks located in that portion of the public right-of-way that directly abuts the tract to be developed.

C. Materials. The Board may waive the paving material specifications required by Subsection B above, if the applicant can demonstrate, in addition to the requirements of § 110-126, that the substitute paving material(s) will be architecturally compatible with the style, materials, colors and details of buildings and other structures on the site and adjacent properties and will create a more attractive development generally. In no instance, however, shall a sidewalk located in a public right-of-way be permitted to be constructed of asphalt.

D. In the B-1 and D-1 Districts, the material used for sidewalks shall be white concrete constructed in approximately 10 foot sections. The sidewalk sections shall be separated by a band of 4" x 8" red clay brick spaced approximately ten feet, eight inches (10' - 8") on center. The brick band shall be perpendicular to the curb with bricks laid parallel with the curb. The concrete shall be scored into four (4) smaller symmetric areas. Sidewalk improvements along the right of way of any property shall be constructed to match improvements on adjacent portions of the right of way that meet this design standard. A plan shall be submitted to and approved by the Borough Zoning Officer prior to the issuance of a permit for construction. Construction permits shall be obtained from the Middlesex County Road Department for property located on a County Road and by the Borough Zoning Officer for property located on a Municipal Road.

E. In any residential district, the developer may request and be granted, by the Technical Review Committee, an alternative to sidewalk construction. The alternative shall be the payment to the town in an amount

equal to 75% of the estimated cost of the sidewalk, which amount shall be reserved for sidewalk replacement in the B-1 District.

§ 110-148. Public sidewalks.

Sidewalks shall be provided in the right-of-way along all public streets. The location and width of sidewalks shall be consistent with the location and width of existing sidewalks adjacent to or near the site to be developed, but in no case shall be less than four (4) feet in width.

§ 110-151. Design standards.

The following standards shall be used to prepare and review any development plan that involves the construction of a new driveway or the expansion or repair of an existing driveway:

A. Lot access. Every use shall have driveway access to a street. Such access shall be designed for the safety, control, efficient movement and convenience of motor vehicle traffic accessing the site, including service and emergency vehicles, and to promote safe, efficient and convenient traffic circulation generally within the Borough.

B. Location. Driveways shall be located along the street line of a lot as follows:

(1) A driveway on a corner lot shall be set back a minimum of 40 feet from the intersecting lot lines at the corner.

(2) Driveways shall comply with the width requirements for buffer areas, pursuant to Article 44 of this chapter.

C. Construction specifications. Driveways shall be constructed with a minimum of four (4) inches of compacted aggregate subbase material and a minimum of 3” of hot mix asphalt. Hot mix asphalt shall be installed in two lifts, compacted between lifts to achieve the minimum 3” thickness. Alternate driveway construction material and methods shall be approved by the Borough Engineer prior to construction.

D. Width. The width of driveways shall be based on the following:

| Land Use Type | One-Way Traffic | | Two-Way Traffic | |
|-------------------------------------|----------------------|----------------------|----------------------|----------------------|
| | Minimum Width (feet) | Maximum Width (feet) | Minimum Width (feet) | Maximum Width (feet) |
| Single- and two-family dwellings | 9 | 18 | 9 | 18 |
| Townhouses and apartments | 15 | 18 | 18 | 22 |
| All other residential | 10 | 15 | 18 | 20 |
| Nonresidential uses | 15 | 18 | 20 | 24 |
| Warehouse and light industrial uses | 18 | 22 | 24 | 35 |

E. Grading. Driveway grades shall not exceed 10% at any point along the entire length of the driveway.

F. Aprons. Driveway aprons shall be designed to permit access to any driveway from a street. Such apron shall be constructed between the curb or edge of street pavement and the sidewalk or, in the absence of sidewalk, for a distance of four feet back from the curb or edge of pavement. The construction specifications of driveway aprons shall be pursuant to applicable Borough ordinances or as approved by the Borough Engineer.

G. Side slopes. Driveway side slopes shall be topsoiled, seeded, fertilized and mulched or otherwise stabilized to prevent erosion. If banks exceed a slope of two increments vertical to one increment horizontal (two to one) and the slope face is not stable rock, retaining walls shall be constructed of a design approved by the Borough Engineer.

H. Clear sight triangles. At locations where driveways approach sidewalks and streets in the public right-of-way, clear sight triangles shall be provided on both sides of such driveways. No vision-obstructing object with a

height greater than 2 1/2 feet, as measured from the elevation of the driveway, shall be located in such areas formed by outward facing isosceles triangles, with equal sides of 10 feet in length consisting of the curblineline of the driveway and the property line along the right-of-way.

§110-154. Parking regulations.

A. General provisions. The total number of off-street parking spaces required for all uses or combination of uses shall be provided as specified in Subsection B below. Any building or site containing more than one use shall meet the combined parking requirements for all uses, based on the area utilized for each separate use. The parking schedule in Subsection B below represents general parking requirements acceptable to the Borough. Since a specific use may generate parking usage that varies from the requirements enumerated in Subsection B below, documentation and testimony shall be presented to the Board as to the anticipated parking usage. The parking requirements for any use not specifically indicated shall be determined by the Board based on evidence presented at the time of the application and based on requirements for similar type uses. Based upon the above, the Board may take action as follows:

- (1) Grant a waiver of parking requirements to permit a lesser number of spaces.
- (2) Grant a waiver of parking requirements to permit a lesser number of spaces; provided, however, that adequate provision is made for construction of the additional required spaces in the future, if needed.
- (3) Grant a waiver of parking requirements to permit a lesser number of spaces; provided, however, that spaces shall be shared by two or more separate uses with non-conflicting parking usage schedules.
- (4) Grant a waiver of parking requirements contingent upon the applicant obtaining a specified number of reserved off-street parking spaces from another source, including, but not exclusively, the Metuchen Parking Authority.
- (5) Require construction of a greater number of spaces.

B. Requirements. The number of off-street parking spaces required for all uses or combinations of uses shall be as follows:

Parking requirements for residential uses shall be governed by the Residential Site Improvement Standards promulgated by the New Jersey Department of Community Affairs.

| Nonresidential Uses | Required Spaces |
|--|---|
| Automobile repair establishments | 4.0 per bay plus 1.0 per service vehicle |
| Automobile washing establishments | 3.0 per establishment for employees |
| Banks and other financial institutions | 4.0 per teller window plus 1.5 spaces per nonteller work station or 1.0 per 180 square feet of floor area, whichever is greater |
| Churches and other places of worship | 1.0 per 3 seats or 1.0 per 72 linear inches of seating when benches are used |
| Day-care centers and nursery schools for more than five children | 1.0 per teacher or staff member plus 1.0 per every three children |
| Dry-cleaning establishments | 1.0 per 180 square feet of floor area |
| Eating and drinking establishments | 1.0 per 200 square feet of floor area or 1.0 per every three seats, whichever is greater |
| Funeral homes | 10.0 per viewing room plus 1.0 per 300 square feet of public floor area |
| Gasoline service stations | 1.0 per pump |
| Hotels, inns and motels | 1.0 per guest room plus 2.5 per 1,000 square feet of floor area plus 75% of the requirement for any eating and drinking establishment on the premises |
| Laboratory and research uses | 3.0 per 1,000 square feet of floor area |

Nonresidential Uses**Required Spaces**

| | |
|---|---|
| Light industrial uses, except manufacturing | 1.0 per 800 square feet of floor area |
| Machine shops and manufacturing uses | 1.0 per 500 square feet of floor area |
| Offices | |
| Business and professional, including clinical psychologists and mental health counselors not engaged in group counseling on a regular basis | 1.0 per 250 square feet of floor area |
| Medical, dental, veterinary, clinical psychologists engaged in group counseling on a regular basis | 1.0 per 250 square feet of floor area plus 4.0 per professional on duty |
| Real estate | 1.0 per 150 square feet of floor area |
| Personal service businesses | 1.0 per 180 square feet of floor area |
| Retail uses | 1.0 per 180 square feet of floor area where the total floor area per use or occupant is less than 2,000 square feet; 1.0 per 200 square feet of floor area where the total floor area per use or occupant is 2,000 square feet or greater |
| Shops and stores | |
| Appliance and furniture stores | 1.0 per 300 square feet of floor area plus 1.0 per 500 square feet of accessory storage area |
| Schools | 2.0 per classroom plus 1.0 per every 6 seats in an assembly hall |
| Elementary and middle | |
| Secondary | 3.5 per classroom plus 1.0 per every 6 seats in an assembly hall |
| Social halls, clubs, lodges, and places of public assembly | 1.0 per two seats |
| Warehouses and storage uses | 1.0 per 1,000 square feet of floor area |

C. Exceptions. The parking requirements of Subsection B above shall not apply to the following:

(1) The continuation of any lawfully nonconforming use or any use that does not conform to the requirements of this article in existence prior to the adoption of this chapter, so long as the current use is not substantially changed or intensified. If the use is changed or intensified to the extent that Subsection B above requires additional parking, the applicant shall provide the additional parking equal to the difference between that required by the proposed use or building and that previously applicable to the use in existence at the time this chapter was adopted.

(2) Any storage area in a basement or attic that is accessory to a permitted principal use located elsewhere in such building.

D. Handicapped parking. Every use shall provide handicapped parking spaces as a portion of its total required parking in accordance with the Uniform Construction Code.

E. Parking in residential areas. The following regulations shall apply to motor vehicle parking on any lot located in a residential district or used for residential purposes:

(1) Permitted motor vehicles. Motor vehicles registered as passenger vehicles, livery vehicles and commercial vehicles having a gross weight of 7,000 pounds or less shall be permitted to be parked on such lots, with the following exceptions:

(a) One passenger or livery vehicle having a gross weight in excess of 7,000 pounds, but not exceeding 10,000 pounds, may be parked in a garage or a driveway in a side or rear yard, provided that such is substantially screened from view from all adjacent lot lines and the street line. Such screening shall consist of a six-foot-high solid wooden fence and/or minimum six-foot-

high evergreen shrubs or trees. Any such screening shall be approved by the Zoning Officer prior to installation to ensure that such will provide necessary screening to satisfy the intent of this provision.

(b) One commercial vehicle having a gross weight in excess of 5,000 pounds, but not exceeding 8,000 pounds, may be parked in a wholly enclosed garage. Such vehicle shall be stored in the garage at all times when such is parked on the lot. In no instance shall any person other than the resident of the property on which the commercial vehicle is parked operate such vehicle. Additionally, no materials, tools, equipment or other items used in connection with the business that such commercial vehicle is associated with shall be stored anywhere on the residential property, except in or on the commercial vehicle itself.

(2) Permitted motor vehicle dimensions. No motor vehicle shall be parked on such lot with linear dimensions exceeding the following:

(a) Twenty feet in length.

(b) Eight feet in width, excluding rearview mirrors.

(c) Eight feet in height, excluding radio antennas.

(3) Prohibited motor vehicles. Trucks, tractors, trailers, semitrailers, tow trucks and buses are hereby prohibited from any such lot.

(4) Recreational vehicles, trailer coaches, campers and boats. One recreational vehicle, trailer coach, camper and/or boat may be stored or parked on any lot used solely as a single-family residence, provided that such vehicle shall be stored in a garage or in a rear yard at least 15 feet from any lot line and substantially screened from view from all adjacent lot lines and the street line. In the case of corner lots, said vehicle must be screened from view from all street lines bounding the lot. No such vehicles shall be occupied for living, sleeping or recreational purposes while stored or parked on such lot.

(5) Driveways. No motor vehicle shall be parked in the side or front yards of such lot, except in a driveway located pursuant to Article 35 this chapter.

(6) Corner lots. Nothing herein shall permit the parking or storage of any vehicle on a corner lot property which obstructs, impairs or obscures vision of motor vehicle traffic at an intersection, as determined by the Chief of Police.

§ 110-171. Standards.

The following standards shall be used to prepare and review any development plan:

A. Vegetation preservation. To the greatest extent possible, existing vegetation on the tract in good health and condition shall be preserved. Particular consideration shall be given to individual trees with a diameter at breast height of four inches or greater, stands of trees and mature shrubs and hedgerows located within yard setback and buffer areas and greater than 10 feet from a building foundation. The placement of buildings, driveways, parking lots and other improvements shall take into consideration the location of existing vegetation and attempt to preserve such wherever possible.

B. Dead vegetation. All dead or dying vegetation, either standing or fallen, shall be removed from the tract, unless such are located in a preserved stand of trees greater than one acre in area.

C. Vegetation protection. Existing vegetation to be preserved shall be protected during the period of construction as follows:

(1) No staging, storage or stockpiling areas for construction materials or soil shall be located under the dripline of existing trees to be preserved, wherever possible, but in no case shall such areas be located within 10 feet of an existing tree to be preserved, whether such tree is located on the tract or adjacent properties. No such areas shall be located within five feet of existing shrubs or a hedgerow to be preserved.

(2) A protective barrier consisting of snow or silt fencing a minimum of four feet high shall be installed around all existing vegetation to be preserved prior to the commencement of any site work or construction. Such protective barrier shall be freestanding and sturdy, not supported in any way by the vegetation such is protecting, and shall remain in place until construction is completed.

(3) Where more than three inches of fill is proposed to be placed around an existing tree to be preserved, such tree shall be protected by an air well measuring six feet in diameter, or as otherwise needed, around the trunk to prevent the intrusion of soil. The design of such air well shall be as specified in "Protection and Care of the Urban Forest," published by N.J.D.E.P.

§ 110-180.1 Tree Removal requirements for major and minor subdivisions and site plans.

Each application to the Planning Board or Zoning Board of Adjustment of the Borough of Metuchen for approval of a major or minor subdivision or a site plan that requires the removal of trees shall include an application for a tree removal permit. The application and development proposal shall conform to the following provisions:

A. Application form. The application form may be obtained from the Zoning Officer of the Borough of Metuchen and shall include the following information:

- (1) Name and address (street, lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation, etc.);
- (2) Description of the premises where removal is to take place, including lot and block numbers, street address as assigned;
- (3) A list of all trees to be removed with a caliper equal or greater than six inches identified by size and species, including total number of each species to be removed;
- (4) Purpose for tree removal (new construction, street or roadway, driveway, utility easement, recreation areas, parking lot, etc.);
- (5) Proof that there is no delinquent property taxes or assessments due on the property for which the application is submitted; and
- (6) Such other information as may be deemed necessary in order to effectively process and decide such application.

B. Landscape plan. The following information shall be provided on a landscape plan prepared by a registered landscape architect or registered professional engineer and submitted with the application for tree removal. The landscape plan must be submitted prior to tree removal permit approval.

- (1) Base information.
 - (a) Location of existing tree canopy within the property boundaries.
 - (b) Location of individual trees with a caliper equal or greater than six inches identified by size and species within the area of development/limit of disturbance.
 - (c) Location of individual existing trees with a caliper equal or greater than six inches identified by size and species beyond the area of development/limit of disturbance.
 - (d) Location of individual existing trees and their driplines noted for preservation within the area of development/limit of disturbance identified by size and species. Where clusters of trees exist on the site or are contiguous with adjacent sites, fragmentation of the cluster shall be avoided where possible.
 - (e) Location of all required replacement trees.
 - (f) Clear labeling of the areas intended for tree/vegetation removal.
 - (g) Tree protection material details and limit of disturbance line.
 - (h) Location of existing and proposed building structures.
 - (i) All bodies of water and wetlands, including water retention and detention areas.
 - (j) Location of all existing driveways and parking areas.
- (2) Design requirements.
 - (a) Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible.
 - (b) No more than 60% of existing tree canopy within the property boundaries shall be removed. The location of the remaining 40% of the tree canopy to be preserved shall be noted on the landscape plan. Steep slopes limits of disturbance shall supersede this section when appropriate.

(c) No more than 10% of the existing trees with a caliper equal or greater than 10 inches within the area of development/limit of disturbance shall be removed unless the applicant shall replant trees removed in accordance with the Tree Replacement Schedule provided in § 110-180.2.

(d) Input from the designated subcommittee of the Board and/or the Shade Tree Commission shall be requested for recommended areas of tree preservation.

(e) Landscape standards may be waived by the Board when free and/or shrub masses are preserved and/or relocated on site that duplicate the landscape requirements contained in this section.

(f) The appropriate reviewing authority shall have the option of requiring a conservation easement to protect any or all trees or tree canopy areas to remain on site.

C. Site protection.

(1) Tree protection measures and the limit of disturbance line shown on the landscape plan shall be provided in the field with snow fencing or other durable materials and verified by the Zoning Officer or other designated official prior to soil disturbance.

(2) Protective barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers shall be a minimum of four feet high and shall last until the construction is complete.

(3) Chain link fencing may be required for tree protection if warranted by site conditions and relative rarity of the plant.

(4) Snow fencing used for tree protection shall be firmly secured along the dripline, but shall be no less than six feet from the trunk.

(5) The grade of the land located within the dripline shall not be raised or lowered more than six inches unless compensated by welling or retaining wall methods; and in no event shall welling or retaining wall methods be less than six feet from the trunk of a tree.

(6) No soil stockpiling, storage of building materials, construction equipment or vehicles shall be permitted within the dripline or within six feet of any remaining trees, whichever is greater.

(7) Any clearing within the dripline, or within six feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.

(8) Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in § 110-181.2.

§ 110-180.2. Tree replacement and reforestation.

A. The replacement of trees shall occur as prescribed in the following table:

| Tree Replacement Schedule | |
|--|---|
| Caliper of Existing Tree Removed (inches) | Number of Replacement Trees (3-inch caliper) |
| Less than 6 | 1 |
| Between 6 and 12 | 3 |
| Between 12 and 18 | 4 |
| Between 18 and 24 | 5 |
| Between 24 and 30 | 7 |
| Between 30 and 36 | 10 |
| 36 or greater | The equivalent of 3-inch caliper trees or greater needed to equal the caliper of the tree removed |

B. Replacement trees(s) shall be of nursery grade quality, balled and burlapped and located on site. Where replacement trees are required but not suitable for the particular site described due to the size of the site, the

developer shall either plant the trees at such locations as designated by the Shade Tree Commission or pay an amount equal to the reasonable cost of purchase and planting the tree to the Borough for the purpose of planting trees on public lands.

C. The type of replacement tree(s) shall be the same as the species removed from the site or other as approved by the Zoning Officer.

D. The planting of all replacement trees shall be done by or supervised by a person with horticultural training in tree care and planting methods.

E. Newly planted replacement trees shall be monitored for a period of one year to ensure the health of the trees. If the replacement trees die within the one year period, the developer/applicant shall replace the dead tree.

§ 110-136.1. (Reserved)

ARTICLE 47 (Reserved)

§ 110-181. (Reserved)

§ 110-182. (Reserved)

§ 110-183. (Reserved)

§ 110-192. (Reserved)

§ 110-193. (Reserved)

§ 110-194. (Reserved)

§110-195.1. Sidewalk cafés.

Use of the public sidewalk to service customers for permitted retail shops and stores and eating and drinking establishments shall be permitted in the B-1 and D-1 Zoning Districts and in those portions of the B-2 and B-3 Zoning Districts which front on Main Street, subject to the following regulations:

A. There shall be maintained at all times at least six (6) feet of right-of-way for pedestrian use. Tables shall not exceed 36 inches in diameter or square. All furniture shall conform to Borough design guidelines. The area to be utilized shall be cordoned off from the sidewalk, if required;

B. The sidewalk shall be kept completely clean and free of debris at all times;

C. Only sidewalks immediately fronting on a street-level retail shop and store and eating and drinking establishment shall be used; retail shops and stores shall be limited to a maximum of one (1) table and two (2) chairs; eating and drinking establishments shall have no limit;

D. Use of the sidewalk shall be subject to the observance of all health and safety regulations and a valid Certificate of Occupancy for the use within the immediately adjacent structure, and shall be subject to the rights of the County of Middlesex to regulate uses within the right-of-way of any County Road, if applicable.

E. Any business utilizing the public sidewalk shall maintain public liability insurance in the amount of \$500,000 single limit coverage, naming the Borough of Metuchen as additional insured. A Certificate of Insurance shall be filed with the Borough Clerk and Zoning Officer prior to the use of the sidewalk.

§110-217. Duties

The TRC shall have the following duties:

A. To acquaint the applicant with the substantive and procedural requirements of this chapter.

B. To provide for an exchange of information regarding the proposed development plan and applicable elements of the master plan, this chapter and other development requirements.

C. To advise the applicant of any public sources of information that may aid the application.

D. To otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

E. To review any proposed concept plans and consider opportunities to increase development benefits and mitigate undesirable project consequences.

F. To permit input into the general design of the project.

G. To assist in determining the completeness of an application.

H. To solicit and review comments from Borough officials and agencies.

I. To approve change of use applications, provided that the proposed change of use is exempt from site plan requirements in accordance with § 110-49, but otherwise to act only in an advisory capacity with no power to approve, deny or modify any portion of any other type of application for development.

[Amended 11-1-1993 by Ord. No. 93-23]

J. To informally review all applications for development, except for variances pursuant to § 110-205D and N.J.S.A. 40:55D-70(d)(as to which applications the TRC shall review subdivision plans, site plans and design) and individual lot applications for detached one or two dwelling unit buildings.. The Zoning Officer may waive TRC review where requested by the applicant and where the zoning officer finds that the nature or lack of complexity of an application does not warrant TRC review.

K. To review minor site plan applications and make written recommendations to the Planning Board regarding formal action on such applications.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Metuchen that the Density Bulk and Coverage controls schedule referenced in § 110-64, entitled, "Density coverage, and bulk controls" shall be amended and replaced with the Schedule attached hereto and made part hereof.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Metuchen that the within Ordinance and amendments made herein shall become effective immediately upon publication following final adoption and pursuant to law.

ROLL CALL VOTE:

AYES: Councilman Camarrano, Councilman Grayzel, Councilwoman Inserro, Councilwoman Rasmussen, Councilman Wallace, Council President Muldoon

NAYS: None

ABSTENTIONS: None

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance 2013-13. AN ORDINANCE AUTHORIZING THE BOROUGH OF METUCHEN TO SELL AND CONVEY BOROUGH OWNED PROPERTY NOT NEEDED FOR PUBLIC USE LOCATED AT BLOCK 33 LOTS 1 AND 2 AND BLOCK 33 LTS 23.01, 24.01 AND 25.01 AS SHOWN ON THE TAX MAPOF THE BOROUGH OF METUCHEN BY OPENPUBLIC SALE AT AUCTION was taken up on first reading. Borough CLerk Harris read the ordinance by title. On a motion by Council PResident Muldoon, seconded by Councilwoman Rasmussen Ordinance 2013-13 was passed on first reading, published according to law and a public hearing date set for Septemeber 3, 2013.

ORDINANCE NO. 2013-13

AN ORDINANCE AUTHORIZING THE BOROUGH OF METUCHEN TO SELL AND CONVEY BOROUGH OWNED PROPERTY NOT NEEDED FOR PUBLIC USE LOCATED AT BLOCK 33, LOTS 1 AND 2 AND BLOCK 33, LOTS 23.01, 24.01 AND 25.01 AS SHOWN ON THE TAX MAP OF THE BOROUGH OF METUCHEN BY OPEN PUBLIC SALE AT AUCTION

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property, or interest therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Borough of Metuchen obtained title interest by way of foreclosure of certain real property located at Block 33, Lots 1 and 2 and Block 33, Lots 23.01, 24.01 and 25.01 as shown on the tax map of the Borough of Metuchen; and

WHEREAS, said property is not needed for public use, and the Borough Council has determined that it is in the best interest of the Borough to sell the property by open public sale at auction to the highest bidder pursuant to N.J.S.A. 40A:12-13; and

WHEREAS, the Borough of Metuchen has determined that it to be in the best interest of the Borough to auction off and sell the real property as two separate distinct Properties of land consisting of the following: (1) Block 33, Lots 1 and 2 and (2) Block 33, Lots 23.01, 24.01 and 25.01.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, that:

1. The property located at Block 33, Lots 1 and 2 and Block 33, Lots 23.01, 24.01 and 25.01 as shown on the tax map of the Borough of Metuchen is no longer necessary for public use and shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. The date of said auction and the terms and conditions of sale shall be set by way of Resolution of the Council of the Borough of Metuchen and said sale shall be conducted at the Municipal Building, 500 Main Street, Metuchen, New Jersey after the required notice and advertisements contained herein.
2. The property shall be auctioned and sold as two separate and distinct Properties and in two separate transactions consisting of the following:
 - (a) Block 33, Lots 1 and 2; and
 - (c) Block 33, Lots 23.01, 24.01 and 25.01

The auction and bids therefore shall only be accepted on subsection (a) and/or (b) above. Bidders will not be permitted to bid separately on the individual lots mentioned above.

3. The sale of the Properties, as designated in (a) and (b) of section 2, shall be conducted by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. In the case of public sales, the governing body may by resolution fix a minimum price or prices, with or without the reservation of the right to reject all bids where the highest bid is not accepted. Notice of such reservation shall be included in the advertisement of the sale and public notice thereof shall be given at the time of sale. Such resolution may provide, without fixing a minimum price, that upon the completion of the bidding, the highest bid may be accepted or all the bids may be rejected. The invitation to bid may also impose restrictions on the use to be made of such real property, capital improvement or personal property, and any conditions of sale as to buildings or structures, or as to the type, size, or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair, or reconstruction of buildings or structures, and the time within which such conditions shall be operative, or any other conditions of sale, in like manner and to the same extent as by any other vendor. Such conditions shall be included in the advertisement, as well as the nature of the interest retained by the county or municipality. Such restrictions or conditions shall be related to a lawful public purpose and encourage and promote fair and competitive bidding of the county or municipality and shall not, in the case of a municipality, be inconsistent with or impose a special or higher standard than any zoning ordinance or building, plumbing, electrical, or similar code or ordinance then in effect in the municipality.

4. The Council of the Borough of Metuchen hereby reserves the right to withdraw this offer to sell, or upon completion of the bidding, to accept or reject any or all bids for said property or to waive any informality in relation thereto.
5. The Council of the Borough of Metuchen shall by way of Resolution set forth the date and time of the public sale auction and set forth any terms and conditions of the sale of the Property which shall be included in the Notice of Sale and advertised accordingly.
6. Purchasers of the Property shall merge the properties conveyed as designated in (a) and (b) of Section 2 above, to create one tax lot.
7. The conveyance of title shall be by quitclaim deed, and the sale shall be subject to easements and restrictions of record, if any; such facts as an accurate survey and inspection of the premises may reveal municipal and all other governmental laws, ordinances and regulation. The Property shall be sold in its “as is” condition.
8. The Mayor and Borough Clerk are hereby authorized to execute a quitclaim deed on behalf of the Borough of Metuchen conveying the Property provided that the Borough Council formally accepts a bid and authorizes the sale of the Property by way of further Resolution.
9. The property will be sold subject to 2013 taxes, pro-rated from the date of delivery of the Deed.
10. The Purchaser of the Property shall be responsible for all costs incurred by the Borough of Metuchen associated with the sale and transfer of the aforementioned Property, including but not limited to the Borough’s Attorney’s fees and costs associated with the auction, sale and transfer of the aforementioned Property, the costs of publication of the within Ordinance, costs of the publication of the Notice of Sale and any other fees reasonably related to the transfer of the Property.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Metuchen that this Ordinance shall take effect upon final passage and publication as provided by law.

ROLL CALL VOTE:

AYES: Councilpersons Cammarano, Grayzel, Inserro, Rasmussen, Wallace, Council President Muldoon

NAYS: NONE

ABSTENTIONS: NONE

PUBLIC COMMENT

Mayor Vahalla opened the meeting to the public for comment.

Hearing no one wishing to comment Mayor Vahalla closed the public comment portion of the meeting.

ADJOURNMENT

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor the meeting was adjourned.