

BOROUGH OF METUCHEN
COUNCIL MINUTES –MAY 20, 2013

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, May 20, 2013. The Meeting was called to order at 7:30 p.m. by Mayor Vahalla. The Invocation given by Councilwoman Rasmussen was followed by the Pledge of Allegiance.

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, Inserro, 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.

Mayor Vahalla pulled item number 35 Ordinance O2013-8 from the agenda as well as item number 32 R2013-120.

Council President Muldoon requested that R2013-103 be pulled from New Business Consent Agenda for a separate vote.

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

PRESENTATION-COMPLETE STREETS

Mr. Charles Brown from the Voorhees Transportation Center gave a presentation on the benefits of a Complete Streets Policy to all traffic (i.e. public transportation users, bicyclists, motorists and people carrying freight) within the Borough.

Mayor Vahalla open the meeting for public comment on this presentation only.

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

APPROVAL OF MINUTES

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with an abstention from Councilwoman Inserro the Borough Council minutes dated November 5, November 19, December 3 and December 17, 2012 were approved.

PUBLIC COMMENT

Mayor Vahalla opened the meeting for public comment.

Elliot Garmin(20 Rose Street) thanked the Borough for the relocation of the Shade Tree that was placed at 83 Main Street and to increase the police presence for enforcement of the new stop sign placed on Rose Street.

Walter Zjawin(218 Main Street) discussed the role of the American Legion.
Mayor Vahalla thanked the American Legion for all they do for the Borough. The Mayor has vowed to continue to work with the American Legion to help relocate their building to a favorable location in order to continue the Pearl Street Lot Project.
Council President Muldoon reiterated the Mayor's sentiment and stated that the American Legion is being most cooperative in the venture to find the hall a new location.

Linda Koskoski(3 Goodwill Place) thanked the Mayor and Council for the Ordinance change done at the last meeting which allowed the local businesses to place table and chairs in front of their business.

Ernie Docs(59 Graham Ave) requested that the crosswalks in town be repainted as well as have more police enforcement of speeding infractions on Amboy Avenue and South Main Street.
Mayor Vahalla stated that the Borough is in the process of getting the County and State to repaint their respective crosswalks.

Marie Hayes(64 Essex Ave) discussed Ordinance No.2013-8.
Mayor Vahalla stated that the Ordinance in question was pulled from the agenda.

Sean Massey(93 Highland Ave) spoke in favor of a Complete Streets Policy.

Tom Rockafeller(36 Linden Ave) spoke in favor of a Complete Streets Policy

Tyreen Reuter(16 Durham Ave.) thanked the Council for increased police presence in front of Campbell School and asked that the Council consider placing public art at the Pearl Street Parking Lot project and at the Greenway.

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

ORDINANCES-PUBLIC HEARING

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2013-5 **AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO ADD AND AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES.**

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the affidavit be received and filed according to law.

Borough Clerk Harris read Ordinance 2013-5 by title only.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor said Ordinance 2013-5 was approved on second reading and published according to law.

Roll Call Vote:

Ayes: Councilpersons Cammarano, Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

Motion Carried.

ORDINANCE NO. 2013-5

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF METUCHEN, VARIOUS CHAPTERS, TO ADD AND AMEND CERTAIN APPLICATION, LICENSE AND PERMIT FEES.

BE IT ORDAINED by the Borough Council of the Borough of Metuchen, as follows:

Section 1. Section **87-20** of Chapter 87, **Fees, Article 11 – Recreation Program Fees**, of the Code of the Borough of Metuchen, is hereby amended to add/change the permit fees to read as follows:

§ 87-20 – Fees Established.

Recreational Programs

	<u>FROM</u>	<u>TO</u>
Lego Flix/Animation/Film Making Flix		\$150.00
Tennis Camp	\$85.00	\$90.00
Ponyshare		\$180.00-(1hr Session/5days)
Mad Science Camps		\$140-\$260 (half/full day)
Garden Tour		\$20.00-\$25.00
Water Colors/Cartooning		\$80.00
Junior Engineering/Elementary Engineering		\$140.00

Section 2.Effective Date

This ordinance shall become effective upon publication after final adoption.

Borough Clerk Harris presented the affidavit of publication regarding Ordinance 2013-6

AN ORDINANCE CREATING THE BOROUGH OF METUCHEN MUNICIPAL ALLIANCE-YOUTH ADVISORY BOARD

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the affidavit be received and filed according to law.

Borough Clerk Harris read Ordinance 2013-6 by title only.

Mayor Vahalla opened the meeting to public comment on said Ordinance only.

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

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor said Ordinance 2013-6 was approved on second reading and published according to law.

Roll Call Vote:

Ayes: Councilpersons Cammarano, Grayzel, Inserro, Rasmussen, Wallace and Council President Muldoon

Nays: None

Abstentions: None

Motion Carried.

PRESENTATION-BOROUGH PLANNER

Borough Planner Constantine discussed the elements of the proposed Ordinance number 02013-7
A discussion ensued regarding the proposed Ordinance.

COMMUNICATIONS CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Communications Consent Agenda, Item #'s 8 through 12 were approved.

8. Receive and Accept Zoning Board Minutes of October 11, 2012.
9. Receive and Approve Metuchen Little League Picnic On June 15, 2013.
10. Receive and Approve Block Party for Milton Street On June 15, 2013.
11. Receive and Accept Development Commission Minutes of April 3, 2013.
12. Receive and Approve Metuchen Reformed Church On June 9, 2013 For Church Picnic.

REPORT OF OFFICIALS

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the Chief Financial Officers Report of Award of Notes were approved.

COUNCIL REPORTS

Council President Muldoon stated that the Police Department received a Pedestrian Safety Grant which will allow overtime for enforcement of pedestrian safety.

HISTORIC PRESERVATION

Council President Muldoon stated that a informational meeting will be held on June 11th at Saint Luke's Church regarding Metuchen preserving their historical sites.

CHAMBER OF COMMERCE

Councilwoman Inzerro reminded residents that the Memorial Day Parade is this Sunday starting at the Pearl Street Lot as well as the fact that the Farmers Market will begin on June 15th.

ARTS

Councilman Grayzel stated that the Art in the Garden Tour will be held on Saturday June 8 from 10am to 4pm

POOL

Councilman Cammarano stated that the Pool Commission is still accepting applications for the upcoming season and that the Pool will be open this weekend.

LIBRARY

Councilman Cammarano stated that the renovations of the Childrens Library are continuing. Councilman Cammarano also stated that Metuchen Librarian, Melody Kokola will be retiring.

REPORT OF BOROUGH ATTORNEY

Borough Attorney Murphy had no report.

REPORT OF BOROUGH ADMINISTRATOR

Borough Administrator Boerth discussed the work the Public Works Department is doing at the Library.

Borough Administrator Boerth also stated that both pools will be ready for this weekends opening.

REPORT OF MAYOR

Mayor Vahalla stated that the Fire Department responded to 14 alarms, volunteered 120 hours at alarms and emergencies, 334 hours at drills trainings and meetings and cadets and advisors volunteered 59 hours.

Mayor Vahalla stated that both CK Plastics and Kindercare had fires at their locations this month.

Mayor Vahalla presented the Peter J. Barnes Community Champion award Metuchen received for its work on the Greenway. Mayor Vahalla requested that the award and resolutions be displayed in the Library.

Mayor Vahalla also stated that the Borough received a grant from the County in the amount of \$1,095,000 for our Town Center Green in conjunction with the Pearl Street Lot development.

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 18 through 21 and 23 through 31, encompassing resolutions R2013-106 through R2013-109 and R2013-111 through 119 were approved.

RESOLUTION NO. 2013-106

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 206 MASON DRIVE-MATTCO PLUMBING AND HEATING, LLC. #13-023

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mattco Plumbing and Heating as the required Performance Guarantees for Street Opening #13-023-206 MASON DRIVE; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, Mattco Plumbing, PO Box 288, Metuchen, NJ 08840, as recommended by the Director of Public Works.

Dated: May 20, 2013

RESOLUTION NO. 2013-107

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 20 NEW STREET-MATTCO PLUMBING AND HEATING, LLC. #13-017

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mattco Plumbing and Heating as the required Performance Guarantees for Street Opening #13-017-20 NEW STREET; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, PO Box 288, Metuchen, NJ 08840, as recommended by the Director of Public Works.

Dated: May 20, 2013

RESOLUTION NO. 2013-108

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 75 BEACON HILL-MATTCO PLUMBING AND HEATING, LLC. #13-018

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mattco Plumbing and Heating as the required Performance Guarantees for Street Opening #13-018-75 BEACON HILL DRIVE; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, PO Box 288, Metuchen, NJ 08840, as recommended by the Director of Public Works.

Dated: May 20, 2013

RESOLUTION NO. 2013-109

RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 206 HIGHLAND AVENUE-MATTCO PLUMBING AND HEATING, LLC. #13-023

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by Mattco Plumbing and Heating as the required Performance Guarantees for Street Opening #13-023-206 HIGHLAND AVENUE; and

WHEREAS, the Director of Public Works advises that said work has been completed in a manner satisfactory to his department; and

WHEREAS, the Director of Public Works advises it is in order to release the monies previously deposited,

NOW, THEREFORE, BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that the Chief Financial Officer be and is hereby authorized to release said funds in the amount of \$500.00 to, PO Box 288, Metuchen, NJ 08840, as recommended by the Director of Public Works.

Dated: May 20, 2013

RESOLUTION NO.2013-111
RESOLUTION AUTHORIZING REFUND OF SIDEWALK ESCROW FEE #13-006
JOSHUA DANZIGER – 43 BARNSTABLE STREET

WHEREAS, Joshua Danziger posted \$75.00 for the installation of curb in the sidewalk escrow fees account for 43 Barnstable Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Joshua Danziger,

NOW, THEREFORE, BE IT RESOLVED, that Joshua Danziger be refunded \$75.00 from the Sidewalk Inspection Escrow account.

Dated: May 20, 2013

RESOLUTION NO.2013-112
RESOLUTION AUTHORIZING REFUND OF SIDEWALK ESCROW FEE #13-007 –
DARYL LITTLE 212 W. CHESTNUT AVENUE

WHEREAS, Daryl Little posted \$112.00 for sidewalk escrow fees at 212 W. Chestnut Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Daryl Little,

NOW, THEREFORE, BE IT RESOLVED, that Daryl Little be refunded \$112.00 from the Sidewalk Inspection Escrow account.

Dated: May 20, 2013

RESOLUTION NO.2013-113
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-008
THOMAS WALKOCZY – 218 W. CHESTNUT AVENUE

WHEREAS, Thomas Walkoczy posted \$64.00 for sidewalk escrow fees at 218 W. Chestnut Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Thomas Walkoczy,

NOW, THEREFORE, BE IT RESOLVED, that Thomas Walkoczy be refunded \$64.00 from the Sidewalk Inspection Escrow account.

Dated: May 20, 2013

RESOLUTION NO.2013-114
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-009
JOHN WINTERS – 300 MIDLAND AVENUE

WHEREAS, John Winters posted \$112.00 for sidewalk escrow fees at 300 Midland Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to John Winters,

NOW, THEREFORE, BE IT RESOLVED, that John Winters be refunded \$112.00

from the Sidewalk Inspection Escrow account.
Dated: May 20, 2013

RESOLUTION NO.2013-115
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-010
JOHN WINTERS – 305 MIDLAND AVENUE

WHEREAS, John Winters posted \$64.00 for sidewalk escrow fees at 305 Midland Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to John Winters,

NOW, THEREFORE, BE IT RESOLVED, that John Winters be refunded \$64.00 from the Sidewalk Inspection Escrow account.

Dated: May 20, 2013

RESOLUTION NO.2013-116
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-011
ALL ABOUT BUILDINGS, LLC – 155 MAIN STREET

WHEREAS, All About Buildings, LLC posted \$96.00 for sidewalk escrow fees at 155 Main Street; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to All About Buildings, LLC,

NOW, THEREFORE, BE IT RESOLVED, that All About Buildings, LLC be refunded \$96.00 from the Sidewalk Inspection Escrow account.

Dated: May 20, 2013

RESOLUTION NO.2013-117
RESOLUTION REFUNDING SIDEWALK ESCROW FEE #13-012
MARGE DESANTIS – 309 W. CHESTNUT AVENUE

WHEREAS, Marge DeSantis posted \$64.00 for sidewalk escrow fees at 309 W. Chestnut Avenue; and

WHEREAS, the Planning Board Secretary has requested that the escrow fees be refunded to Marge DeSantis,

NOW, THEREFORE, BE IT RESOLVED, that Marge DeSantis be refunded \$64.00 from the Sidewalk Inspection Escrow account.

Dated: May 20, 2013

RESOLUTION NO. 2013-118
RESOLUTION AUTHORIZING CHANGE ORDER NO.1 AND FINAL FOR SANITARY
SEWER MANHOLE REPLACEMENT AND SEWER IMPROVEMENTS PROJECT-
ROCK SOLID

WHEREAS, the SANITARY SEWER MANHOLE REPLACEMENT AND SEWER IMPROVEMENTS PROJECT has been approved in a contract between the Mayor and Council and Rock Solid Construction, Inc.; and

WHEREAS, on April 23, 2013 Birdsall Services Group (Katherine Elliot) submitted a letter to the Borough approving Change Order #1 for a net decrease to the Borough of **\$2,000.00**; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen that the proper officials are hereby authorized to execute the said attached Change Order #1 and Final.

Dated: May 20, 2013

RESOLUTION NO.2013-119
RESOLUTION AUTHORIZING REFUND OF 2011 TAXES

WHEREAS, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Sarwin & Miran Chandi	37.1/8	51 Dolores Drive	\$1,515.35	Overpayment	2011/2 nd qtr
Sarwin & Miran Chandi	37.1/8	51 Dolores Drive	\$1,912.97	Overpayment	2011/3 rd 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 \$3,428.32.

Dated: May 20, 2013

ITEMS REMOVED FROM CONSENT AGENDA

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor the New Business Consent Agenda item number 22, resolution R2013-110 through R2013- was approved.

RESOLUTION NO. 2013-110
RESOLUTION AUTHORIZING APPOINTMENT OF TAX ASSESSOR

BE IT RESOLVED, by The Borough Council of the Borough of Metuchen that Anand P. Verma, be and is hereby appointed as the Tax Assessor for the Borough of Metuchen, to fill the unexpired term until June 30, 2013.

Dated: May 20, 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 **\$3,008,906.17** was approved.

ORDINANCE-INTRODUCTION

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2013-7 An Ordinance Amending the Land Development Ordinance 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 No. 2013-7 was passed on first reading, published according to law and a public hearing date set for June 17, 2013

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

Ordinance No. 2013-7

An Ordinance Amending the Land Development Ordinance of the Borough of Metuchen.

“STATEMENT OF PURPOSE: An Ordinance permitting Planned Unit Commercial Development in the D-1 zone, which will allow commercial and residential development to occur subject to revised height limitations on specified tracts fronting on Pearl and New Streets and proximate to the Train Station, in conjunction with the development of a Public Plaza and a parking structure”

BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen that the Land Development Code of the Borough of Metuchen be amended as follows:

SECTION 1. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows:

§110-80C - Permitted Conditional Uses

(5) Planned Unit Commercial Development, pursuant to Article 19 of this Chapter

§110-91F - Planned Unit Commercial Development (PUCD) in D-1 District

(1) Findings: In accordance with the New Jersey Municipal Land Use Law (MLUL), Section 40:55D-45, the following facts and conclusions shall be determined by the Planning Board before any PUCD is approved:

- (a) That the proposed development conforms to the standards set forth herein to the extent they apply, or to the regulations governing development in the D 1 zone generally. The Planning Board shall be guided by the standards set forth in N.J.S.A. 40:55D-65(c). The regulations set forth herein are departures from the regulations otherwise applicable to the subject property and other properties in the D 1 Zone.
- (b) That any proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space shall be adequate;
- (c) That provision through the physical design of any proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment shall be adequate;
- (d) That any proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;

- (e) In the case of any proposed development which contemplates construction over a period of years, the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development shall be adequate.
- (2) The following are the conditional use standards:
- (a) The minimum tract area shall be four acres, including any new street.
 - (b) The tract shall have frontage on New Street and Pearl Street.
 - (c) The tract shall be within 200 yards of the Metuchen Train Station building (northbound side).
 - (d) A common open space or public open space in the form of a Public Plaza shall be provided in the approximate location as shown on the Regulating Plan.
- (3) The following are permitted uses within any PUCD:
- (a) Permitted Principal Uses within a PUCD:
 - [1] Common open space or public open space in the form of a Public Plaza.
 - [2] Retail shops and stores.
 - [3] Business and Personal Service businesses.
 - [4] Hotels.
 - [5] Offices.
 - [6] Banks and other financial institutions, except drive-in banks.
 - [7] Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
 - [8] Apartments.
 - [9] Townhouses.
 - [10] Work-live units.
 - [11] Nursery schools and day-care centers.
 - [12] Dry cleaning establishment where no dry-cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.
 - [13] Parking structures.
 - [14] Borough-operated public facilities.
 - [15] Grocery stores with a gross floor area not exceeding 15,000 square feet.
 - (b) Permitted Accessory Uses within a PUCD:
 - [1] Driveways, parking lots, loading areas and multilevel parking facilities.
 - [2] Outdoor display and sales area associated with permitted retail shops and stores.
 - [3] Outdoor dining areas in cafes and restaurants, including those with appropriate licenses that serve alcoholic beverages outdoors.
 - [4] Plazas, courtyards, kiosks, outdoor art exhibit space, water features, permanent or temporary installations of public art, walkways and alleys and other similar type of public and semipublic open spaces.
 - [5] Trash enclosures, compactors and dumpsters.
 - [6] Walls, fences, hedges and other landscape elements.
 - [7] Utility boxes.
 - [8] Other uses deemed to be permitted accessory uses.

- (4) Prohibited Uses within a PUCD shall include:
- (a) Pharmacies and drug stores.
- (5) The following are design standards for any PUCD:
- (a) The minimum size of the required common open space or public open space in the form of a Public Plaza shall be 0.5 acre (21,780 square feet). For the purposes of this Section, the calculation for the area of the Public Plaza shall be based upon measuring the perimeter curb line of the block on which such is located. Public sidewalks may count toward the calculation of the area of the Public Plaza.
 - (b) Maximum building coverage for primary and accessory structures, including parking structures, shall not exceed 70% of the tract. For the purposes of this Section, the calculation of tract area shall include all Lots, the Public Plaza and any new streets.
 - (c) Buildings shall not contain a dwelling unit or hotel room in that portion of the ground floor fronting the Public Plaza. Common spaces within buildings, such as lobbies, may occupy that portion of the ground floor fronting upon New Street and/or the Public Plaza.
 - (d) Parking for non-residential uses shall be 1 space 1000 square feet of area, excluding storage areas. There shall be no customer parking requirement for all business uses, except for hotel uses which will be subject to 110-154. Parking for residential uses shall be subject to the Residential Site Improvement Standards NJAC 5:21. The Planning Board shall entertain reductions in the required number of both non-residential and residential parking spaces if the applicant can demonstrate through expert testimony and technical documents that the proposed application would so warrant, as a result of its mixed-use nature, parking demands of specific users, proximity to transit options, specific housing demographics, a parking management plan or other similar reasons.
 - (e) Business and service uses included within a Mixed-Use Neighborhood shall be designed to be integrated with and/or complement Main Street and other existing commercial areas within the B-1 and D-1 Districts. Integration of business and service uses shall be accomplished by proximity of location, site orientation, scale and massing along the streetscape, architectural style, color, materials and details, pedestrian circulation linkages, vehicular circulation and parking, lighting, landscaping and street furniture.
 - (f) Off-tract improvements may be required of the developer as part of an overall development integration plan, including but not limited to vehicular and pedestrian circulation elements and linkages and storm water management systems.
 - (g) Sidewalks and walkways that link all uses with one another and with business areas within the tract and with Main Street and other commercial areas shall be integrated into the development plan.
 - (h) In addition to the Public Plaza, open space areas may include courtyards, alleys, plazas, or similar type improvements. Such open spaces may be public, semi-public, or private if entirely enclosed within a building.

- (i) The Public Plaza, sidewalks, walkways and open space areas shall incorporate pedestrian amenities, such as gathering/sitting areas, benches, shade trees, landscaping, accent lighting and other street furniture.
- (j) Frontages along Lake Avenue, New Street, Pearl Street and the Public Plaza shall include Main Street style street lamps at intervals of spacing consistent with the existing street lamps on Main Street.
- (k) Buildings and parking structures shall be set back a minimum of 15 feet from the edge of curb of the existing or proposed street upon which such building fronts except on Pearl Street where buildings no taller than two stories may have a reduced set back of 10 feet. Buildings with a height of four stories or greater shall be set back 20 feet. Arcades supporting upper floor terraces and verandas shall be allowed to project within the setback up to 12 feet. Steps leading to a first floor, balconies, awnings and landscape planters shall be allowed to project within the right-of-way.
- (l) Buildings shall be located to front towards and relate to a public street, both functionally and visually. In locations where on-street parking does not exist, the entry to a use or building may be placed in a location other than facing the street at the discretion of the Planning Board.
- (m) Any surface parking lot shall be designed as a parking plaza. A parking plaza shall be spatially enclosed by buildings and designed with an emphasis on visual and functional pedestrian elements such as colored textured paving, pedestrian-scale lighting, shade trees, landscaping and rich streetscape treatments and details.
- (n) Building Height within a PUCD shall be generally located as shown in the Regulating Plan (refer to Planned Unit Commercial Development Regulating Plan, Subsection F(5)(r) hereof).
 - [1] Maximum height of principal buildings or structures shall be as follows:
 - [a] On Parcel A, maximum building height shall not exceed three stories and 35 feet.
 - [b] On Parcel B, maximum building height shall not exceed four stories and 50 feet.
 - [c] On Parcel C, maximum building height shall not exceed five stories and 65 feet. For the purposes of this section, the levels of a parking structure shall not count as stories and the height of any parking structure shall be governed by height in feet.
 - [2] For the purposes of this section, height shall be measured from finished grade.
 - [3] Building elements and appurtenances such as chimneys, spires, cupolas, belfries, towers or flagpoles, designed for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC systems, and roof access stairwells may exceed the height requirements by up to 25 feet.
- (o) The predominant building material for buildings facing New Street, the Public Plaza, and Lake Avenue shall be brick in traditional colors consistent and complementary with that found on Main Street.

- (p) Any building fronting the Public Plaza shall be designed using classical proportions with a consistent uniform façade treatment employing an articulated rhythm of bays and windows. These bays or sections shall be a minimum of 20 feet wide and a maximum of 36 feet wide. The ground floors of buildings shall have articulated entries and large storefront-type windows.
- (q) Buildings shall have a defined base, ground floor, belt course and cap which are designed to draw the eye of pedestrians to the lower portions of the buildings. Any building four (4) stories or taller and parking structures greater than forty (40) feet in height shall be designed using some combination of massing, scale, roof type, cornice, projections, recesses, materials, colors and other architectural treatments to minimize the visual impact of the height of such building.

(r) Regulating Plan.

SECTION 2. This ordinance shall become effective immediately upon publication following final adoption, pursuant to law.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2013-9 BOND ORDINANCE APPROPRIATING \$854,064 AND AUTHORIZING \$552,550 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY 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 No. 2013-9 was passed on first reading, published according to law and a public hearing date set for June 17, 2013

ROLL CALL VOTE:

AYES: Cammarano, Grayzel, Inzerro, Rasmussen, Wallace, and Council President Muldoon

NAYS: None

ABSTENTIONS: None

BOROUGH OF METUCHEN
BOND ORDINANCE #2013-9

**BOND ORDINANCE APPROPRIATING \$854,064 AND AUTHORIZING \$552,550
BONDS OR NOTES OF THE BOROUGH FOR VARIOUS
IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY
OF MIDDLESEX, NEW JERSEY**

BE IT ORDAINED BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Metuchen, New Jersey (the "Borough"). For the said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$854,064, said sum being inclusive of all appropriations heretofore made therefor and including (i) the sum of \$32,450 as the down payment for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the

Borough for down payment or for capital improvement purposes, (ii) a grant from the New Jersey Department of Transportation totaling the amount of \$275,000, and (iii) a Community Development Block Grant from Middlesex County in the amount of \$26,514 (items (ii) and (iii) are collectively referred to as the "Grant").

Section 2. For the financing of said improvements or purposes and to meet the part of said \$854,064 appropriation not provided for by application hereunder of said down payment and the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$552,550 pursuant to the Local Bond Law of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$552,550 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are: (i) the acquisition of fire apparatus with equipment; (ii) improvements to sewers; and (iii) overlay, drainage improvement and reconstruction of High Street and Cliffwood Place and curb/sidewalk repair, including all materials necessary for or incidental to each of the foregoing purposes and improvements.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$552,550.

(c) The estimated cost of said purposes is \$854,064 which represents the initial appropriation made by the Borough and includes the Grant. The excess of the appropriation of \$854,064 over the estimated maximum amount of bonds or notes to be issued therefor and the Grant is the amount of the down payment for said purposes.

Section 4. The following matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes, within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 11.02 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$552,550, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding \$80,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law are included as part of the estimated costs of said improvements.

Section 5. Any funds from time to time received by the Borough as grants in aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including the

Grant, shall be used for financing said improvements or purposes by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes that will be issued to finance the cost of the improvements described in Section 3 of this bond ordinance is \$552,550. If the Borough incurs any such costs prior to the issuance of its bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of such bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2013-10 BOND ORDINANCE FURTHER AMENDING BOND ORDINANCE 2007-3 FINALLY ADOPTED APRIL 16, 2007 BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A FURTHER CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE 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 No. 2013-10 was passed on first reading, published according to law and a public hearing date set for June 17, 2013

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The list of purposes contained in Section 3 of Bond Ordinance 2007-3 of the Borough of Metuchen, New Jersey (the "Borough"), finally adopted April 16, 2007, and entitled

"BOND ORDINANCE APPROPRIATING \$1,677,100 AND AUTHORIZING \$1,377,500 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" (the "Ordinance") is hereby further amended to include a new clause (xii) to read as follows: "(xii) pump station repairs."

Section 2. All other details of the Ordinance shall remain the same.

Section 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen with all in favor Ordinance No. 2013-11 BOND ORDINANCE AMENDING BOND ORDINANCE 2008-7 FINALLY ADOPTED APRIL 21, 2008 BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE 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 No. 2013-11 was passed on first reading, published according to law and a public hearing date set for June 17, 2013

ROLL CALL VOTE:

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

NAYS: None

ABSTENTIONS: None

ORDINANCE 2013-11

BOND ORDINANCE AMENDING BOND ORDINANCE 2008-7 FINALLY ADOPTED APRIL 21, 2008 BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The list of purposes contained in Section 3 of Bond Ordinance 2008-7 of the Borough of Metuchen, New Jersey (the "Borough"), finally adopted April 21, 2008, and entitled "BOND ORDINANCE APPROPRIATING \$1,312,500 AND AUTHORIZING \$1,014,125 BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS AND PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY" (the "Ordinance") is hereby amended to include a new clause (ix) to read as follows: "(ix) pump station repairs."

Section 2. All other details of the Ordinance shall remain the same.

Section 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

PUBLIC COMMENT

Mayor Vahalla opened the meeting to the public for comment.

Elliott Jarmin(20 Rose Street) requested that pedestrian crossing flags and a bucket be placed on both Essex and Rose Street.

Mayor Vahalla stated that it will be discussed with the Borough of Metuchen Police Department after to initial evaluation of the effectiveness of flags at other locations in Metuchen.

Nelson Lee(16 Bounty Street) questioned the vendors that would be placed in the new Pearl Street Lot Development.

Hearing no one else 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 at 9:18pm.

Respectfully Submitted:

Kathryn Harris
Municipal Clerk