

**MEETING MINUTES
BOROUGH OF METUCHEN
COUNCIL MINUTES
July 21, 2014
7:30 PM**

A Regular Meeting of the Borough Council was held in the Council Chambers of Borough Hall on Monday, July 21, 2014.

The Meeting was called to order at 7:34 p.m. by Mayor Vahalla and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. 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 is posted in the Borough Clerk's office.

The Invocation was given by Councilwoman Inserro and was followed by the Pledge of Allegiance.

Present were Councilmembers Wallace, Rasmussen, Inserro, Grayzel and Council President Muldoon. Also present is Mayor Vahalla, William E. Boerth, Borough Administrator, Denis Murphy, Borough Attorney and Borough Clerk Katie Cirulli. Councilman Cammarano was absent

Agenda Session

Council President Muldoon made a motion to open the Agenda Session, second by Councilwoman Rasmussen, with all in favor, the agenda session was opened.

Council President Muldoon thanked the many people who have expressed their condolences at the loss of his father.

Council President Muldoon asked that Ordinance 2014-12 be moved to follow the public hearing on Ordinance 2014-03. He would like to move the discussion on Tree Maintenance to follow after the public hearing on the two ordinances. A new revised agenda has been provided for each Councilmembers tonight for the removal of R2015-135 and R2015-136 from the Consent Agenda.

Denis Murphy replied that Resolutions R2014-135 and R2014-136 are still currently on the Agenda with a notation that they are being removed and will be placed on the August meeting. The Borough Engineer is still working on a report as to what the Fiber-Optic Light Tower project is.

Councilwoman Inserro stated that everyone received a copy of Main Street New Jersey Application for the Associate Level program and would like to briefly discuss it since the deadline is next week. She gave a brief description of what Main Street New Jersey means to the community. Councilwoman Rasmussen and Inserro will be working on the application process together with the Development Commission. Council President Muldoon stated that this is a competitive application and if the Borough does receive the award of Associate Level there can be more discussion at a later date with the Council.

Council President Muldoon moved to close the Agenda Session, seconded by Councilwoman Rasmussen, with all in favor, the agenda session was closed.

Scavenger Awards

Council President Muldoon asked the Historic Preservation Committee members to join him in presenting the winners of the Scavenger Hunt their awards. This is the fourth year that the HPC has done the Scavenger Hunt. He stated that over 80 participants were involved this year. He explained the requirements for the hunt. The winners were chosen from the pool of correct entries for each category. The winners are: Adult age group - John Paul Wallace; 11-18 year old age group - Ethan Kozo; 10 and under age group – Casey McNeil; and Family group – Josh, Kyle and Jake Blum.

Open To Public

Mayor Vahalla opened the meeting to the public for comment.

Angela Sielski, 68 Forrest St, Metuchen – is speaking for the group of mothers called “Strolling for Safer Streets”. She stated that the group is very pleased with the work that the Council and Police Department have been doing to make the streets safer. She presented a list of suggestions that the group would like to see addressed to make the streets safer for pedestrians.

Daniel Kurdyla is speaking on behalf of his son and daughter-in-law who live on Forrest Avenue where the zoning change is being considered from Residential to Light Industrial to address the local business at the end of their street.

Mayor Vahalla stated that there is going to be a public hearing on the zoning change and it would be beneficial if Mr. Kurdyla is willing to speak at that time to address his concerns. Mr. Kurdyla thanked the Council and agreed to speak at that time.

Jessica Weiss, 104 Rutgers St, Metuchen – Came to also add her support to safer streets for Metuchen. She gave a list of intersections that are very dangerous and do not have crossing guides during dismissal time from the schools.

Mayor Vahalla asked Ms. Weiss if she would leave the list with him and he would relay them to the Traffic and Transportation Committee but wanted to make sure that everyone understands that the study the Police are doing on speeds are currently only for Main St. and Central Ave.

Renee , Plainfield Ave, Metuchen – stated that there is currently no crosswalk where she resides and would like to see a crosswalk added at the intersection.

Mayor Vahalla stated that he will ask the Police to include Plainfield Ave. in the study. He stated that this is also a County Road.

Stephen Beun, 103 Durham Ave, Metuchen – addressed his concerns for development and plans for the Borough.

Justin Hopkins, Amboy Avenue, - spoke about the development and plans for the Borough.

Seeing no one else wishing to speak, Mayor Vahalla closed the public comment period.

Discussion – Ordinance 2014-13

Council President Muldoon stated that the draft Property Maintenance Ordinance is a result of a discussion between the Borough Council and residents of Christol St. about a property in the neighborhood. As a result of that discussion, the Council directed the Borough Attorney to look at the

current ordinance and code on property maintenance and drafted an updated ordinance which he is proposing to the Council for their consideration tonight.

Denis Murphy, Esq. explained what is being recommended the Council for consideration and informed the Council of the Borough's rights on taking action against properties that have fallen into disrepair. He explained that he took the current ordinance and incorporated it with changes to clarify the standards and requirements of imposing a lien on any Borough property that has become a safety issue to the public.

The Borough Council and Attorney continued to discuss the changes that have been suggested. Mr. Murphy explained that the draft ordinance gives the Borough two avenues to address property maintenance. Summonses will still be issued but if they are ignored then the Borough can start the process to certify that the property hasn't been abated. The Borough can move forward finding out the cost to abate the property and then at that point it would come before the Borough Council for authorizing to direct the action to be taken. Mr. Murphy is recommending, if it comes to having to go through the process, it would be best to solicit proposals from an outside vendor for insurance reasons, it makes it more difficult for someone to challenge a lien that the Borough has asserted; being able to say that the Borough received three quotes and the lien is based on the lowest proposal. Mr. Murphy stated that he believes that the draft ordinance gives the Borough more control on property maintenance. He pointed out that there will be a cost associated with the ordinance in hiring an outside vendor. The potential of any money outlaid by the Borough could be tied up until the property sells.

There is a concern that if the outside of a structure is well maintained and the inside isn't, the ordinance doesn't address that issue. Mr. Murphy explained that the Borough Ordinance for "Unfit and Unsafe Structure" would allow the Borough to have access to the structure but this ordinance is only dealing with property maintenance. Mr. Murphy was asked by the Council to take the draft ordinance and see if there is any way to strengthen this issue.

Mayor Vahalla asked the Councilmembers to review the draft again and if there is any other question or concern email Mr. Murphy with them. The Ordinance will be scheduled for introduction at the August 18, 2014 meeting.

Ordinance 2014-03 – Public Hearing

Council President Muldoon opened the public hearing on Ordinance 2014-03. He asked for affirmation of affidavit of publication.

Borough Clerk read the affidavit of publication.

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

Borough Clerk read Ordinance 2014-03 by title only.

Ordinance 2014-03	An Ordinance Amending the Land Development Ordinances of the Borough of Metuchen by Rezoning Certain Premises
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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.

Bill Moyle, 59 Forrest St, Metuchen – it is his understanding the Criterion is on two streets. The main concern is that there will be an increase of truck traffic traveling along the residential streets of Van Buren and Forrest.

Daniel Kurdyla, 6 Thomas Rd, Somerset, NJ– he is coming before the Council for his daughter and son-in-law who reside at 62 Forrest St, Metuchen. Their concern is the safety of the children and the increase of truck traffic. There is also a concern that the property value will decline and the narrow streets with parking.

Angela Sielski, 68 Forrest St, Metuchen – her main concern is the truck traffic on Forrest. There are signs already posted stating “No Truck Traffic Allowed”. She made a suggestion of having the trucks access the property from Liberty Street instead.

Lucyna Zemel, owns property at 64 Forrest St. and 95 Van Buren, Metuchen – her concern is for her tenants, the older people and children who reside on both streets. She is concerned that the value of the property will go down.

Kristina Distio, 62 Forrest St, Metuchen – her concern is the safety of playing outside and not having the large trucks see the children as they play outside and ride their bikes.

James Cotton, 37 Van Buren Ave, Metuchen – he stated that he can’t always cross the streets safely because there are trucks coming down the streets and it is unsafe.

Helen Girth, 37 Van Buren Ave, Metuchen – she stated that she fought to exempt trucks on Van Buren Ave. but they still use it. She also stated that on Van Buren alone there are many children and believes that there is about the same amount on Forrest St. She believes it will be a disaster to change the zoning for Forrest Ave. and asked the Council to give it a lot of thought before making the change.

Jong Shi, 77 Forrest St, Metuchen – He also has a great concern as the other residents as to the safety of the residents on both streets. He is concerned about the long term impact of a zoning change.

Daniel Cotton, 37 Van Buren Ave, Metuchen – He has the same concern as everyone else about the safety of the residents and children.

57 Forrest St, Metuchen – she stated that many children play on Forrest St currently and if trucks start using Forrest St. as an access to Criterion, one of the children may get seriously hurt or killed.

Paula Moyle, 59 Forrest Street, Metuchen – She questioned the rezoning of the property and what affects it would have on the residents along Forrest and Van Buren.

Mayor Vahalla stated that the rezoning would only move the line on the Criterion property to include all of the Criterion Buildings and would not affect any of the residential housing. It would not change the delivery access for the trucks off of Liberty.

Councilman Grayzel pointed out that it was his understanding that the zoning change was to take the one non-conforming structure on the property and incorporate it into the Light Industrial Zone so that it could continue as a conforming business. If there are any changes in the use of intensity of the traffic or business it would still have to go before the Planning Board and/or Zoning Board for approval. The issue tonight isn’t about the zoning as much as it is about the truck traffic. He asked if the ordinance can reflect that no trucks will be allowed to utilize Van Buren Ave or Forrest St. at any time for deliveries to the Criterion Property.

Mr. Murphy stated that as long as the roadways in question are Borough roads and there is an alternative for truck traffic to access a property than legislation can be put into place banning truck traffic from the roadways in question.

Christopher Crane, 46 Wallace Ave, Metuchen –owner of Criterion explained that in 1975 restrictions were put on Van Buren Ave, Forrest St and Aylin St to limit truck traffic. The exception was for the two properties that became landlocked with the erection of the barricades on Forrest St. He addressed the audience with the history of the property and explained what they are trying to do. They are not changing anything about the way they do business but just want to incorporate the entire property into one zone so he doesn't always do business as a approved non-conforming use.

Inna Cotton, 37 Van Buren Ave, Metuchen – she stated that even though Mr. Crane is not looking to sell the property now doesn't mean that he won't in the future and there is no guarantee as to what type of business would purchase in the future.

Mr. Crane stated that if the truck restrictions are extended he doesn't have a problem with that.

Councilwoman Inerro asked based on a memo from the Zoning Officer stating that he would be compelled to approve Plumbing, what other type of business could use the property under a Light Industrial zone?

Mr. Constantine responded that Mr. Crane can continue to use the building on Van Buren as an approved pre-existing non-conforming use. The current use is a base line for any future use of the property. The idea of incorporating the property into one zone is to permit the Borough to have greater control for site plan review if the use was to change.

Lucyna Zemel, 64 Forrest St, Metuchen – she asked if the use isn't going to change why change the zoning.

Bill Moyle, 59 Forrest St, Metuchen – stated that the size of the truck that Criterion uses is a big truck but he very rarely sees them and doesn't have an issue with the truck traffic. He likes the idea of the Council adding additional restriction in the Ordinance for truck traffic.

Mr. Crane added that if the Council is going to add additional restrictions, the size of the truck should be classified by weight as the Department of Transportation does. His suggestion is a gross weight of no more than 12,000 lbs.

Andrea Swiykowski, 74 Forrest St, Metuchen – she stated that having the discussion on truck weight has been helpful but she still has concerns with the safety of the residents along both streets.

Mr. Shi, 77 Forrest St, Metuchen – stated that it isn't only about the size of the truck but the frequency of the truck traffic. Right now the deliveries normally happen very early in the morning and that is ok but what will happen in the future if the business sells.

Councilman Grayzel asked in light of all the questions and concerns maybe it would be best to table the Ordinance to allow the Borough Attorney to explore the issue of a truck ban for Forrest St. and Van Buren Ave. and revisit the final approve to a later date.

Mr. Murphy explained that there are three options for the Council to take tonight. They can choose to pass the Ordinance as written; deny the passage or table it to a future meeting. If they decide to table his recommendations is to adjourn the public hearing to the next Council meeting and that would eliminate the need to re-notice the public hearing a second time. The Council could decide to hold a public discussion on

the Truck Traffic Ordinance and do a continuation in two meetings for both the current ordinance on the table and the Truck Traffic Ordinance.

Mayor Vahalla asked if there could be a time restriction of deliveries. Mr. Murphy isn't sure and will look into that but limiting the delivery times wouldn't be in a truck traffic Ordinance but it might be able to be put in a different ordinance.

Council President Muldoon feels it would be best to table the ordinance until a later date based on the discussion tonight. He wanted the Council to understand that even if they decide to table the ordinance they are still required to vote on whether to pass or reject this ordinance.

Mayor Vahalla would like to see a Truck Traffic Ordinance on the August agenda for introduction and both ordinances on for final passage on the September 2, 2014 meeting.

Mr. Crane stated that the weight of 4 tons for residential streets is the norm.

Council President Muldoon made a motion to adjourn the public hearing on Ordinance 2014-03 to September 2, 2014, second by Councilwoman Inserro, with all in favor; said Ordinance 2014-03 was adjourned to September 2, 2014.

Ordinances – Introduction

Council President asked the Borough Clerk to read the Ordinance by title only.

The Borough Clerk read Ordinance 2014-12 by title only.

Ordinance 2014-12

An Ordinance Amending the Land Development Ordinance of the Borough of Metuchen, Chapter 110 Section 110-4 Definitions; Section 110-77 B3 Office Business District, Section 110-78 B-4 Restricted Business District and Section 110-80 D-1 Downtown Development District; Section 110-87 Conditional Uses-Specific Conditions; Section 110-134.3 Downtown Gateway Overlay in the B-3 Office Business District, B-4 Restricted Business District and D-1 Downtown Development District.

Council President Muldoon made a motion that Ordinance 2014-12 was introduced and taken up on first reading, second by Councilwoman Rasmussen, with all in favor, Ordinance 2014-12 was introduced on first reading.

Councilman Wallace asked for a short recess.

The meeting resumed and the Borough Planner, Jim Constantine, gave a presentation explaining the need to update Chapter 110 of the Land Development Ordinance.

A discussion ensued between the Council and Mr. Constantine on the changes to the Ordinance for these districts.

Mayor Vahalla opened public comment to anyone who has a comment or question on Ordinance 2014-12.

Paula Moyle, 59 Forrest Street, Metuchen – stated that she thinks it looks beautiful but her main concern is still the traffic.

Bill Moyle, 59 Forrest Street, Metuchen –asked if the parking deck will have the same number of spaces as the parking lot that is being converted for the development.

Mayor Vahalla stated that the parking lot currently has 660 spaces and the parking deck will have roughly 750 spaces.

With no one else wishing to speak, Mayor Vahalla closed the public comments.

Mayor Vahalla asked for a roll call vote:

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
R									
CAMMARANO				X	MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	MULDOON			SECOND			RASMUSSEN		
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

Ordinance 2014-12 was introduced on first reading and is to be noticed as required by law, 5-0

ORDINANCE 2014-12

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF METUCHEN, CHAPTER 110, SECTION 110-77 B-3 OFFICE BUSINESS DISTRICT, SECTION 110-78 B-4 RESTRICTED BUSINESS DISTRICT AND SECTION 110-80 D-1 DOWNTOWN DEVELOPMENT DISTRICT; SECTION 110-87 CONDITIONAL USES – SPECIFIC CONDITIONS; SECTION 110-134.3. DOWNTOWN GATEWAY OVERLAY DISTRICT IN THE B-3 OFFICE BUSINESS DISTRICT, B-4 RESTRICTED BUSINESS DISTRICT AND D-1 DOWNTOWN DEVELOPMENT DISTRICT;

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 to **§ 110-77. B-3 Office Business District, § 110-78. B-4 Restricted Business District, § 110-80. D-1 Downtown Development District:**

ARTICLE 17

§ 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:

- C. (3) Downtown Gateway Overlay District, pursuant to 110-87AA.

§ 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:

- C. (8) Downtown Gateway Overlay District, pursuant to 110-87AA.

§ 110-80. D-1 Downtown Development District.

Principal, accessory and conditional uses shall be permitted and regulated in the D-1 Downtown Development District as follows:

- C. (6) Downtown Gateway Overlay District, pursuant to 110-87AA.

SECTION 2. Chapter 110 of the Code of the Borough of Metuchen is hereby amended to add § 110-87.AA Downtown Gateway Overlay District:

**ARTICLE 18
Conditional Uses**

§ 110-87.AA Downtown Gateway Overlay District

- (1) A Downtown Gateway Overlay District shall be a permitted conditional use. The permitted uses within a Downtown Gateway Overlay District shall be:
- a) Supermarket, not exceeding 50,000 square feet in gross floor area and which may include eating, drinking and an outdoor cafe on premises.
 - b) Retail shops and stores.
 - c) Service businesses.
 - d) Offices.
 - e) Banks and other financial institutions, including drive-in banks.
 - f) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
 - g) Apartments, only if located on the north side of Middlesex Avenue and not including any apartments located on the ground floor of a building fronting on Middlesex Avenue or Central Avenue.
 - h) Nursery schools and day-care centers.
 - i) 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.
 - j) Health clubs, gyms and spas.
 - k) Inns and hotels.
 - l) Social halls, clubs, lodges and places of public assembly.
 - m) Borough-operated public facilities.
- (2) Permitted Accessory Uses within a Downtown Gateway Overlay District shall include:
- a) Driveways, parking lots, loading areas and multilevel parking facilities.
 - b) Outdoor display and sales area associated with permitted retail shops and stores and supermarkets.
 - c) Outdoor cafes and restaurants, including those with appropriate licenses that serve alcoholic beverages outdoors.
 - d) 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.
 - e) Trash enclosures, compactors and dumpsters.
 - f) Walls, fences, hedges and other landscape elements.
 - g) Utility boxes.

- h) Other uses deemed to be permitted accessory uses.
- (3) Conditions: a Downtown Gateway Overlay District shall meet the following conditions:
- a) Minimum tract area shall be five (5) acres. For the purposes of calculating tract area, lots separated by street rights-of-way may be considered part of the same tract, including the area of the right-of-way separating such lots.
 - b) Minimum frontage on Middlesex Avenue: two hundred fifty (250) feet located along both sides of the street facing one another.
 - c) A supermarket shall be a required use.
 - d) If development of the tract is proposed in multiple phases, a phasing plan shall be provided. The phasing plan shall identify the portions of the tract proposed for preliminary and final site plan approval as well as any phases reserved for future development. The required supermarket use shall be developed in the first phase. A concept plan for the entire tract, depicting both proposed first phase development and illustrating one or more scenarios for potential future phases, shall be provided.

SECTION 3. Chapter 110 of the Code of the Borough of Metuchen is hereby amended as follows to § 110-134.3. Downtown Gateway Overlay District in the B-3 Office Business District, B-4 Restricted Business District and D-1 Downtown Development District.

ARTICLE 29.C

Downtown Gateway Overlay District - Design Standards 110-134.3 Downtown Gateway Overlay District in the B-3 Office Business District, B-4 Restricted Business District and D-1 Downtown Development District.

- (1) Maximum building coverage: seventy percent (70%) of the tract.
- (2) Maximum impervious coverage: ninety percent (90%) of the tract.
- (3) Business and service uses included within a Downtown Gateway Overlay District shall be designed to be integrated with and/or compliment other existing commercial areas within the B-3, B-4 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.
- (4) Height of principal buildings fronting on Middlesex Avenue, Lake Avenue and Central Avenue shall have a minimum height of twenty (20) feet for one (1) story buildings and a maximum height of three (3) stories and forty five (45) feet. Height of principal buildings or portions of such buildings set back a minimum of fifty (50) feet from the edge of curb of the above streets shall not exceed four (4) stories and fifty (50) feet in height. Any four (4) story building 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. For the purposes of this section, height shall be measured from finished grade.
- (5) Building elements and appurtenances such as cornices, chimneys, spires, cupolas, belfries, towers or flagpoles, designed exclusively for ornamental purposes, as well as functional elements such as elevator housing, roof-mounted HVAC systems, solar panels and roof access stairwells may exceed the height requirements by up to fifteen (15) feet.
- (6) Minimum front yard setbacks: five (5) feet, except along Central Avenue, where no minimum setback is required. Buildings shall be setback a minimum of fifteen (15) feet from the edge of curb of the street upon which such building fronts, except along Central Avenue and other internal streets, where the setback from the edge of curb shall be ten (10)

- feet. Steps leading to a first floor, balconies, awnings and landscape planters shall be allowed to project within the right-of-way.
- (7) Minimum side and rear yard setbacks: ten (10) feet for any residential use and five (5) feet for all other uses. Along a property line adjacent to a railroad right-of-way or utility-owned property, the minimum side or rear setback may be reduced to zero (0) feet.
 - (8) 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. All buildings facing Middlesex Avenue, Lake Avenue and Central Avenue shall be designed with facades that engage and activate the streetscape and shall not appear to turn the backside of the building to the street. Design techniques that may be used to engage and activate the street include multi-sided pavilion-style buildings, wrap-around storefronts, large display windows to create interest along walls, overhanging awnings and canopies, front entries visible from the street, outdoor display space and café dining terraces lining the streetscape.
 - (9) A supermarket may be permitted to have parking located between the building and the street. Buildings located in the interior of a site may be permitted to front upon parking lots. In such instances, the parking lot shall be designed to incorporate visual and functional pedestrian elements such as pedestrian-scale signage and lighting, shade trees and landscaping to soften the parking area, and more detailed streetscape treatments along the frontage of such buildings.
 - (10) The predominant building material for buildings facing Middlesex Avenue, Lake Avenue and Central Avenue shall be brick in traditional colors consistent and complimentary with those found on Main Street
 - (11) Pedestrian gathering spaces shall be provided consisting of walkways and special elements such as courtyards, outdoor cafes, plazas, or similar type improvements. Sidewalks and pedestrian gathering spaces shall incorporate pedestrian amenities, such as moveable seating and chairs, benches, bicycle racks, shade trees, landscaping, accent lighting and other street furniture.
 - (12) Frontages along Middlesex Avenue, Lake Avenue and Central Avenue shall include Main Street style street lamps at intervals of spacing consistent with the existing street lamps on Main Street.
 - (13) Free-standing monument signage shall be visually compatible with the design characteristics of a town center by taking the form of unique monuments or kiosk-style structures, while strictly avoiding typical highway pylon or shopping center directory sign boards.
 - (14) Off-tract improvements may be required of the developer as part of an overall development integration plan, including but not limited to vehicular, pedestrian and bicycle circulation improvements including channelization of travel lanes along Middlesex Avenue with landscaped medians and pedestrian shelter islands, textured crosswalks, wide sidewalks designed to accommodate safe pedestrian and bicycle linkage between the downtown and the Middlesex Greenway, street connections and other improvements identified in the Circulation Plan Element of the Master Plan or that advance the Borough's Complete Streets policy, and storm water management systems.
 - (15) Parking for non-residential uses shall 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 special reasons.

- (16) Drive-in banks shall comply with the following standards:
- a) A total of three (3) vehicle-stacking spaces shall be provided for each drive-in lane.
 - b) A by-pass lane shall be provided to allow vehicles to alternatively exit the drive-in stacking area without having to pass the drive-in facility or window.
 - c) All drive-in stacking lanes shall have adequate directional signage and striping to ensure safe and efficient operation of the facility.
 - d) Internal circulation shall be arranged such that stacked vehicles in drive-in lanes shall not interfere with general vehicular circulation or parking or pedestrian circulation on the site. Additionally, vehicles exiting from the parking lot shall not use any drive-in lane as a means of egress.
 - e) Principal buildings and pedestrian walkways shall have the primary visual orientation to the street or a parking plaza and drive-in facilities shall maintain a secondary visual orientation through location, setbacks, driveway, width and architectural design treatments.
 - f) Where possible, drive-in lanes shall exit onto side streets or parking lots in which case setbacks may be reduced if a secondary visual orientation is appropriately achieved for the drive-in facility.
 - g) The drive-in facility shall be on the same property as the primary bank use, with walk-in service and teller windows having not less than 1,500 square feet.
 - h) The applicant shall demonstrate by competent professional evidence that vehicular ingress and egress and internal traffic circulation shall be designed in accordance with engineering standards to be safe and that no unreasonably adverse impact on adjacent thoroughfares or intersections will result from development of the site as proposed.

SECTION 4. This ordinance shall become effective immediately upon publication following final adoption, pursuant to law.

Communications Consent Agenda

Council President Muldoon made a motion to receive and accept Items A through D, second by Councilwoman Rasmussen, with all in favor, the Communications Consent Agenda, Items A through D has been received and accepted.

- A. Receive and Accept Traffic and Transportation Committee Meeting Minutes of January 15, 2014, March 12, 2014, April 9, 2014 and May 14, 2014.
- B. Receive and Accept TV and Technology Committee Meeting Minutes of February 27, 2014, March 24, 2014, April 24, 2014 and May 22, 2014.
- C. Receive and Approve Block Party Request for Hazelwood Avenue on Saturday, August 23, 2014.
- D. Receive and Approve Block Party Request for Edith Avenue on Saturday August 23, 2014, Rain-Date Sunday August 24, 2014

Other Communications

Reports of Councilmembers

Council President Muldoon had no report at this time.

Councilman Wallace reported had no report at this time.

Councilwoman Rasmussen

- The Country Fair is set for October 11, 2014 with the theme being "Movies".
- The Farmers' Market is doing very well with many attending.
- The next Cruise Night is August 6th.
- The Environmental Commission applied for the Sustainable Jersey and has received feedback on their application

Councilwoman Inzerro

- Board of Health has postponed their meeting to September 17, 2014

Councilman Grayzel

- The Cable and Technology Committee is near the end of the negotiation process to renew the franchise with Cablevision. A report is being prepared and should be presented at the next Council meeting.
- Arts Council is in the middle of its summer season. Saturday, August 23rd at 8 PM the Under the Stars movie night for kids at Oakland Park featuring the Little Mermaid and The Goonies and the admission is free.
- On Saturday July 26 at 8 PM will be the School House Song Writer Series at the Franklin Corner School House Cultural Center featuring top singers/songwriters and admission is \$10.00. Tickets can be purchased through Nancy Goldberg or at the door that evening. The Summer Concert Series restarts on Thursday, August 14th and will run for three weeks starting at 7:30 PM at the Senior Center. Admission is free.

Reports of Officers

Denis Murphy, Borough Attorney, has no reports

Bill Boerth, Administrator, has no reports

Report of Mayor

Mayor Vahalla

- Mayor has been in contact with the County about the Traffic study by the Metuchen Police, which includes Central and Main Streets. The hope of the study is that the County will lower the speed to 25 mph on the streets requested. They are looking to get Plainfield Ave. put into the study.
- The Mayor and Council President Muldoon has met with the Chief of Police to discuss reinstating the hiring of a Traffic Officer. The Finance Committee will be looking at the budget to determine if there is money to hire and if so, Mayor will recommend hiring a Traffic Officer.
- The Safe Streets to School grant is in and the Borough is waiting to hear more information on that.
- The Planning Board is moving forward on adopting the Pearl Street application. This Thursday there is a special meeting to look at moving the American Legion to the proposed site of Wernik and Calvin Place.

Councilwoman Inserro

- On Tuesday, August 5th, is National Night Out and hopes that everyone will come out at 6 PM. The event will be held in the parking lot next door to Friendly's. There will be many activities for all to participate in.

Councilwoman Inserro asked if there is any update on the house on Christol Street since it had been discussed earlier in the meeting.

Denis Murphy stated that the Municipal Court proceeding is scheduled for July 30th.

New Business Consent Agenda

Council President Muldoon moved to approve the New Business Consent Agenda Resolutions R2014-132 through R2014-134 and R2014-137 through R2014-141, seconded by Councilwoman Rasmussen, with all in favor Resolutions R2014-132 through R2014-134 and R2014-137 through R2014-141 were approved.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
CAMMARANO				X	MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	MULDOON				SECOND		RASMUSSEN		
X – INDICATES VOTE			AB- ABSENT			NV- NOT VOTING			

Consent Agenda approved, 5-0

RESOLUTION 2014-132

**RESOLUTION AUTHORIZING RELEASES OF STREET OPENING BOND 112 LAKE AVENUE-
MATTCO PLUMBING AND HEATING, LLC. #14-027**

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 #14-027-112 Lake 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, Mattco Plumbing And Heating, LLC, 160 Liberty Street, Suite 3B, Metuchen, NJ 08840, as recommended by the Director of Public Works

RESOLUTION 2014-133

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND 59 HUXLEY ROAD -
MATTCO PLUMBING AND HEATING, LLC. #14-030**

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 #14-030-59 Huxley Road; 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 And Heating, LLC., PO Box 288, Metuchen, NJ 08840, as recommended by the Director of Public Works.

RESOLUTION 2014-134

**RESOLUTION AUTHORIZING RELEASE OF STREET OPENING BOND-6 JUNIPER STREET-
A-GENERAL SEWER AND DRAIN MIDDLESEX, INC. #13-033**

WHEREAS, in accordance with the Borough of Metuchen Ordinance, \$500.00 was posted by A-General Sewer and Drain Middlesex, Inc. as the required Performance Guarantees for Street Opening #13-033-6 JUNIPER 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, A-General Sewer and Drain Middlesex, Inc., PO Box 789, Old Bridge, NJ 08857, as recommended by the Director of Public Works.

RESOLUTION 2014-137

REFUND OF 2014 TAXES

WHEREAS, the following has made an overpayment of taxes,

Name	Block/Lot	Address	Amount		Year
Wells Fargo for White	45/4	12 Norcross Avenue	\$1,836.31	Overpayment by WF on behalf of former owner	2014/1 st qtr

NOW, THEREFORE, BE IT RESOLVED, that the above listed property owner or agent be refunded property taxes as described in the amount of \$1,836.31.

RESOLUTION 2014-138

RESOLUTION AFFIRMING METUCHEN AS A FAIR TRADE COMMUNITY

WHEREAS, the Borough of Metuchen is desirous of becoming a Fair Trade Community; and

WHEREAS, Fair Trade is an innovative market strategy that promotes fair labor practices and healthy, safe work environments through the production of food and other goods; and

WHEREAS, Fair Trade provides producers with fair prices that translate into livable wages; and

WHEREAS, production of Fair Trade goods is achieved through sustainable and ecologically friendly means, thus contributing to the future of a healthy planet for all; and

WHEREAS, as consumers, referring to individuals as well as private and public entities have a responsibility to be aware of the impact that our consumption has on the communities that produce the goods we purchase; and

WHEREAS, consumers have a voluntary choice to make such purchases of Fair Trade goods; and

WHEREAS, the Borough Council of the Borough of Metuchen recognize that supporting our local economy by purchasing locally and ethically produced goods and services is in keeping with the values of Fair Trade; and

WHEREAS, the Borough of Metuchen has the opportunity to lead by example and present a model of social responsibility for other towns and cities to follow;

NOW, THEREFORE, BE IT RESOLVED that when purchasing goods for the Borough, the Borough of Metuchen will consider procuring local and Fair Trade products when those products are available, meet applicable City standards, and are comparably priced to the alternative; and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Metuchen encourages the members of our community to do likewise; and

BE IT FURTHER RESOLVED, that the Borough Of Metuchen and visitors to the borough will gain a greater understanding of what is and what is not Fair Trade, in order to make educated decisions; and

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Metuchen supports Metuchen's initiative to become a Fair Trade Town.

RESOLUTION 2014-139

**RESOLUTION AUTHORIZING AMENDMENT TO RESOLUTION NO.2014-94-STATE
CONTRACT PURCHASE OF TIRES**

WHEREAS, there exists a need to purchase tires for the Borough of Metuchen , in the County of Middlesex, State of New Jersey; and

WHEREAS, this can be purchased through State Contract #A-82528 and; and

WHEREAS, the additional maximum amount of the purchase of tires for the Borough of Metuchen is \$12,300.00 for a total not to exceed \$29,800.00 and funds will be available in the 2014 budget as evidenced by the Chief Financial Officer's Certification of which \$29,800.00 is certified from the 2014 budget; and

WHEREAS, public bids are not required when the purchase is under a state contract in accordance with 40A:11-12 of the Local Public Contracts Law.

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 F&S Tire Corp., 58 Brunswick Avenue, Edison, NJ 08817.

RESOLUTION 2014-140

RESOLUTION AUTHORIZING EXTENSION OF SERGEANTS PROMOTIONAL LIST FROM AUGUST 2014 TO AUGUST 2015

WHEREAS, the Code of the Borough of Metuchen 37-35 provides for the establishment of an overall ranking list for the promotion from patrol officer to Sergeant; and

WHEREAS, such listing was established in August of 2012 and remained in effect until August 2014 for such purposes; and

WHEREAS, the Code of the Borough of Metuchen 37-35 also provides for the ability of the Borough Council to extend such list for purposes of promotion;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen that the overall ranking list established for the promotion of patrol officer to Sergeant is hereby extended and deemed effective for a period of one year from August 2014 until August 2015.

RESOLUTION 2014-141

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

<u>Cert #</u>	<u>Block/Lot</u>	<u>Address</u>	<u>Lienholder</u>
12-00012	195/12	4-6-8 Amboy Ave	MTAG ATCF II
12-00002	67/55	49 Smith Street	Pro-Capital II, LLC

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

Other New Business

Bill Resolution

On a motion by Council President Muldoon, second by Councilwoman Rasmussen, with all in favor, the Bill Resolution in the amount of **\$926,294.82** was approved.

Appointments

Mayor Vahalla appointed Joe Riderowski to the Development Commission. Council President Muldoon made a motion to appoint Joe Riderowski to the Development Commission, second by Councilwoman Rasmussen, with all in favor, the appointment is approved.

Ordinances – Introduction

Council President Muldoon moved Ordinance 2014-10 to introduced and be taken up on first reading, second by Councilwoman Rasmussen, with all in favor, Ordinance 2014-10 was taken up on first reading.

The Borough Clerk read the Ordinance by title only.

Ordinance 2014-10 Bond Ordinance Amending Bond Ordinance 2006-5 Finally Adopted March 20, 2006 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.

On a motion by Council President Muldoon, second by Councilwoman Rasmussen, Ordinance 2014-10 was passed on first reading and is to be published according to law and a public hearing date set for August 18, 2014.

Mayor Vahalla asked for a roll call vote.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
CAMMARANO				X	MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	MULDOON				SECOND		RASMUSSEN		
X – INDICATES VOTE			AB- ABSENT			NV- NOT VOTING			

Ordinance 2014-10 passed on first reading, 5-0.

ORDINANCE 2014-10

**BOND ORDINANCE AMENDING BOND ORDINANCE 2006-5
FINALLY ADOPTED MARCH 20, 2006 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 2006-5 of the Borough of Metuchen, New Jersey (the "Borough"), finally adopted March 20, 2006, and entitled "BOND ORDINANCE APPROPRIATING \$1,611,000 AND AUTHORIZING \$1,340,450 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 (x) to read as follows: "(x) the acquisition of digital radios."

Section 2. Section 4(b) of the Ordinance is hereby amended to read in its entirety as follows:

"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 12.05 years."

Section 3. Section 4(d) of the Ordinance is hereby amended to read in its entirety as follows:

"Amounts not exceeding \$25,700 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 4. All other details of the Ordinance shall remain the same.

Section 5. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Muldoon moved Ordinance 2014-11 be introduced and be taken up on first reading, second by Councilwoman Rasmussen, with all in favor, Ordinance 2014-11 was taken up on first reading.

The Borough Clerk read the Ordinance by title only.

Ordinance 2014-11	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.
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On a motion by Council President Muldoon, second by Councilwoman Rasmussen, Ordinance 2014-11 was passed on first reading and is to be published according to law and a public hearing date set for August 18, 2014.

Mayor Vahalla asked for a roll call vote.

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
CAMMARANO				X	MULDOON	X			
GRAYZEL	X				RASMUSSEN	X			
INSERRO	X				WALLACE	X			
MOTION	MULDOON			SECOND		RASMUSSEN			
X – INDICATES VOTE			AB- ABSENT		NV- NOT VOTING				

Ordinance 2014-11 passed on first reading, 5-0.

ORDINANCE 2014-11

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.

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 (xiii) to read as follows: "(xiii) the acquisition of a digital fingerprint system and digital radios."

Section 2. Section 4(b) of the Ordinance is hereby amended to read in its entirety as follows:

"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 12.32 years."

Section 3. All other details of the Ordinance shall remain the same.

Section 4. 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.

Borough Council Meeting
July 21, 2014

Seeing no one wishing to comment Mayor Vahalla closed the public comment.

Adjournment

On a motion by Council President Muldoon, seconded by Councilwoman Rasmussen, with all in favor, the meeting was adjourned at 10:42 PM.

Respectfully Submitted

Susan D. Jackson,
Metuchen Borough Clerk