

**ORDINANCE 2023-03**

*Borough of Metuchen  
County of Middlesex  
State of New Jersey*

**ORDINANCE OF THE BOROUGH OF METUCHEN ADOPTING A FURTHER  
AMENDMENT TO THE REDEVELOPMENT PLAN FOR BLOCK 71, LOT 37.01 &  
37.02 WITHIN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE  
OF NEW JERSEY**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”), Resolution #2015-147 of the Borough of Metuchen Council (the “Borough Council”), declared Block 71, Lot 37.01 within the Borough of Metuchen as a Non-Condensation “Area in Need of Redevelopment” (the “Redevelopment Area”); and

**WHEREAS**, the Borough Council, pursuant to Resolution #2020-50, designated the entire Borough of Metuchen, County of Middlesex (the “Borough” or “Rehabilitation Area”) an “Area in Need of Rehabilitation” pursuant to the LRHL; and

**WHEREAS**, in order to facilitate the redevelopment of the Redevelopment Area, the Council adopted Ordinance #2018-24 Adopting the “Redevelopment Plan for Block 71, Lot 37.01 Within The Borough Of Metuchen, County Of Middlesex, State Of New Jersey”, (“Original Redevelopment Plan”) after review by the Borough Planning Board (the “Planning Board”), pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, based upon the designation of the entirety of the Borough as a Rehabilitation Area and a desire to refine the permitted uses and standards of review within the Original Redevelopment Plan and to include Lot 37.02, Block 71 within the Amended Redevelopment Plan in order to appropriately effectuate the comprehensive rehabilitation and redevelopment of Lot 37.01 and 37.02 within Block 71, the Council adopted Ordinance #2021-15 adopting the “Amended Oakite Site Redevelopment Plan for Block 71, Lots 37.01 & 37.02”; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

**WHEREAS**, based upon the determination of the Borough Council to allow certain types of Cannabis facilities to be located within the Borough, consideration has been given to allowing one (1) Class 5 Retail Cannabis Operator to locate within the Oakite Site Redevelopment/Rehabilitation Area, specifically on Parcel A within Lot 37.01 only; and

**WHEREAS**, in order to facilitate the overall development, redevelopment, and rehabilitation of the Borough, the Borough Council has determined it is in the Borough’s best interest to adopt this amendment to Section 5.0 of the “Amended Oakite Site Redevelopment Plan Block 71, Lot 37.01 & 37.02” to allow for one (1) Class 5 Retail Cannabis Operator to be located

on Parcel A within Lot 37.01 only, which will support and promote the overall development, redevelopment, and rehabilitation of the Redevelopment and Rehabilitation Areas; and

**WHEREAS**, this Redevelopment Plan Amendment provides a more specific plan for the planning, development, redevelopment, and rehabilitation of Parcel A, within Block 71, Lot 37.01 within the Borough for purposes of improving conditions within the Redevelopment and Rehabilitation Areas; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Borough Council hereby referred this Ordinance #2023-03, which further amends the “Amended Oakite Site Redevelopment Plan, Block 71, Lots 37.01 & 37.02” to the Planning Board for review and a determination of the Amended Redevelopment Plan’s consistency with the Borough’s Master Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Planning Board recommended to the Borough Council that this Amendment to the Amended Oakite Site Redevelopment Plan, which is on file with the Borough Clerk’s office, be adopted, as it provides for improved planning, development, redevelopment, and rehabilitation of Parcel A within the overall Oakite Site and is consistent with the Borough Master Plan; and

**WHEREAS**, this Amendment to the Amended Oakite Site Redevelopment Plan shall be an overlay to the development regulations of the Borough’s Zoning Ordinance, to the extent set forth therein, and the Borough Zoning Map is hereby amended to conform with the provisions of this Amendment to the Amended Oakite Site Redevelopment Plan; and

**WHEREAS**, the Borough Council has determined that it is in the best interest of the Borough to adopt this Amendment to the Amended Oakite Site Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Borough.

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

**Section 1.** The following shall be added to:  
Section 5.0 Proposed Land Uses & Building Requirements

5.1A Permitted Conditional Uses

A. The following conditional use shall be permitted on Parcel A, only after it has been subdivided into a separate tax lot.

1. Class 5 Cannabis Retailer, provided that it complies with the requirements of Chapter 75, Article I, §75-5C of the Code of the Borough of Metuchen.

**Section 2.** The Borough Council declares and determines that said plan amendment meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the redevelopment of the Borough in the designated area and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

**Section 3.** The Borough Council shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Amended Oakite Site Redevelopment Plan.

**Section 4.** This Amendment to the Amended Oakite Site Redevelopment Plan shall be an overlay to the development regulations of the Borough’s Zoning Ordinance, to the extent set forth therein, and the Borough Zoning Map is hereby amended to conform with the provisions of this Amendment to the Amended Oakite Site Redevelopment Plan.

**Section 5.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 6.** In the event any clause, section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Borough Council that the balance of the Ordinance remains in full force and effect to the extent it allows the Borough to meet the goals of the Ordinance.

**Section 7.** This Ordinance shall take effect after final adoption and publication according to law.

Introduction: February 13, 2023  
 Date of Publication: February 16, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH	X				RASMUSSEN	X			
<b>MOTION</b>	<b>DELIA</b>			<b>SECOND</b>	<b>RASMUSSEN</b>				
X – INDICATES VOTE		AB – ABSENT			NV – NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on February 13, 2023.

  
 Deborah Zupan, RMC  
 Borough Clerk



Adopted: March 6, 2023  
 Date of Publication: March 9, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH	X				RASMUSSEN	X			
<b>MOTION</b>	<b>DELIA</b>			<b>SECOND</b>	<b>RASMUSSEN</b>				
X – INDICATES VOTE		AB – ABSENT			NV – NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on March 6, 2023.



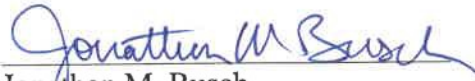
Deborah Zupan, RMC  
Borough Clerk

**ATTEST:**



Deborah Zupan, RMC  
Borough Clerk

**BOROUGH OF METUCHEN**



Jonathan M. Busch  
Mayor

