



GULTON TRACT REDEVELOPMENT PLAN

Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03,
17.01 & 17.02; Block 42, Lots 1-7; and, Block 66, Lots 1-3

Borough of Metuchen, Middlesex County, State of New Jersey

Endorsed by the Planning Board on _____, 2021

Adopted by the Borough Council by Ordinance 2021-## on _____, 2021

Prepared by LRK, Inc.

September 10, 2021 **DRAFT**

Gulton Tract Redevelopment Plan

Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03,
17.01 & 17.02; Block 42, Lot 1-7; and, Block 66, Lots 1-3

Borough of Metuchen, Middlesex County, State of New Jersey



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1.0 Introduction

1.1 Purpose

The Borough of Metuchen (the “Borough” or “Metuchen”) is 2.8 square miles (1,836 acres) in area, surrounded entirely by the Township of Edison, and is situated in Middlesex County in the eastern-central portion of the State of New Jersey. Metuchen is within 30 miles of New York City, has a passenger/commuter rail line station in the downtown area and is surrounded by established residential neighborhoods. As a built-up community, there is limited vacant land for development. Therefore, redevelopment opportunities play an important role in the Borough’s limited growth.

The purpose of the Gulton Tract Redevelopment Plan (the “Redevelopment Plan” or “Plan”) is to create a shared community vision and implementation plan for redevelopment for the area commonly referred to as the Gulton Tract. The Borough has requested that this Redevelopment Plan be created in order to advance decades of master planning efforts pertaining to legacy industrial uses at the Gulton Tract, including its environmental clean-up and remediation of contaminated brownfields and the restoration of natural ecology and wetlands, guide its future redevelopment with appropriate land uses, improve infrastructure within the surrounding area and provide a series of public benefits and improvements with the goal of creating public access to the Peter J. Barnes III Wildlife Preserve and to enable its transformation into a regional destination for both Metuchen and Middlesex County residents and visitors.

1.2 Overview

Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”), via Resolution No. 2015-226 adopted on September 8, 2015, the Borough Council designated Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02; Block 42, Lots 1-7; and, Block 66, Lots 1-3 (the “Gulton Tract”) as a “Non-Condemnation Redevelopment Area.”

Beginning in late 2019, the Mayor and Council of the Borough of Metuchen (the “Borough Council”) began a process regarding the determination as to the Borough’s qualification and designation as an “Area in Need of Rehabilitation.” The Borough Council, upon favorable recommendation from the Borough’s Planning Board, adopted Resolution 2020-50 on February 3, 2020, declaring the entire area within the Borough, including the Gulton Tract, as an “Area in Need of Rehabilitation”. The original “Redevelopment Plan for Rehabilitation in the Borough of Metuchen” was subsequently adopted by the Borough by Ordinance 2020-10 on May 26, 2020.

Over the past few years, the Borough has had active discussions regarding the environmental clean-up and remediation of contaminated brownfields and wetlands within the Gulton Tract and its future redevelopment and rehabilitation, including the creation of a southern gateway to the Peter J. Barnes III Wildlife Preserve, connectivity to the anticipated extension of the Middlesex Greenway and evaluation of flexible and sustainable redevelopment concepts for the portion of the Gulton Tract fronting Durham Avenue.

In order to stimulate private investment, to promote community interests, to prevent further deterioration and promote desirable redevelopment and rehabilitation within the Borough,

consistent with the goals and objectives of the Master Plan, the Borough seeks to redevelop and rehabilitate the Project Area in accordance with this Redevelopment Plan.

1.3 Description of Project Area

The project area (the “Project Area”) is comprised of Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7; and, Block 66, Lots 1-3 on the official Tax Map of the Borough of Metuchen. The Project Area consists of ±27.45 acres with ±13.42 acres containing developed or disturbed land and the remaining ±14.03 acres being predominately vacant land and wetlands within the Peter J. Barnes III Wildlife Preserve.

The Project Area is bounded to the south by Durham Avenue, the stub end of several local streets, the stub end of the “access road” (locally known as the “Opalanie Trail”), residential properties and the telecommunications tower property, to the northeast by the Lehigh Valley Railroad Line right-of-way (“future Middlesex Greenway Extension”), to the north by industrial properties fronting Liberty Street, and to the west by the Borough-owned wooded wetlands within the Peter J. Barnes III Wildlife Preserve.

The Project Area is zoned as LI - Light Industrial District and R-2 Residential District. Existing permitted uses in the LI Zone include offices, certified scientific, research or testing laboratories, non-retail wholesale distribution centers, light industrial plants, affordable senior housing, and Borough-operated public facilities. Existing permitted uses in the R-2 Zone include single-family detached dwellings and Borough-operated public facilities.

With the exception of Block 37, Lot 5.03, all of the lots are owned by Metuchen Realty Acquisition LLC, with Block 37, Lot 5.03 being owned by the Borough of Metuchen. Land within the Project Area was once owned and operated by Gulton Industries, which has long ceased operation. Over the years, several businesses have occupied various portions of multiple buildings throughout the industrial complex; with trucks, equipment and outdoor storage utilizing the large parking area in the rear, while the remainder of the Project Area has remained vacant and unimproved, with contaminated wetlands currently undergoing remediation.



Bird's eye view of the Project Area, looking northwest, outlined in yellow. Source: Google Maps; screen capture on September 9, 2021. The Project Area is generally bounded by Durham Avenue (bottom and to the left), the future Middlesex Greenway Extension (right) and Peter J. Barnes III Wildlife Preserve (top).



Gulton Tract Redevelopment Plan

Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02; Block 42; Lots 1-7; Block 66, Lots 1-3

Borough of Metuchen, Middlesex County, New Jersey

**Exhibit A
Aerial Map**



2.0 Redevelopment Statute

2.1 Purpose of the Redevelopment Statute

New Jersey's Local Redevelopment and Housing Law (the "LRHL") was designed by the Legislature to guide municipalities and local governments through the process of redevelopment and rehabilitation, finding at N.J.S.A. 40A:12A-2.a. that:

"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."

Generally speaking, the LRHL is a planning and financial tool that grants municipalities and local governments a number of redevelopment powers, including the ability to initiate a process that can transform underutilized or poorly designed properties with the principal goal of promoting the physical development that will be most conducive to the social and economic improvement of the State and its municipalities. The LRHL provides a detailed process for the municipality to follow in order to exercise its redevelopment powers.

According to the LRHL, before the municipality is authorized to exercise any of its redevelopment powers and before any redevelopment project is undertaken, a specified area must be designated a redevelopment and/or rehabilitation area by resolution, and a redevelopment plan must be prepared and adopted by ordinance. In order to utilize the power of eminent domain, the area must have been designated as a "Condemnation Redevelopment Area" or have been designated as a redevelopment area prior to the effective date of P.L. 2013, c.159.

A redevelopment plan must indicate, among other things, its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and indicate proposed land uses and building requirements in the designated redevelopment and/or rehabilitation area.

This redevelopment planning process has been used successfully throughout New Jersey to creatively improve properties which meet the statutory criteria into healthier, more vibrant and/or economically productive land uses.

2.2 The Redevelopment Process

In order to address conditions within the Borough and stimulate private investment, the Borough Council has determined that the appropriate course of action to prevent further underutilization and deterioration of the Project Area and to return it to a useful and productive state is to redevelop and rehabilitate the site in accordance with the LRHL as generally described above.

Following the designation of a specified area as a redevelopment and/or rehabilitation area, a redevelopment plan, or an amendment or revision to a redevelopment plan must be prepared and must generally adhere to the following procedures for adoption:

- A. Either the Borough Council can prepare a redevelopment plan or it can direct that the Planning Board prepare a redevelopment plan setting forth the goals, objectives, and specific actions to be taken with regard to the designated redevelopment and/or rehabilitation area in accordance with the criteria established under N.J.S.A. 40A:12A-7;
- B. If the Borough Council prepares the redevelopment plan, the Borough Council introduces the redevelopment plan via ordinance for first reading and adopts a resolution referring the proposed redevelopment plan to the Planning Board for review and recommendation to Borough Council per N.J.S.A. 40A:12A-7;
- C. In accordance with N.J.S.A. 40A:12A-7, the Planning Board, within 45 days after referral, reviews the proposed redevelopment plan and adopts a resolution containing a report and recommendations to Borough Council; and,
- D. The Borough Council holds a public hearing on the redevelopment plan ordinance and, taking into consideration the recommendations of the Planning Board, may then act on the Redevelopment Plan by passing the ordinance adopting the redevelopment plan and where the redevelopment plan supersedes the existing zoning ordinance, rather than constituting an overlay zoning, adopting an amendment to the zoning map.

In the case where the Borough Council has directed the Planning Board to prepare a redevelopment plan or amendment or revision to a redevelopment plan, the Borough Council is relieved of the referral requirements contained in this section. After the redevelopment plan is prepared, the Borough Council will introduce the redevelopment plan via ordinance for first reading and thereafter hold a public hearing on the redevelopment plan ordinance, in the same manner as adoption of other municipal ordinances. Again, where the redevelopment plan supersedes the existing zoning ordinance, rather than constituting an overlay zoning, the Borough Council will also adopt an amendment to the zoning map.

2.3 Designation of Project Area as a Redevelopment Area

2.3.a Summary of Redevelopment Investigation Findings

On June 1, 2015, the Borough Council passed Resolution No. 2015-131 authorizing the Planning Board to undertake a preliminary investigation (“Study”) to determine whether Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 and 17.02; Block 42, Lots 1-7; and, Block 66, Lots 1-3 (the “Study Area”) qualified as an “area in need of redevelopment” in accordance with N.J.S.A. 40A:12A-5. The Planning Board subsequently conducted a public hearing at which it reviewed a report (the “Study”) entitled “Area in Need of Redevelopment Investigation for the Gulton Tract” dated July 30, 2015. Following the duly noticed hearing, the Planning Board adopted a Resolution recommending the Borough Council designate the Study Area as an “area in need of redevelopment.” Based upon the Planning Board’s recommendation, the Borough Council adopted a resolution designating the Study Area as an “area in need of redevelopment.”

The Study concluded that the Study Area meets the criteria for redevelopment designation pursuant to subsection(s) “c” and “d” of N.J.S.A. 40A:12A-5.

2.3.b Criterion “C”

The Study concluded the Study Area meets the “C” criterion for the following reasons:

- A. Portions of the Study Area located north of the Dismal Brook (Block 37, Lots 5.05, 13, 14 and a portion of 15.01) as well as the two (2) parcels south of the Dismal Brook and west of the telecommunications tower containing wetlands (Block 37, Lots 5.22, 16.03 and 17.02) have remained unimproved vacant land for a period of ten years prior to the adoption of Resolution No. 2015-131.
- B. Portions of the Study Area located north of the Dismal Brook (Block 37, Lots 5.03, 5.05, 13, 14 and a portion of 15.01) has no accessible street frontage on public rights-of-way and, therefore, its landlocked location, is not likely to be developed through the instrumentality of private capital.
- C. The topography of the former rail spur owned by the Borough (Block 37, Lot 5.03), is such that it is raised approximately five (5) to eight (8) feet above surrounding grade, which represents an additional constraint for development on this parcel and abutting parcels as mentioned above, thus also making it not likely to be developed through the instrumentality of private capital.
- D. The nature of the soil in various portions of the Study Area is further constrained by wetlands and environmental contamination. This contamination and the costs associated with the long-term cleanup have been a significant challenge in the site being developed through the instrumentality of private capital.

2.3.c Criterion “D”

The Study concluded the Study Area meets the “D” criterion for the following reasons:

- A. Portions of the Study Area previously developed for industrial purposes (Block 37, Lots 6, 7.01, 7.02, a portion of 15.01, 15.12, 16.02 and 17.01, and Block 42, Lots 1-7) and the non-contiguous parking lot located across Durham Avenue (Block 66, Lots 1-3) contain buildings and improvements that are constrained by a combination of obsolescence, obsolete layout and excessive land coverage.
- B. The buildings were built incrementally over time, resulting in a dated industrial complex that was found to be obsolete in layout, affecting access, accessibility, and loading. The building frontage along Durham Avenue has minimal setback and yard area, which stands in contrast with surrounding residential neighborhood. The non-contiguous parking lot located across Durham Avenue (Block 66, Lots 1-3) is almost entirely paved without screening or landscaping on a highly visible corner lot within the surrounding residential neighborhood. These conditions were found to be detrimental to the welfare of the surrounding residential neighbors and, therefore, the entire community.
- C. The land coverage was found to be excessive, and extended into the wetlands transition area, wetlands themselves as well as the riparian zone along the Dismal Brook, creating an environmental condition that is detrimental to the ecological health of the surrounding

area and, therefore, the health and welfare of the community.

2.3.d Non-Condemnation

Pursuant to N.J.S.A. 40A:12A-6b, the Borough Council's Resolution No. 2015-131 authorized the Study to establish the Study Area as a "Non-Condemnation Redevelopment Area" and the Borough Council's resolution is consistent with that determination.

2.4 Designation of Project Area as a Rehabilitation Area

In consideration of ongoing planning activities for other site-specific projects, the Borough began to proactively explore additional tools to help prevent further deterioration and promote desirable rehabilitation and redevelopment within the entire municipality.

On November 12, 2019, the Borough Council adopted Resolution 2019-287, referring a proposed "Rehabilitation Area Designation" for the entire Borough to the Planning Board for its statutory review pursuant to N.J.S.A. 40A:12A-14(a).

The Planning Board, at its meeting on December 5, 2019, reviewed and considered the proposed designation and, through its adopted resolution, determined that the entire area of the municipality satisfies one of the criteria set forth in N.J.S.A. 40A:12A-14(a), specifically that a majority of the water and sewer infrastructure in the entire area of the municipality is at least 50 years old and is in need of repair or substantial maintenance, and a program of rehabilitation, as defined in N.J.S.A. 40A:12A-3, may be expected to prevent further deterioration and promote the overall development of the community. As such, the Planning Board recommended that the Borough Council adopt the resolution designating the entire area of the municipality as an "Area in Need of Rehabilitation".

On February 3, 2020, the Borough Council adopted Resolution 2020-50, formally designating the entirety of the Borough an "Area in Need of Rehabilitation" pursuant to N.J.S.A. 40A:12A-14.

2.5 Original Borough-wide Redevelopment Plan

The Borough then began the preparation of the original Borough-wide redevelopment plan. On April 27, 2020, the Borough Council introduced Ordinance 2020-10 and further authorized the Planning Board to review the redevelopment plan.

The Planning Board, at its meeting on May 7, 2020, reviewed and considered the redevelopment plan, determined that the redevelopment plan was consistent with the Master Plan, and provided a report such findings to the Borough Council pursuant to N.J.S.A. 40A:12A-7(e).

On May 26, 2020, the Borough Council adopted Ordinance 2020-10, formally adopting the original "Redevelopment Plan for Rehabilitation in the Borough of Metuchen" which applied to the entire municipality.

While the redevelopment plan did not authorize a specific project, it provided a mechanism to streamline redevelopment planning and activities and incorporated by reference the underlying

zoning and already adopted site-specific redevelopment plans currently in effect throughout the Borough.

2.6 This Redevelopment Plan

As discussed in the introduction, the Borough seeks to promote the overall redevelopment and rehabilitation of the Project Area, consistent with the goals and objectives of the Master Plan.

The Borough seeks to advance environmental clean-up and remediation of contaminated brownfields and wetlands and to promote redevelopment and rehabilitation of the Project Area that accommodates the planned southern gateway concept, by providing public access, public parking, trails, and various amenities related to, the Peter J. Barnes III Wildlife Preserve, and to coordinate the anticipated extension of and connectivity to the future Middlesex Greenway Extension. The Borough also seeks to provide opportunities for appropriate and sustainable redevelopment concepts for the remainder of the Project Area along Durham Avenue.

In order to facilitate the redevelopment and rehabilitation of the entire Gulton Tract as envisioned by the Borough, consistent with the goals and objectives of the Master Plan, a redevelopment plan is hereby created, applicable to Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02; Block 42, Lots 1-7; and, Block 66, Lots 1-3, entitled “Gulton Tract Redevelopment Plan” (the “Redevelopment Plan” or “Plan”).

3.0 Statutory Requirements of a Redevelopment Plan

Pursuant to the LRHL, a redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the designated area or portion thereof, including the proposed land uses and building requirements for the area. Specifically, N.J.S.A. 40A:12A-7(a) requires the following provisions:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment or rehabilitation area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to:
 - a. the master plans of contiguous municipalities;
 - b. the master plan of the county in which the municipality is located; and,
 - c. the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close

proximity to the rehabilitation area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

4.0 Statement of Goals & Objectives

The Borough seeks to alleviate the conditions found in the Project Area and support use of property in the area which will better serve the public health, safety and welfare of the community and the region. To achieve this overall goal, the following goals and objectives have been established:

- A. The primary goal of this Redevelopment Plan is to eliminate those conditions that cause the Project Area to be considered an “area in need of redevelopment” and “area in need of rehabilitation.”
- B. The stimulation of private investment in the Project Area by assembling sites and assisting as necessary and appropriate to support such rehabilitation.
- C. The making available of the full range of benefits and inducements for the Project Area, including, federal, state, county and local government funding.
- D. Foster public-private partnerships to accomplish revitalization of the Project Area in a manner that best serves the needs of the community, strengthens the local economy, attracts residents to the area, and contributes to the continuing vitality of the Borough.

This Redevelopment Plan is also intended to advance the following specific goals and objectives:

- A. Guide the transformation of environmentally contaminated industrial brownfields and wetlands into public green space, leveraging redevelopment to pay for costly environmental clean-ups, and channeling reinvestment to create public amenities that benefit the entire community.
- B. Leverage redevelopment within the Project Area to assist the Borough and County to advance the planned Southern Gateway to the Peter J. Barnes III Wildlife Preserve, including providing for public access, public parking, opportunities for passive and active recreation, and access to the future Middlesex Greenway Extension and regional park system.
- C. Create connections between the Project Area and the various recreational facilities in proximity to the Project Area, including the planned Southern Gateway to the Peter J. Barnes III Wildlife Preserve, future Middlesex Greenway Extension, Opananie Trail, and Vidas Park.
- D. Improve roadway and frontage conditions along Durham Avenue in relation to adjacent residential neighborhoods, and, address truck traffic and parking issues associated with industrial uses. The Borough’s objective is to include context-sensitive streetscape improvements, pedestrian connectivity and other potential traffic calming measures for the area along Durham Avenue to create a unified design and comprehensive traffic management and calming strategy for the Northwest Quadrant of the Borough.
- E. Provide opportunities for redevelopment of the Project Area and design land uses that will take advantage of its unique location in front of the Peter J. Barnes III Wildlife Preserve and along the future Middlesex Greenway Extension.

- F. Provide the types of development that support housing and access to neighborhood amenities as well as active and passive recreational facilities.
- G. Mitigate long-standing issues associated with and improve existing stormwater infrastructure, including the stormwater pipe within the adjacent future Middlesex Greenway Extension, and, to the extent practical, utilize stormwater best management practices, including green infrastructure and other sustainable design elements, within the Project Area.

5.0 Proposed Land Uses & Building Requirements

Any development that occurs within the Project Area shall comply with all statutes of the State of New Jersey governing development and redevelopment, including but not limited to N.J.S.A. 40:55D-1 et seq. and 40A:12A-1 et seq. Additionally, it is necessary to establish the following:

- A. The development, redevelopment, or rehabilitation of the Project Area shall effectuate the Goals and Objectives of the Redevelopment Plan.
- B. The zoning standards as set forth in this Redevelopment Plan shall supersede the underlying zoning within the Project Area for use and bulk standards as provided for in the LRHL at N.J.S.A. 40A:12A-7c.
- C. It is intended and expressly understood that any design, development or performance standards, or building requirements not specifically addressed in this Redevelopment Plan, shall continue to apply as set forth in the Borough's Zoning and Land Development Ordinance (the "Ordinance") and all other codes and regulations of the Borough of Metuchen not contravened in this Redevelopment Plan.
- D. Unless otherwise provided herein, all words and phrases used herein shall have the same definitions provided in the Ordinance.

This Redevelopment Plan addresses multiple areas within the overall Project Area, each exhibiting differences in planned intensity and nature of development. As such, the Project Area is divided into the following areas (see Exhibit B):

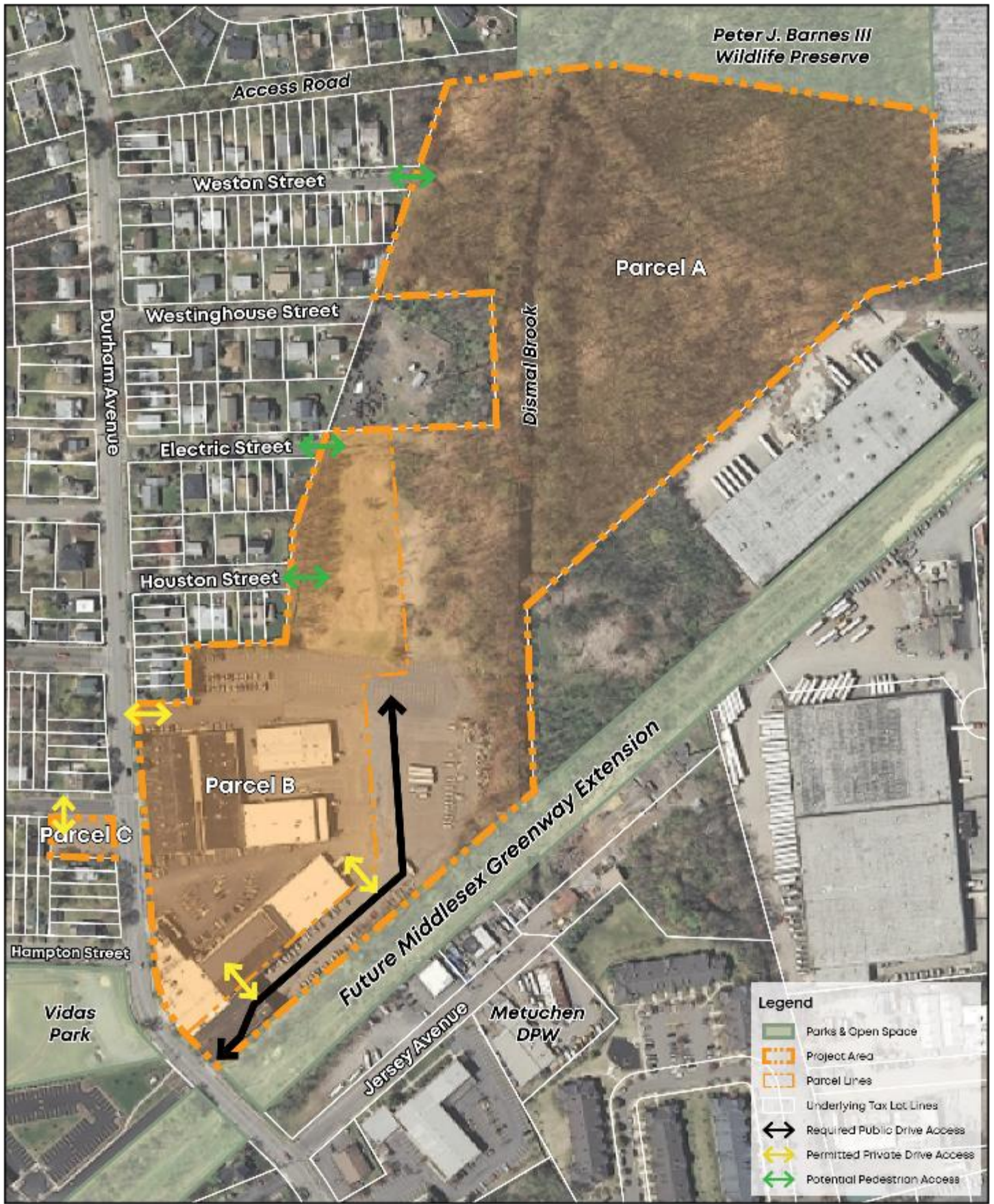
Parcel A: Wetlands and undevelopable portion of the Project Area within Block 37 comprising of approximately 15.2 acres and part of the developable portion of the Project Area within Block 37 comprising of approximately 4.2 acres, pertaining to the planned expansion of and public access to the Peter J. Barnes III Wildlife Preserve;

Parcel B: Part of the developable portion of the Project Area within Block 37, Block 42, Lots 1-7, and the Gulton Street public right-of-way, comprising of approximately 8.0 acres pertaining to a range of permitted redevelopment options and associated site improvements; and,

Parcel C: Block 66, Lots 1-3, pertaining to planned residential development intended to be compatible to the surrounding residential neighborhood.

Additionally, the regulations as prescribed herein shall generally apply to the boundaries of the above-defined Parcels as generally shown on Exhibit B but in the event there is any discrepancy between the boundaries of the Parcels as depicted on Exhibit B and individual lots that may be created as a result of a subdivision, the subdivision shall control so long as the subdivision does not substantially deviate from the general boundaries depicted in Exhibit B and such subdivision plan is approved by the Redevelopment Entity prior to being filed with the Planning Board.

Redevelopment within the Project Area, particularly public access to and public parking for the Peter J. Barnes III Wildlife Preserve, should generally be designed as illustrated in the concept plan as depicted in Exhibit C.



Gulton Tract Redevelopment Plan

Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02; Block 42; Lots 1-7; Block 66, Lots 1-3

Borough of Metuchen, Middlesex County, New Jersey

**Exhibit B
Project Area Map**





Gulton Tract Redevelopment Plan

Block 37, Lots 5.03, 5.05, 5.12, 5.22, 6, 7.01, 7.02, 13, 14, 15.01, 16.02, 16.03, 17.01 & 17.02; Block 42; Lots 1-7; Block 66, Lots 1-3

Borough of Metuchen, Middlesex County, New Jersey

**Exhibit C
Concept Plan**



5.1 Permitted Principal Uses

The regulations pertaining to land use standards contained herein shall apply to all development in the Project Area.

- A. The following principal uses shall be permitted on Parcel A:
 - 1. Public open space.
 - 2. Borough- and/or County-operated public facilities.
- B. The following principal uses shall be permitted on Parcel B:
 - 1. Residential uses, consisting of any one or combination of the following uses:
 - a. Multi-family apartments.
 - b. Age-restricted housing, senior housing, independent, assisted living and nursing and convalescent homes offering memory loss care and other types of care.
 - c. Live/work units, provided that such units are located on the ground floor fronting on Durham Avenue or on the access drive adjacent to the future Middlesex Greenway Extension.
 - 2. Non-residential uses, consisting of any one or combination of the following uses:
 - a. Eating and drinking establishments, except fast food restaurants, drive-through restaurants and drive-in restaurants.
 - b. Brew pub, distillery and winery, including retail sales or merchandise produced on the premises or ancillary goods related to the retailer (i.e., logo goods), purveyors of organic products, when included with the manufacture and sale on and off-site of organic alcohol beverages (i.e., organic microbrewery, micro distillery or winery, and liquor store).
 - c. Specialty retail selling bicycles, canoes, kayaks, sporting goods, outdoor fitness or athletic equipment and apparel.
 - d. Specialty retail consisting of art galleries, shops selling hand-made crafts, and similar type uses selling arts, crafts or other similar merchandise that is not mass-produced.
 - e. Artist and crafts-person studios, including the direct sale to the public of arts, crafts or other merchandise produced on the premises.
 - f. Artisanal manufacturing, fabrication and/or sale of products such as apparel, jewelry, baked goods, food, beverages, furniture, housewares, ceramics, pottery, glassware, paper goods, toys, and similar products.
 - g. Indoor entertainment and recreational sports facilities.
 - h. Health & wellness campus facilities, including medical, dental, health care,

veterinary health care offices, outpatient or ambulatory care, surgery centers, urgent-care centers, rehabilitation facilities, health clubs, physical fitness studios, and similar uses.

- i. Nursery schools and day-care centers.
- j. Borough-operated facilities, including public community meeting space.

C. The following principal uses shall be permitted on Parcel C:

- 1. Single-family detached dwelling unit.
- 2. Two-family detached dwelling unit.
- 3. In accordance with N.J.S.A. 40:55D-66, group homes.
- 4. In accordance with N.J.S.A. 40:55D-66.1, community residences for persons with developmental disabilities, community shelters for victims of domestic violence, community residences for persons with terminal illnesses, community residences for persons with head injuries, and adult family care homes for persons who are elderly and adults with physical disabilities.

5.2 Permitted Accessory Uses and Structures

A. Any of the following accessory uses and structures are permitted individually, or in combination with any other permitted use on Parcels A & B:

- 1. Access drives, on-street parking, off-street parking lots, structured parking facilities, private garages and loading areas.
- 2. Electric vehicle (EV) charging infrastructure, including but not limited to electric vehicle supply equipment (EVSE) and Make-Ready parking space, as those terms are defined in P.L. 2021, c.171.
- 3. Pedestrian walkways, hiking trails, boardwalks, footbridges, lookout towers, nature interpretive signage and environmental education kiosks.
- 4. Common open space, social and recreational facilities, plazas, courtyards, kiosks, gazebos, picnic shelters, picnic tables and other outdoor furniture, gardens and landscaped areas, dog parks, outdoor art exhibit spaces, water features, permanent or temporary installations of public art, walkways and alleys and other similar types of public and semi-public open spaces.
- 5. Outdoor display and sales areas associated with permitted specialty retail stores and live/work units.
- 6. Outdoor dining structures, dining areas and cafes associated with permitted eating and drinking establishments and brew pub, distillery and winery.
- 7. Signs, pursuant to Article 48 of the Ordinance.
- 8. Storm water management structures and facilities.

9. Trash enclosures, compactors and dumpsters.
 10. Utility boxes.
 11. Walls, retaining walls, fences, hedges and other landscape elements.
 12. Other uses deemed to be permitted accessory uses and structures pursuant to the Ordinance with respect to uses permitted hereunder.
- B. Any of the following accessory uses and structures are permitted individually, or in combination with any other permitted use on Parcel C:
1. Driveways, parking lots, carports containing not more than two (2) motor vehicles and garages containing not more than three (3) motor vehicles.
 2. Electric vehicle charging infrastructure, including but not limited to electric vehicle supply equipment and Make-Ready parking space, as those terms are defined in P.L. 2021, c.171.
 3. Storage and maintenance sheds.
 4. Gardens and landscaped areas, including fountains, ponds and other water features.
 5. Greenhouses and other structures used for horticultural purposes.
 6. Patios, freestanding decks, gazebos, cabanas and other recreational or ornamental buildings or structures.
 7. Swimming pools and sport courts, pursuant to §110-112.6 of the Ordinance.
 8. In accordance with N.J.S.A. 40:55D-66.5b, family day care homes.
 9. Other uses deemed to be permitted accessory uses and structures pursuant to the Ordinance with respect to uses permitted hereunder.

5.3 Prohibited Uses

All uses prohibited in §110-93 of the Ordinance which are not permitted pursuant to Sections 5.1 and 5.2 above shall also be prohibited under this Redevelopment Plan. Any use not specifically permitted above is also prohibited under this Redevelopment Plan.

5.4 Area and Bulk Standards

The regulations pertaining to area, density, setback, coverage, and height standards contained herein shall apply to all development in Project Area.

- A. The following area and bulk standards shall apply to Parcel A:

Area Requirements

1. Minimum Lot Area: 19.4 acres
2. Minimum Lot Width: 50 feet as measured along Durham Avenue; 70 feet as

measured a maximum distance of 100 feet from Durham Avenue

B. The following area and bulk standards shall apply to Parcel B:

Area Requirements

1. Minimum Lot Area: 4.0 acres
2. Maximum Lot Area: 8.0 acres

Density & Floor Area Requirements

3. Maximum Residential Density: 20 units per acre
4. Maximum Floor Area Ratio*: 0.50

*Floor Area Ratio is defined in Section 5.4.E below

Building Setbacks

5. Minimum front yard setback from Durham Avenue: 35 feet for not greater than 25% of the permitted building envelope along east-west segment of Durham Avenue; 40 feet for the remainder of the permitted building envelope along east-west segment of Durham Avenue; 100 feet from the northeast-southwest segment of Durham Avenue
6. Minimum yard setback from Block 42, Lots 8-11: 70 feet
7. Minimum yard setback from all other lots within Blocks 40-42: 170 feet
8. Minimum setbacks from Parcel A: 15 feet as measured along the northeastern parcel line; 70 feet as measured along all other parcel lines

Permitted Projections

9. In addition to permitted projections contained in Section 5.4.D below, roofed porches, porte cocheres, entry enclosures and canopies may project up to eight (8) feet into any yard setback

Coverage Requirements

10. Maximum Building Coverage: 35%
11. Maximum Impervious Coverage: 75%

Height** Requirements

12. Maximum Building Height in Stories: three (3) stories
13. Maximum Building Height in Feet: 40 feet

**Height is defined in Section 5.4.F below

Accessory Building Setbacks

14. Location: Shall not be located in the front yard area
15. Minimum yard setbacks from all parcel lines: 10 feet

Accessory Building Height** Requirements

16. Maximum Building Height in Feet: 15 feet

*Height is defined in Section 5.4.F below

C. The following area and bulk standards shall apply to Parcel C:

Area Requirements

1. Minimum Lot Area: 7,500 square feet

Building Setbacks

2. Minimum front yard setback from Durham Avenue: 25 feet
3. Minimum front yard setback from Smith Street: 15 feet
4. Minimum yard setback from lot line opposite Smith Street: 8 feet
5. Minimum yard setback from lot line opposite Durham Avenue: 25 feet

Coverage Requirements

6. Maximum Building Coverage: 25%
7. Maximum Impervious Coverage: 45%

Height* Requirements

8. Maximum Building Height in Stories: 2 ½ stories
9. Maximum Building Height in Feet: 35 feet

*Height is defined in Section 5.4.F below

D. Permitted Projections.

1. Cornices, eaves, chimneys, gutters, downspouts, cantilevered roofs, uncovered balconies and bay windows shall be permitted to project not more than three (3) feet from the building into any yard setback.
2. Belt courses, window sills and other similar ornamental features may project not more than nine (9) inches into any yard setback.
3. Ramps and stairways leading to a building entrance may project into any yard setback, provided that they do not encroach into the public right-of-way.
4. Awnings and canopies may project not more than eight (8) feet into any yard setback and shall have a minimum vertical clearance of eight (8) feet.

E. Definition of Floor Area Ratio.

1. Floor Area Ratio shall be calculated by the gross floor area of all buildings on a lot divided by the lot area.
2. For the purposes of this subsection, gross floor area of a building shall be calculated by total area of all of the stories of all principal and accessory

structures on the lot, as measured from the outside faces of the exterior walls and including recessed balconies and mezzanines.

3. If any portion of interior space has a ceiling height of 16 feet or greater on the first floor or 12 feet or greater on all other floors, those portions of the floor area of that space shall be counted twice for the purpose of floor area calculation. This provision shall not apply to indoor entertainment and recreation sports facilities.

F. Definition of Height.

1. In accordance with New Jersey Building Code (N.J.A.C. 5:23-3.14), Building Height shall be defined as the vertical distance from grade plane to the average height of the highest roof surface. A grade plane shall be defined as a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.
2. Building height calculations shall exclude building service equipment (e.g., mechanical services, elevator penthouses, cooling towers, condensers, exhaust fans and similar equipment), solar panels, stair enclosures, skylights or atrium structures, and roof-access stairwells, landmark signage structures, and architectural enhancements and appurtenances (e.g., parapets, chimneys, cupolas, steeples, spires, belfries, towers, corner towers, flagpoles and similar elements), provided that such shall not exceed applicable height requirements by greater than 15 feet.
3. Mezzanines and lofts that qualify as mezzanines under the International Building Code (Section 505.2) shall not constitute a story or half story and shall be considered part of the story below.

5.5 Site Development and Design Standards

The regulations pertaining to development and design standards contained herein shall apply to all development in Project Area, which shall supersede current applicable regulations contained in Part IV of the Ordinance. Unless specifically superseded below, all other regulations contained in Part IV of the Ordinance shall apply.

5.5.1 Overall Circulation, Parking and Off-Site Requirements

- A. In addition to the off-site requirements set forth in the Ordinance, any development pursuant to this Redevelopment Plan shall provide a contribution for off-site improvements to the planned southern gateway and/or other open space or public recreational facilities as determined by the Borough. Such contribution(s) shall be addressed in accordance with any Redevelopment Agreement entered into between a Redeveloper and the

Redevelopment Entity.

- B. The public access drive within Parcel A shall be developed in accordance with this any Redevelopment Agreement entered into between a Redeveloper and the Redevelopment Entity. More specifically, the public access drive shall be developed to align with the driveway associated with the Metuchen Sportsplex, and extend northwest through Parcel A. Such driveway shall be designed to include parallel parking spaces, head-in parking spaces, a continuous sidewalk system connected with the public sidewalk along Durham Avenue and trail system to be developed within the Peter J. Barnes III Wildlife Preserve, and a roundabout / drop-off area at the terminus of the driveway. The entry to the public access drive and the roundabout / drop-off area shall be designed with a texture-paved or similar special paving treatment, so as to create an overall sense of place, a sense of arrival, enhance the aesthetics of the circulation rea, and provide additional traffic calming through the Project Area. Up to two (2) driveways may connect to development within Parcel B. Cross-access easements shall be filed for both properties to ensure the continuance of these driveway interconnections.
- C. The overall streetscape along the public access drive within Parcel A shall be designed to enhance the public realm, by emphasizing pedestrian safety, accessibility and connectivity throughout the Project Area. All driveway aprons shall be designed with texture-paved or similar special paving treatment and accommodate a continuous public sidewalk. Parking areas shall be screened with masonry walls and landscaping. All such elements shall be designed with a unified design palette throughout the Project Area.

5.5.2 Parking and Surface Parking Lot Standards

- A. The following standards shall apply to all Parcels:
 - 1. On-street parking along the Project Area's frontage along Durham Avenue may be included in the calculation of the required number of parking spaces within Parcel B.
 - 2. The minimum parking stall size for parallel stalls along the access drive adjacent to the future Middlesex Greenway Extension shall be 8' wide by 23' long.
 - 3. The minimum parking stall size for stalls within all other off-street parking facilities shall be 9' wide by 18' long, except for accessible parking stalls and associated access aisles which shall be subject to standards promulgated by the Americans with Disabilities Act (ADA).
 - 4. Parking stalls designated for compact cars, which shall be no less than 8' wide and no less than 16' long shall be permitted provided that the number of compact parking spaces does not exceed 10% of the total number of parking spaces provided on each Parcel.
 - 5. Provisions for electric vehicle (EV) charging infrastructure and/or stations shall be provided on each Parcel in accordance with State law, including P.L.2021, c.171. For

all uses other than residential uses, installation of electric vehicle supply equipment (EVSE) may be provided in lieu of Make-Ready parking spaces, as those terms are defined in P.L. 2021, c.171.

6. Provisions for bicycle parking shall be provided in the Project Area. Within Parcel A, a minimum of 50 bicycle racks shall be provided for public use. Within Parcel B, a minimum of one (1) bicycle shall be provided for each residential unit or one (1) bicycle for every 10 parking space on the Parcel, whichever is greater, with one or more of the following: bicycle storage rooms or appropriately sized storage area within the building, on wall-mounted hooks, ceiling hooks or closets within a dwelling unit, and/or covered exterior bicycle rack(s). Within applicable residential projects, a minimum of 5% of such bicycle parking shall be located outdoors to accommodate guests.
7. The Planning Board may reduce or waive the provisions for bicycle parking in the event that they determine that the use will not generate a need for such facilities, or where the anticipated need is less than what would be required under this section or can be accommodated on adjacent Parcel or property.

5.5.3 Streets and Sidewalks

A. The following standards shall apply to all Parcels:

1. In order to accommodate the redevelopment on Parcel B which will include improvements within the Gulton Street public right-of-way, the Borough shall vacate the entirety of the Gulton Street public right-of-way and provide the necessary easements to maintain adequate public utilities and public access.
2. The location and width of sidewalks shall be consistent with the location and width of existing sidewalks adjacent to or near the Project Area to be developed.
3. Sidewalks shall continue uninterrupted across all driveways with the apron design accommodating a continuous sidewalk.
4. Where sidewalks intersect at corners and at mid-block crossings, accessible ramps and warning strips shall be provided.
5. Pedestrian crosswalks shall be provided across all street intersections and at mid-block crossing with “continental” or ladder striping.
6. Walkways providing pedestrian connection between public sidewalks and entrances to buildings within the Project Area shall be provided.
7. Within each Parcel, walkways shall be provided providing pedestrian connection between entrances of buildings and parking areas, outdoor amenity spaces and other pedestrian accessible locations.

5.5.4 Refuse and Recycling

A. The following standards shall apply to all Parcels:

1. Refuse and recycling facilities shall be provided to adequately accommodate each use, and shall be provided either within each unit, within the building being served or in nearby locations outside the building on the Parcel.
2. Collection vehicles shall be able to access refuse and recycling facilities without interference from parked vehicles or other obstacles.
3. Any exterior areas provided for the collection and pickup of refuse and recyclable materials shall be screened from public view within or outside the Parcel.
4. Such screening shall consist of a combination of landscaping and a masonry wall and/or fence composed of materials, colors, finishes, and/or design elements that are consistent with the architecture of the building and in accordance with the design vocabulary that is compatible and/or complementary of the design, style and character of adjacent buildings in within the Project Area.
5. Any exterior areas provided for the collection and pickup of refuse and recyclable materials shall be adequately lit and shall be safely and easily accessible by users and recycling personnel and/or vehicles.
6. Any receptacles or dumpsters located in exterior areas shall be covered and equipped with signage indicating the materials to be placed therein.
7. The collection, disposal, recycling and transportation of solid waste shall be by private carters and shall be performed in accordance with Chapter 160 of the Code of the Borough of Metuchen.

5.5.5 Landscaping

A. The following standards shall apply to all Parcels:

1. Street trees shall be provided at intervals of approximately 30 to 35 feet along the Project Area's frontage along Durham Avenue and public access drive, whether existing or proposed. Any new tree shall be a minimum size of three (3) inches in caliper at time of planting.
2. Shade trees shall be provided within along yard areas, along the perimeter of parking areas, and within landscape islands within parking areas, to the extent practical. Any new tree shall be a minimum size of two (2) inches in caliper at time of planting.
3. A regular rhythm of street furniture, benches, bicycle racks, planters and/or other landscape features shall be provided, where feasible, along public sidewalks along the Project Area's frontage along Durham Avenue.
4. Subject to any limitations as to growth or placement of specific vegetation as a result of environmental controls and capping of the Project Area, all portions of the

Project Area not utilized by buildings or paved areas shall be landscaped, utilizing combinations of tree and shrub plantings, lawn and other vegetative ground covers in order to maintain or reestablish vegetation in the area and lessen the visual impact and climatic effects of structures and paved areas. The use of native plant species that are tolerant of drought and urban conditions shall be prioritized.

5. Within applicable residential projects and where ground-level residential units are proposed, such shall have direct access to small, semi-private landscaped terraces designed as an urban patio garden. Such treatments shall be delineated and screened with a combination of intensive and extensive landscaping, including hedging and landscape edging, as well as decorative brick knee walls and fencing. The terrace shall be suitably integrated into the patio landscaping treatment to provide full visual screening from passersby to a height of four (4) feet above grade and partial screening above four (4) feet above grade.

5.5.6 Lighting

B. The following standards shall apply to all Parcels:

1. Street lighting shall be provided along the frontage of the Project Area and along the Project Area's frontage along Durham Avenue and along the public access road, whether existing or proposed, in accordance with §110-157 of the Ordinance.
2. All pedestrian areas shall be provided with pedestrian-scale light fixtures.
3. Lighting may be provided by a combination of ground recessed lighting, bollard lighting, wall-mounted or recessed lighting.
4. All fixtures shall be appropriately shielded and, where attached to a building, such shall be focused downward. Soft ambient up-lighting shall be permitted.
5. All fixtures shall be LED, non-glare, full cut-off and shall not exceed a color temperature of 3,300K.

5.5.7 Stormwater and Utilities

A. The following standards shall apply to all Parcels:

1. All development shall incorporate the use of decentralized small-scale Green Infrastructure (GI) elements in order to: (a) maximize treatment for water quality and groundwater recharge to the extent practical; and (b) manage water quantity prior to entering the existing stormwater pipe within the future Middlesex Greenway Extension.
2. All development shall be serviced with public, potable water and sanitary sewer, along with electric, natural gas, telephone, and cable service; all utilities shall be placed underground to the extent practical. Any existing utilities or infrastructure servicing the Project Area that are in need of repair or replacement shall be

addressed in accordance with any Redevelopment Agreement entered into between a Redeveloper and the Redevelopment Entity.

3. Storm drainage improvements, including pipes, inlets, and culverts, shall be located either within public rights-of-way, a dedicated lot or lots, or within easements located on privately-owned lands, and may connect to the existing pipe within the future Middlesex Greenway Extension property.
4. All development shall address stormwater cleanout issues within the portion of the existing stormwater pipe within the future Middlesex Greenway Extension between Durham Avenue and the northern outfall, and shall be addressed in accordance with any Redevelopment Agreement entered into between a Redeveloper and the Redevelopment Entity.

5.5.8 Building Design

A. The following standards shall apply to all Parcels:

1. The architectural design of the building shall incorporate building wall offsets, including projections (such as bay windows) and/or recesses, in order to provide architectural interest, articulation and variety to the massing of the building and relieve the negative visual effect of a single, long wall.
2. All sides of the building not along a street shall be architecturally compatible with the street-facing facades in regard to style, materials, colors and details.
3. On all sides of the building, the outer corner wall lengths as measured from the outside corners of the building shall extend a minimum distance of 50 feet and a maximum distance of 75 feet, after which such wall shall be offset that steps forward or back by a minimum distance of five (5) feet. There shall be a minimum distance of 25 feet and a maximum distance of 100 feet between required minimum offsets. These provisions shall not apply to exterior wall lengths in any interior courtyards of the building.
4. The building shall be composed of an articulated base, body, and cap across the entire façade. Each element shall be traditionally proportionate to the overall horizontal and vertical dimensions of the façade.
5. The ground floor shall be comprised of a regular rhythm of storefront bays and window treatments such that the ground floor façade along the street is predominately glazed. The glazing materials shall be highly transparent, with low reflectivity. The area above the storefronts shall be articulated with an articulated lintel composed of detailed layers of relief that create depth and shadow.
6. For buildings containing multiple stories, upper-floor windows shall be vertically proportioned and be vertically aligned with the location of windows and doors on the ground floor below.

7. The architectural treatment of a facade or roof shall be completely continued around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with the style, materials, colors and details of the front façade.
8. All materials, colors, finishes and/or details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with adjacent buildings within the Project Area. A building designed of an architectural style that normally includes certain integral features, materials, colors, finishes and/or details shall have such incorporated into the design of such building.
9. Permitted building materials for street-facing exterior wall surfaces shall primarily consist of dimensional brick and/or fiber cement siding and may include smooth finished stucco. Trim materials may consist of precast stone, wood, fiber cement and PVC. Vinyl, cultured stone and EIFS are not permitted building materials.
10. Any mechanical equipment and HVAC units shall be located on the roof and screened from public view. Through-the-wall HVAC units may be permitted, provided that those units in any street-facing façade shall be designed such that the associated wall vent and grille is centered beneath a window opening or is integrated into a design element that has the appearance of a window opening. Through-the-window and exterior wall-mounted HVAC units on street-facing facades shall be prohibited. Screening devices shall be designed to be architecturally compatible with the style, materials, colors and details of such building.

5.5.9 Sustainable Design

- A. All development shall incorporate at least 10 of the following elements from the following Sustainable Design standards or features:

Renewable Energy

1. Solar Photovoltaic (PV) Readiness & Battery Storage Infrastructure

Passive Design

2. Light-Colored, Reflective Roof Surface
3. Architectural Shading Devices
4. Operable Windows

Energy Efficiency

5. Occupancy and Daylighting Controls (in Common Areas)
6. Digital Programable Thermostats
7. ENERGY STAR Certified Appliances

8. ENERGY STAR Certified Light Fixtures
9. ENERGY STAR Certified Windows

Water Efficiency

10. Reduced or No Irrigation
11. WaterSense Rated Fixtures

Indoor Air Quality

12. Air Tightness Verification by ASTM Testing
13. Protection/Flushing of HVAC Equipment & Ductwork
14. MERV 8+ Air Filters During Construction; MERV 13+ Air Filters For Occupancy
15. Prohibition of Indoor Combustion Devices
16. Low VOC Interior Paints, Finishes, Adhesives & Sealants
17. Formaldehyde-Free Casework, Cabinetry & Composite Wood Finishes
18. Smoke-Free Building Policy (in Common Areas)

Materials & Resources

19. FSC Certified Wood Products
20. Material Reuse During Construction & Demolition

5.5.10 Accessibility & Universal Design

- A. All development within the Project Area shall comply with federal, state and local requirements regarding accessibility.
- B. All development within the Project Area is encouraged to utilize Universal Design techniques and strategies to create public and private spaces that are equally accessible to all people, regardless of age and abilities. This approach is intended to facilitate equitable design that is flexible, simple, intuitive, perceptible, has tolerance for error, utilizes low physical effort and appropriate for the intended use.
- C. All development within the Project Area shall incorporate multiple elements from the following Universal Design techniques and strategies:
 1. Accessible ramps, where necessary, should be integrated in the site and building design to create a dignified, non-discernable and inclusive access point that facilitates mobility for all users.
 2. Accessible on-street parking spaces, where provided, should be located to minimize travel distances to public spaces and building access points.
 3. At least one automated door (via push pad or other means of activation) to a main access point to each building should be provided.

4. No-step ($\frac{1}{4}$ to $\frac{1}{2}$ inch thresholds) access to access points, patios, balconies and terraces should be provided to the extent practical.
5. Within applicable residential projects, doorways should be specified to have at least 34-inch-wide clear openings, with door handles located between 34 and 38 inches above the floor.
6. Within applicable residential projects, hallways should be designed to have at least 42-inch-wide clearances, with all controls, switches and outlets within the comfortable reach zone of between 24 and 48 inches above the floor.
7. Within applicable residential projects, kitchen areas should include cabinetry or areas that allow for a user to work in a seated position and appliances with controls within reach, in order to be accessible.
8. Countertops, where provided, should be adjustable or designed at different heights, in order to be accessible.
9. Laundry appliances, where provided, should be front-loaded in order to be accessible.
10. Signage should be provided throughout common areas, within sight lines and in alternate languages in addition to English.

5.6 Development of Public Electric Vehicle Charging Infrastructure

Provisions for electric vehicle (EV) charging infrastructure and stations for private use by future tenants are provided on Parcel B as required in Section 5.5.2.

The Redevelopment Plan anticipates the need for and development of public EV charging infrastructure within the Project Area. Provisions for public EV charging infrastructure and stations, are provided within the Project Area on Parcel A as required in Section 5.5.2.

5.7 Affordable Housing

The Borough does not anticipate the removal of any Uniform Housing Affordability controlled housing units due to the implementation of this Redevelopment Plan. Because it is anticipated that no affordable housing units are to be removed due to the implementation of this Redevelopment Plan, no affordable housing units are anticipated to be replaced.

The provision of affordable housing within the Project Area shall be addressed in accordance with the Borough's Affordable Housing Ordinance and Housing Element and Fair Share Plan.

5.8 Property Acquisition

The Project Area has been designated as a "Non-Condensation Redevelopment Area" and as a rehabilitation area. As a result, the LRHL does not authorize property acquisition by eminent domain. Therefore, no eminent domain is anticipated or enabled by this Redevelopment Plan under the LRHL. To the extent property will be acquired, all such property must be acquired by the

designated redeveloper(s) through private negotiation with the property owner(s). Nothing herein shall preclude any governmental entity, including the Borough, from utilizing eminent domain, in accordance with other applicable laws, to acquire any property for a public purpose.

5.9 Relocation of Displaced Residents

This Redevelopment Plan does not anticipate any property will be acquired by any government entity or utilizing government funds, by eminent domain or otherwise. Additionally, there are no residents that presently reside within the Project Area. Therefore, it is anticipated that there will be no displacement of either residents or businesses requiring a Workable Relocation Assistance Plan. Notwithstanding the above, in the case where any governmental entity, including the Borough, utilizes eminent domain in accordance with other applicable laws, to acquire any property for a public purpose, then a Workable Relocation Assistance Plan may be required.

5.10 Phasing

No specific phasing is required for the development of any of the Parcels within the Project Area except that no Certificate of Occupancy shall be issued for any project or Parcel until the party seeking the Certificate of Occupancy has submitted proof, in the form of a Preliminary Assessment, as defined in N.J.S.A. 58:10B-1, a Site Investigation, as defined in N.J.S.A. 58:10B-1, and/or a Final Remediation Document, as defined in N.J.A.C. 7:26C-1.3, as necessary, to establish that the site for which the Certificate of Occupancy is sought is safe for its intended use. Any Preliminary Assessment and any Site Investigation shall be conducted pursuant to the Technical Requirements of the Site Remediation Rules at N.J.A.C. 7:26E-3.

6.0 General Provision

6.1 Definitions

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this Redevelopment Plan by reference.

6.2 Redevelopment Entity

The Borough's governing body shall act as the Redevelopment Entity pursuant to N.J.S.A. 40A:12A-4.c for purposes of implementing and carrying out this Redevelopment Plan. In doing so, the Borough Council shall have the powers set forth in N.J.S.A. 40A:12A-15 and 40A:12A-22, and all other relevant statutes and regulations to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan.

6.3 Redeveloper Selection

Pursuant to N.J.S.A. 40A:12A-8 and upon adoption of this Redevelopment Plan, the Redevelopment Entity may select a single redeveloper or multiple redevelopers for the redevelopment of the Project Area or portion thereof. All property within the Project Area must be developed in accordance with the requirements of this Redevelopment Plan, the Borough's Zoning and Land Development Ordinance, and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). Any private Redeveloper(s) wishing to enter into a redevelopment agreement with the Redevelopment Entity will be required to contact the Redevelopment Entity to present its proposal.

6.4 Redevelopment Agreement

If a redeveloper has been selected, the Borough shall enter into a Redevelopment Agreement with the redeveloper that comports with the requirements of N.J.S.A. 40A:12A-9, along with any other covenants, provisions and continuing controls as may be deemed necessary to effectuate the purposes of the LRHL and this Redevelopment Plan. A Redevelopment Agreement, however, is not required in order to utilize the zoning standards set forth by this Redevelopment Plan.

6.5 Duration of Redevelopment Plan Restrictions

This Redevelopment Plan and any modification thereof shall be in full force and effect for a period of thirty (30) years from the date the Borough first approves this Redevelopment Plan.

6.6 Amendments to Approved Redevelopment Plan

The Borough may amend, revise or modify this Redevelopment Plan from time to time in accordance with the provisions of the LRHL, as may be amended.

6.7 Discrimination Ban

No covenant, lease conveyance or other instrument shall be executed by the Redevelopment

Entity or any redeveloper whereby land or structures with this redevelopment is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

The termination of this plan shall in no way permit the land or structures of the Project Area to be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

6.8 Repeal and Severability Statements

All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of this Redevelopment Plan should be judged invalid by a court of competent jurisdiction, such order or plan shall not affect the remaining portions of this Redevelopment Plan which shall remain in full force and effect.

7.0 Development Plan Review and Approval

7.1 Concept Plan Review

Any redeveloper(s) seeking to enter into a Redevelopment Agreement with the Redevelopment Entity shall make a formal proposal for development to the Redevelopment Entity and obtain consent and approval of such proposal, consistent with the terms of this Redevelopment Plan.

7.2 Design Review Committee

Once the concept plan is approved by the Redevelopment Entity and found consistent with this Redevelopment Plan, the redeveloper shall submit the proposed materials associated with the concept plan, or any redeveloper seeking to utilize the zoning standards set forth by this Redevelopment Plan shall submit the proposed materials associated with its concept plan, to the Design Review Committee for informal design review and to coordinate completeness review prior to submission of a formal Application for Development.

7.3 Applications for Development

Once the concept plan has been reviewed by the Design Review Committee, the redeveloper shall enter into a Redevelopment Agreement with the Redevelopment Entity. Execution of a Redevelopment Agreement shall not be required in order to file any Application for Development as the term is defined in N.J.S.A. 40:55D-3.

Preliminary and final site plan and/or subdivision applications for property within the Project Area shall be in accordance with the requirements with this Redevelopment Plan and all applicable provisions of the Borough Land Development Ordinance. It is recognized that the NJDEP will impose capping requirements on portions of the Project Area which control with respect to control of stormwater and development.

Applications shall be accompanied by such maps, documents and materials in accordance with all relevant development application checklists. Applications may be submitted for the entire project or any number of phases, provided that all aspects of any proposed phasing, including phase configuration and location, and the timing and sequencing of phase development, shall be subject to Planning Board review, and will only be allowed if approved by the Redevelopment Entity.

7.4 Planning Board Review

- A. Site plan or subdivision review shall be conducted by the Planning Board pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).
- B. Applicants before the Planning Board shall provide public notice of such site plan or subdivision application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12(a) and (b).

7.5 Deviations from Provisions of Approved Redevelopment Plan

All applications requiring relief for deviations from this Redevelopment Plan or the Borough Land Development Ordinance shall be governed by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) or any existing, or to be adopted, redevelopment plan for a specific site and/or project and/or the Project Area, provided that:

- A. No deviations shall be granted that result in: (i) the granting of a variance under N.J.S.A. 40:55D-70(d)) or (ii) deviating from any other mandatory component of this Redevelopment Plan. Any such deviations shall require an amendment to this Redevelopment Plan at the option of the Redevelopment Entity.
- B. Variances may be granted from applicable “Area and Bulk Standards” or within Part III of the Borough Land Development Ordinance pursuant to N.J.S.A. 40:55D-70.c.
- C. Exceptions may be granted from applicable “Site Development and Design Standards” or within Part IV of the Borough Land Development Ordinance pursuant to N.J.S.A. 40:55D-51.
- D. Consideration of submission waivers shall be undertaken pursuant to N.J.S.A. 40:55D-10.3.

8.0 Relationship of the Redevelopment Plan to Other Plans

8.1 Relationship to Borough of Metuchen Land Development Ordinance

As noted in Section 5.0, the zoning standards as set forth in this Redevelopment Plan shall supersede the underlying zoning within the Project Area. Any standards not specifically addressed in this Redevelopment Plan remain subject to the Borough's Zoning and Land Development Ordinance.

8.2 Relationship to Borough of Metuchen Master Plan

The Land Use Element of the 1983 Master Plan recognized that “although the Northwest quadrant has been zoned industrial and commercial purposes for many years[,]” “the presence of vacant buildings and lots in the industrial zone suggests the area’s desirability for industrial purposes may have waned.” (P. 12). The report goes on to recommend consideration and re-evaluation of land use policies to alleviate the existing, conflicting land uses with nearby residential neighborhoods and to attract developers to the area. (P. 12).

The recommendation of new uses away from industrial usage for the Northwest quadrant was further expressed in a concept proposal which envisioned redevelopment of the Gulton Tract “in a comprehensive manner which would ensure compatibility with the residential character of the area, ... improving it as an open space buffer, and permit adaptive re-use of the Gulton Industries building, if feasible.” (P. 49). The type of uses contemplated included a mix of residential and non-residential uses; “[h]owever, in the interests of maintaining the viability of the central business district, extensive non-residential development, particularly with uses which are competitive with those permitted along Main Street, should not be encouraged.” (P. 50).

The 1988 Master Plan Reexamination Report again raised concerns regarding the existing zoning within the northwest quadrant of the Borough and suggested consideration of development alternatives and evaluate whether such “would have equivalent or fewer environmental impacts on the Dismal Brook area than the industrial development for which the northwest quadrant is currently zoned.” (P. 4).

The 2006 Master Plan Reexamination Report (the “2006 Reexamination”) describes the Borough’s decision to remove the R-5 Residential Overlay District applicable to the Gulton Tract. According to the 2006 Reexamination, the overlay district was repealed for consistency with the Borough’s Housing Element, but specifically noted that “that is not to say that the underlying zoning designations – LI and R-2 – constitute, by default, the appropriate zoning designations for the site.” (P. 7). The report goes on to state that “to the extent that there is new and more specific information available – with respect to the site’s environmental constraints and to its level of contamination, as well as renewed market interest in a non-industrial redevelopment scenario – it may be appropriate for the Borough to examine other options for this particular area.” (P. 4).

For several decades, the Master Plan and subsequent reexamination reports set forth a clear intent to move away from industrial uses on the Project Area. However, environmental contamination from the former industrial uses has created challenges to formulating a clear vision

for the uses deemed appropriate for the site. Concerns impacting the appropriateness of uses for the Project Area include the presence of environmental contamination and the ability to remediate same, the potential for increased traffic and congestion from any proposed use, and a desire to protect the surrounding residential area.

The latest planning document, the 2016 Master Plan Reexamination Report (the “2016 Reexamination”), recognized that “Metuchen has always been a community concerned with preserving its unique character.” Among the recommendations within the 2016 Reexamination, it was suggested that the Borough prepare a Vision Plan that would address, among others, areas in need of redevelopment and parks and public space. Relative to areas containing former industrial uses, the Master Plan recommended that “the Borough should continue to explore appropriate types of redevelopment for the former industrial ... Gulton Tract[.]” Since then, various development projects have implemented the vision of the mixed-use “downtown gateway,” and the Gulton Tract is presently undergoing extensive environmental cleanup at the expense of the property owner, and there has been and continues to be renewed market interest to redevelop former industrial lands throughout the Borough.

The 2016 Reexamination also indicated that a goal of the Master Plan is “[t]o complete the extension of the Middlesex Greenway to the Dismal Swamp [the former name of the Peter J. Barnes III Wildlife Preserve] which will significantly expand the quality and quantity of open space and water (Dismal Brook) accessible to the public.” It also noted that in 2010, the Middlesex Greenway Extension Plan provided “a vision and strategic plan for linking Metuchen’s Town Center to the Dismal Swamp and promoting redevelopment of former industrial and commercial sites along its route.” Implementation of this Redevelopment Plan will help effectuate this open space and recreation goal.

This Redevelopment Plan is consistent with the Borough’s overall vision as set forth in the Master Plan and subsequent Reexaminations Reports and is designed to effectuate these plans because it provides for uses that complement recent and proposed redevelopment within the Borough, nearby open space resources and the adjacent residential uses, improves infrastructure within the surrounding area, and provides a series of public benefits and improvements with the goal of finally creating public access to the Peter J. Barnes III Wildlife Preserve. This Redevelopment Plan stimulates economic development with the Borough while providing uses that do not detract from the downtown business districts. Therefore, this Redevelopment Plan is consistent with and desired to effectuate the Master Plan.

8.3 Relationship to Master Plans of Contiguous Municipalities

The only contiguous municipality to the Project Area is the Township of Edison (“Edison”), which completely surrounds Metuchen. Adopted in 2003, the Future Land Use Plan Element of Edison’s Master Plan recognizes both Municipalities as being located in the Northeast subregion of the Middlesex County Growth Management Plan, “reflect[ing] the potential for redevelopment of industrial sites into retail, office, and residential uses.” Additionally, Edison’s Master Plan recognizes the Dismal Swamp [the former name of the Peter J. Barnes III Wildlife Preserve] as one of Edison’s largest open space preserves within Planning District 3 and represents a crucial scenic

resource with opportunities for passive recreation and a trail system.

The Project Area is located near the northwest corner of Metuchen and is in close proximity to Edison. Portions of the Project Area previously developed along Durham Avenue are planned for redevelopment, while the remaining environmentally sensitive lands extend beyond the Project Area and adjoins Edison. The Existing Land Use Map and Future Land Plan both depict this particular area near the Project Area as preserved open space. Therefore, it is anticipated that this Redevelopment Plan will not conflict with Edison's Master Plan.

8.4 Relationship to Middlesex County Comprehensive Plan

The Middlesex County Comprehensive Plan adopted by the Middlesex County Planning Board is currently being updated. According to Middlesex County representatives, there is no anticipated completion date of the Land Use Element of the Comprehensive Plan. As it is anticipated the Land Use Element will be written after adoption of this Redevelopment Plan, it is expected the Middlesex County Planning Board will take this Redevelopment Plan into consideration when drafting its Master Plan. Therefore, it is anticipated that this Redevelopment Plan will not conflict with the Middlesex County Comprehensive Plan.

8.5 Relationship to State Development and Redevelopment Plan

The State Development and Redevelopment Plan ("SDRP") was adopted in 2001. In 2012, the State of New Jersey proposed a Strategic Plan to update the 2001 SDRP; however, the updated plan was never adopted. Therefore, the 2001 SDRP is the most current version.

The Project Area is located in both the Metropolitan Planning Area ("PA1") and Environmentally Sensitive Planning Area ("PA5") designations of the SDRP. More specifically, the entirety of Parcels B & C – where development is proposed to be located – are situated in PA1 area while the majority of Parcel A – where the preservation and enhancement of as well as public access to natural areas are proposed to be located – is situated in the PA5 area. The purpose of the SDRP is to provide for much of the State's future redevelopment of the PA1 area and protect environmental resources through protection of large contiguous areas of land within the PA5 area.

One of the Policy Objectives for the PA1 area is the promotion of economic development through the encouragement of strategic land assembly and infill development, as well as the encouragement of private sector investment through government policies which support appropriate redevelopment. As Metuchen has very little remaining vacant land, the Project Area provides a unique opportunity for infill development. Another Policy Objective is the reclamation of environmentally damaged sites and mitigation of future negative impacts, as well as use open space to reinforce neighborhood and community identity and protect natural linear systems. Similarly, another Policy Objective is the rehabilitation of open space while expanding and linking the system through redevelopment and reclamation projects. This Redevelopment Plan furthers the foregoing goal(s) of the PA1 designation by encouraging infill development of an environmentally damaged site as well as expanding and linking recreation opportunities through strategic redevelopment and private investment.

As for the Policy Objectives for the PA5 area, the Project Area provides an opportunity to utilize land use techniques to leverage redevelopment within Parcels B & C to maintain open space networks, critical habitat and large contiguous tracts of land within Parcel A and beyond. Similarly, another Policy Objective Another is the provision for regional recreation and tourism opportunities by targeting parkland acquisition and improvements that enhance large contiguous open space systems as well as ensure meaningful access to public lands. This Redevelopment Plan advances the foregoing goal(s) of the PA5 designation by calling for a substantial amount of land to be preserved, enhanced and provided meaningful access through creative redevelopment techniques, public/private partnerships as well as intergovernmental coordination.

Thus, this Redevelopment Plan furthers the State Development and Redevelopment Plan.