

**RESOLUTION**  
**PLANNING BOARD**  
**BOROUGH OF METUCHEN**  
**ITEM NO. 01-527**

**WHEREAS**, MAIN STREET METUCHEN LTD made application to the Planning Board of the Borough of Metuchen for the property designated as Block 118, Lots 18.01-18.03, 29-33, 35, 37 and 40, and commonly known as 442-460 Main Street, within the B-1 Zone for the following approval: Minor Subdivision; and

**WHEREAS**, the Planning Board of the Borough of Metuchen held a Public Hearing on April 19, 2001, applicant having filed proper proof of service and publication in compliance with statutory and ordinance requirements; and

**WHEREAS**, at said hearing, the Planning Board reviewed and considered the following documents:

- Zoning Permit;
- Application for Development dated March 19, 1999;
- Proof of Payment of Taxes and Assessments;
- Board Fees as shown on Zoning Permits;
- Certification that the Plans and Application for Development have been submitted to the Engineer, Planner, Zoning Officer and the Fire Prevention Bureau;
- Memorandum from Board Engineer Ann M. Brown, P.E., dated April 19, 2001;
- Memorandum from Board Planner, James Constantine, P.P., dated April 19, 2001;
- Site Plan Subdivision Plan and Radius Map prepared for Main Street Metuchen, Ltd. dated March 9, 2001

- prepared by Paul Berg Associates, consisting of three (3) sheets;
- Colored rendering of Subdivision Plan and introduced into evidence as Exhibit A-1;
  - Colored rendering of Site Plan and introduced into evidence as Exhibit A-2.

**WHEREAS**, sworn testimony was given by Paul Berg, licensed surveyor, Thomas Sharlow Jr., Esq. appearing on behalf of the applicant Main Street Metuchen, Ltd.; and

**WHEREAS**, testimony indicated that Main Street Metuchen, Ltd. is the owner of the property known and designated as Block 118, Lots 18.01-18.03, 29-33, 35, 37 and 40 more commonly referred to as 442-460 Main Street, Metuchen; and

**WHEREAS**, the applicant testified that the purpose of this minor subdivision application was to consolidate the twelve (12) existing lots into four (4) lots and approve the subdivision of Lots 29-32 and parts of Lots 33, 18.01 and 18.02 (which are collectively designated on the Subdivision Plan as new Lot 29.01) for purposes of conveyance of this new lot to Metuchen Savings Bank which is the contract purchaser of new Lot 29.01; and

**WHEREAS**, testimony further revealed that Metuchen Savings Bank will utilize the Property for banking purposes as was previously utilized by First Union Bank which use is the historical use of these lots; and

**WHEREAS**, the applicant also testified that the Board of Education currently occupies these lots; and

**WHEREAS**, the applicant also testified that the lots to be conveyed to Metuchen Savings Bank will also include the seventeen (17) parking spaces to the rear of the existing building and this new Lot 29.01 will have the benefit of the twenty (20) foot wide easement for purposes of ingress and egress from Highland Avenue; and

**WHEREAS**, the applicant indicated that a formal easement to be recorded for the benefit of Metuchen Savings Bank and its customers will be prepared; and

**WHEREAS**, the applicant stated that the twenty (20) foot wide easement is to be utilized by the Bank and its customers as well as for access to the parking spaces behind the stores on current Lots 33, 35, and 37; and

**WHEREAS**, the applicant testified that the applicant will be responsible to maintain the twenty (20) foot wide easement; and

**WHEREAS**, the applicant testified that the Property contains two (2) office buildings, a group of stores, a bank and parking lot adjacent to Inn Place and Highland Avenue; and

**WHEREAS**, the applicant also indicated that there is a ten (10) foot wide easement adjacent to the three story building on Lot 33 which easement is to maintain an open space for air and light so as to prevent development on Lot 32 extending to a point to prevent such availability of air and light; and

**WHEREAS**, the applicant indicated that the twelve (12) lots will be converted into the following four (4) lots:

- (a) Lots 29, 30, 31, 32 and parts of Lots 33, 18.01 and 18.02 will be re-designated as Lot 29.01; and
- (b) Lots 33, 35, and 37 will be re-designated as Lot 33.01 although the Plan currently states that the re-designation will be to Lot 37.01; and
- (c) Lots 38 and 40 and part of Lot 18.01 will be re-designated as Lot 40.03; and
- (d) Lot 18.03 and part of Lots 18.01 and 18.02 will be re-designated as Lot 18.04; and

**WHEREAS**, the testimony revealed that no variances or waivers were requested: and

**WHEREAS**, no formal testimony was presented by any objectors.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Metuchen, County of Middlesex, State of New Jersey, after having considered the aforementioned plans and testimony, that this application is hereby **granted with conditions**.

In support of this decision, the Board makes the following findings of fact and conclusions of law:

1. The Planning Board of the Borough of Metuchen has proper jurisdiction to hear the within matter.
2. The property is located at 442-460 Main Street within the Borough's B-1 zone.

3. The applicant proposes to subdivide the twelve (12) lots on the property into four (4) lots none of which require any variances or waivers.

4. The applicant is proposing no new development at the Property but instead seeking to consolidate the lots and permit the subdivision of new Lot 29.01 (formerly Lots 29-32 and parts of Lots 33, 18.01 and 18.02).

5. This new Lot 29.01 is intended to be conveyed to Metuchen Savings Bank which is the contract purchaser for the lots (including the seventeen (17) parking spaces to the rear) to be used for banking purposes which is the historical use of this property.

6. Access to new Lot 29.01 will be by way of a twenty (20) foot wide easement from Highland Avenue which easement will be recorded.

7. The applicant shall consolidate the twelve (12) lots into four (4) lots as follows:

- (a) Lots 29, 30, 31, 32 and parts of Lots 33, 18.01 and 18.02 will be re-designated as Lot 29.01; and
- (b) Lots 33, 35, and 37 will be re-designated as Lot 33.01 although the Plan states that the re-designation will be to Lot 37.01; and
- (c) Lots 38 and 40 and part of Lot 18.01 will be re-designated as Lot 40.03; and
- (d) Lot 18.03 and part of Lots 18.01 and 18.02 will be re-designated as Lot 18.04; and

8. The applicant has satisfied the applicable minor subdivision requirements of the Borough of Metuchen Land Development Ordinance.

9. Approval of the within application promotes various purposes of the Municipal Land Use Law - specifically, the same will promote conformance with the bulk requirements for the B-1 zone.

10. The application will have no detrimental impact on adjoining properties..

During the course of the hearing, the Board has requested and the applicant has agreed to abide by the following conditions of approval;

- A. The applicant shall submit a revised plan to reflect that current Lots 33, 35 and 37 shall be re-designated as Lot 33.01 instead of Lot 37.01 as currently shown on the Plan.
- B. The applicant shall submit the proposed easement to be recorded for the twenty (20) foot wide easement from Highland Avenue to the Board Attorney for his prior review and approval.
- C. The applicant shall publish a notice of this decision in the Home News

and Tribune within ten days from the date of this decision.

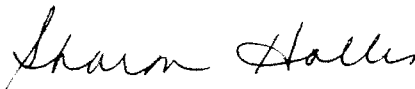
D. The applicant shall reimburse the Metuchen Planning Board and/or the Borough of Metuchen for professional fees associated with this application.

**BE IT FURTHER RESOLVED**, that nothing contained herein shall be deemed to relieve the applicant from having to comply with all other Federal, State, County and Local Regulations - for the Planning Board of the Borough of Metuchen offers no warranties, express, implied or otherwise with regard to same.

**BE IT FURTHER RESOLVED**, that the granting of this Application is expressly made subject to and dependent upon the applicant's compliance with all other applicable rules, regulations and/or ordinances of the Borough of Metuchen, County of Middlesex, and State of New Jersey.

**I HEREBY CERTIFY** that the foregoing statement is a true copy of the Resolution prepared to reflect the actions of the Planning Board of the Borough of Metuchen on April 19, 2001

DATED: May 3, 2001



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SHARON HOLLIS, BOARD SECRETARY