



**AGENDA**  
**NEWTON TOWN COUNCIL**  
**JULY 28, 2014**  
**7:00 P.M.**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. OPEN PUBLIC MEETINGS ACT STATEMENT**
- IV. APPROVAL OF MINUTES**

- JULY 1, 2014 REORGANIZATION MEETING

**V. OPEN TO THE PUBLIC**

AT THIS POINT IN THE MEETING, THE TOWN COUNCIL WELCOMES COMMENTS FROM ANY MEMBER OF THE PUBLIC ON ANY TOPIC. TO HELP FACILITATE AN ORDERLY MEETING AND TO PERMIT THE OPPORTUNITY FOR ANYONE WHO WISHES TO BE HEARD, SPEAKERS ARE ASKED TO LIMIT THEIR COMMENTS TO 5 MINUTES. IF READING FROM A PREPARED STATEMENT, PLEASE PROVIDE A COPY AND EMAIL A COPY TO THE CLERK'S OFFICE AFTER MAKING YOUR COMMENTS SO IT MAY BE PROPERLY REFLECTED IN THE MINUTES.

**VI. COUNCIL & MANAGER REPORTS**

- a. SPRING STREET UPDATE

**VII. ORDINANCES**

- a. INTRODUCTION

ORDINANCE 2014-14

AN ORDINANCE OF THE TOWN OF NEWTON AMENDING CHAPTER 307 TO PERMIT FREE PARKING ON SATURDAYS WITHIN FIVE MUNICIPAL PARKING LOTS

ORDINANCE 2014-15

AN ORDINANCE REVISING CHAPTER 320-31.D(6) ZONING PERMITS

ORDINANCE 2014-16

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AMENDMENTS TO THE HICKS AVENUE REDEVELOPMENT PLAN

**VIII. OLD BUSINESS**

**IX. RESOLUTION**

- a. RESOLUTION #139-2014

AUTHORIZE THE RELEASE OF EXECUTIVE SESSION MINUTES TO THE PUBLIC



CENTER/ SCCC, ONE COLLEGE HILL ROAD, NEWTON.

AN APPLICATION FOR AN ON-PREMISE RAFFLE (50-50 & RAFFLE) FROM OPERATION CHILLOUT, INC. TO BE HELD ON SEPTEMBER 13, 2014 FROM 11:00 A.M. TO 6:00 P.M. AT SUSSEX COUNTY COMMUNITY COLLEGE, ONE COLLEGE HILL ROAD, NEWTON.

AN APPLICATION FOR AN ON-PREMISE RAFFLE (50-50 & RAFFLE) FROM THE PRIDE FOUNDATION, INC. TO BE HELD ON SEPTEMBER 20, 2014, OCTOBER 3, 2014, OCTOBER 10, 2014, OCTOBER 31, 2014, NOVEMBER 14, 2014 AND DECEMBER 2, 2014 AT 7:00 P.M. AND ON DECEMBER 9, 2014 AT 6:00 P.M. AT NEWTON HIGH SCHOOL, 44 RYERSON AVENUE, NEWTON.

AN APPLICATION FOR AN OFF-PREMISE RAFFLE (50-50 & RAFFLE) FROM ST. JOSEPH ROMAN CATHOLIC CHURCH TO BE HELD ON OCTOBER 24, 2014 AT 7:00 P.M. AT ST. JOSEPH'S COMMUNITY CENTER, HALSTED STREET, NEWTON

**XI. DISCUSSION**

- a) WATER AND SEWER ORDINANCE DRAFT
- b) RUNOFF ELECTION
- c) SID SUBCOMMITTEE

**XII. OPEN TO THE PUBLIC**

**XIII. COUNCIL & MANAGER COMMENTS**

**XIV. ADJOURNMENT**

**TOWN OF NEWTON**

**AN ORDINANCE OF THE TOWN OF NEWTON AMENDING CHAPTER 307  
TO PERMIT FREE PARKING ON SATURDAYS WITHIN FIVE MUNICIPAL  
PARKING LOTS**

**ORDINANCE #2014- 14**

**WHEREAS**, a determination by the Town Council has been made to permit free parking in the five paid municipal parking lots on Saturdays to encourage the public to patronize the local commercial establishments within the Town of Newton; and

**WHEREAS**, the five paid municipal parking lots are specifically identified as Lot #1 Adams Street Plaza located on Adams Street; Lot #2 Main Street Lot located on Main Street; Lot #3 Western Plaza located on Trinity Street; Lot #4 Central Plaza located on Trinity Street; and Lot #5 Eastern Plaza North, located at the corner of Union Place and Spring Street;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Newton, as follows:

**Section 1.** The following new section shall be and is hereby added:

**§307-11. Free Parking on Saturdays in paid municipal parking lots.**

Free parking shall be permitted all day on Saturdays in the paid municipal parking lots identified as Lot #1 Adams Street Plaza located on Adams Street; Lot #2 Main Street Lot located on Main Street; Lot #3 Western Plaza located on Trinity Street; Lot #4 Central Plaza located on Trinity Street; and Lot #5 Eastern Plaza North, located at the corner of Union Place and Spring Street.

**Section 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**Section 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**Section 4. Effective Date.** This Ordinance will take effect after publication and passage according to law.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, July 28, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, August 25, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

**TOWN OF NEWTON**

**ORDINANCE 2014-15**

**AN ORDINANCE REVISING CHAPTER 320-31.D(6) "ZONING PERMITS"**

**WHEREAS**, the Town of Newton has determined that Chapter 320-31.D of the Code of the Town of Newton, entitled "Zoning Permits" requires certain revisions;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Newton, County of Sussex, and State of New Jersey as follows:

**SECTION 1.** Section 320-31.D(6) of the Code of the Town of Newton shall be and is hereby revised to read as follows:

**§320-31.D**

**(6) Time for action on application.**

(a) The Zoning Officer shall act upon all such applications within 10 days after receipt of a fully filed application, or shall notify the applicant in writing of the refusal to issue such permit and the reasons therefor.

(b) Failure to notify the applicant in case of refusal to issue a permit within 10 days shall entitle the applicant for a zoning permit to file an appeal to the Planning Board, as in the case of denial.

**SECTION 2. Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 3. Repealer.** All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 4. Notice.** The Town Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Sussex County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Town Clerk is further directed to refer this Ordinance to the Town Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing, the Town Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 5. Effective Date.** This Ordinance shall take effect after adoption and publication in accordance with law.

## NOTICE

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, July 28, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, August 25, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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Lorraine A. Read, RMC  
Municipal Clerk

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TOWN OF NEWTON  
Ordinance 2014-16

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE  
TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY,  
ADOPTING AMENDMENTS TO THE HICKS AVENUE  
REDEVELOPMENT PLAN**

**WHEREAS**, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.*, (the “Redevelopment Law” or the “Act”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, and to prepare and adopt a redevelopment plan therefor; and

**WHEREAS**, after investigation of a delineated area and recommendation of the Planning Board in accordance with the Act, on December 10, 2007, the Town Council, acting by resolution, designated the area then identified on the official tax map of the Town as Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41 and 42, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment (collectively, the “Redevelopment Area”); and

**WHEREAS**, on December 22, 2008, after review and comment by the Town’s Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted a redevelopment plan for the Redevelopment Area (as thereafter amended, the “Initial Redevelopment Plan”); and

**WHEREAS**, due to changes in the national, regional and local economies occurring since the time of adoption of the Initial Redevelopment Plan, the Town wished to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

**WHEREAS**, in accordance with the Act, the Town prepared proposed amendments to the Initial Redevelopment Plan (the “Proposal”, attached hereto as Exhibit A); and

**WHEREAS**, on June 9, 2014, the Town Council, acting by Resolution 108-2014, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on June 18, 2014, Jessica Caldwell, P.P., A.I.C.P. of J. Caldwell & Associates, LLC (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

**WHEREAS**, the members of the public were given the opportunity to provide their own testimony regarding the Proposal; and

**WHEREAS**, after due consideration of the Proposal, the testimony of the Planning Consultant, and the testimony of the public, the Planning Board by Resolution dated June 18, 2014 (the “Planning Board Resolution”, attached hereto as Exhibit B): (i) determined that the Proposal was consistent with the Town’s Master Plan; (ii) recommended to the Town Council that it adopt a modified version of the Proposal, with three changes summarized at Exhibit B to the Planning Board Resolution (the “Planning Board Recommendations”); and (iii) determined that the Proposal as amended by the Planning Board Recommendations was also consistent with the Town’s Master Plan; and

**WHEREAS**, the Planning Board Resolution included the following recommendation:

“3. There are a number of areas where the use of a potable water conservation program (a.k.a. “gray water system”) is discussed as a design option. As the Board is concerned with the Town’s past issues with water usage and availability, the Board recommends that a gray water system should be a mandatory design requirement. However, the Board is inclined to consider a waiver from this design requirement if a redeveloper can show the inclusion of, and effectiveness of other water conservation and/or water reuse measures, or a combination of measures, such as low flow fixtures, rainwater cisterns to be used for outside water usage, and private wells. This revision should be made in the Proposed Amendments and if other areas of the Initial Redevelopment Plan need to be amended to accomplish this revision they should also be included in the final Plan Amendment.” (“Recommendation 3”); and

**WHEREAS**, while the Town has a limited amount of water available in its water allocation, the Town has undertaken a leak detection program and has recovered more than twenty percent of water previously lost to leaks in the system. The Town currently has sufficient water available for prospective development. These facts, together with the significant cost of a gray water system, leads the Town to determine that water reuse measures should be optional rather than mandatory; and

**WHEREAS**, the Town wishes to adopt the Proposal, as modified by the Planning Board Recommendations, except for Recommendation 3 (the Proposal as so modified and attached hereto as Exhibit C, the “Plan Amendments”);

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS, WITH NO LESS THAN THREE MEMBERS AFFIRMATIVELY CONCURRING:**

**Section 1.** The recitals hereto are hereby incorporated herein by reference as if set forth at length.

**Section 2.** The Plan Amendments, as filed in the Office of the Town Clerk, attached hereto as Exhibit C, are hereby approved. Any portion of the Initial Redevelopment Plan not modified by the Plan Amendments shall remain in full force and effect.

**Section 3.** The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Plan Amendments and delineate the boundaries of the Hicks Avenue Redevelopment Area.

**Section 4.** This ordinance shall take effect as provided in law.

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, July 28, 2014. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body to be conducted at 7:00pm on Monday, August 25, 2014 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

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LORRAINE A. READ, RMC  
MUNICIPAL CLERK

EXHIBIT A

PROPOSAL

EXHIBIT A

**HICKS AVENUE  
REDEVELOPMENT PLAN  
AMENDMENT  
TOWN OF NEWTON  
SUSSEX COUNTY, NEW JERSEY**



**JUNE 2014**



**J Caldwell  
& ASSOCIATES LLC**

PLANNING CONSULTING SERVICES

**HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT  
TOWN OF NEWTON, SUSSEX COUNTY**

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Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944

## **PLAN CONSISTENCY REVIEW**

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### **BACKGROUND**

The Hicks Avenue Redevelopment Plan (the “Plan”) governs the Town of Newton Redevelopment Area (the “Area”) located on the northeastern corner of Sparta Avenue and Hicks Avenue. Notice was sent to property owners within the Area on November 21, 2007, pursuant to *DeRose v. Town of Harrison*. The Area was recommended to be designated as an Area in Need of Redevelopment by the Town of Newton Planning Board on December 6, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). The Area was designated an Area in Need of Redevelopment by the Town Council on December 10, 2007. The Plan for the Area, which established superseding zoning, was adopted by the Town Council on December 22, 2008.

The Plan Area includes eight (8) tax lots in Block 24.02 (former Block 1309), including portions of the adjacent street rights-of-way of Sparta Avenue, Hicks Avenue and Smith Street. The Town of Newton has updated tax lot numbers since the adoption of the original Hicks Avenue Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 24.02, Lots 1, 2, 3, 4, 5, 6, 7 and 8 (former Block 1309, Lots 1.01, 1, 2, 41, 9, 6, 8 and 42, respectively). The Plan Area comprises approximately 13.65 acres.

The purpose of the plan amendment is to provide for an updated design concept for the Redevelopment Area. The original plan contemplated townhouses with rear access garages, a mixed-use building and an apartment building. This proposed plan amendment continues to propose townhouses; however with garage access in the front yard. The mixed-use/apartment building area along Sparta Avenue will be permitted to contain a free-standing commercial building. Additionally, this Plan Amendment will permit certain single family residential uses that exist in the area to remain as permitted uses. The mandatory stormwater recapture and use for irrigation or other non-potable uses are proposed to be revised to be optional as well. The prior development concepts will remain permitted, simply allowing for additional design options for potential redevelopers.

## AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan (the “Plan”) contemplates the potential for amendments to the Plan. At Section 9.1 of the Redevelopment Plan, it states, “As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.” The amendments proposed are to provide for changing market demands and an increase in the amount of available water in the Town, reducing the need for grey water conservation methods.

It has been more than five years since the Redevelopment Plan was adopted. There is insufficient market demand for the types of units proposed in the original plan because the cost of providing rear entry garages is increased because of the need to provide a rear access lane as well as the neighborhood street. The rear entry garages also minimize the size of rear yards, where the development community has requested the ability to provide larger rear yards. Additionally, the area has sufficient residential proposed to not necessarily need the retail uses to be mixed-use, providing for the ability to allow a stand-alone commercial use or commercial building with multiple commercial uses. This Plan Amendment provides for a greater variety of building types, while maintaining the spirit of the original plan, both in terms of the layout and architectural design.

The requirement for mandatory re-use of stormwater on the site may also be cost prohibitive for potential redevelopers. The original need for this water recycling program was due to a limited amount of available water in the Town’s water allocation. The Town has undertaken a leak detection program and has recovered more than 20 percent of water previously lost to leaks in the system. This has lessened the need for mandatory water recycling, providing for the potential for this provision to be optional in the Plan.

The proposed Plan Amendment is generally consistent with the stated goals of the Plan. For example, the first goal in the Plan is to “eliminate the incongruous land uses within the Area and between the designated Area and surrounding environs, eliminating blighting influences.” This Plan Amendment Continues this goal by providing for a greater likelihood of redevelopment occurring. This Plan Amendment is also generally consistent with the Master Plan of the Town of Newton. For example, one of the general goals from the Master Plan is “to promote a desirable visual environment through creative development techniques and good civic design and arrangement.” The proposed Plan Amendment encourages good design, building arrangement and provides for high quality residential and commercial uses in a currently abandoned industrial area. For these reasons, the proposed Plan Amendment is generally consistent with the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan. One goal from the Redevelopment Plan must be amended slightly to permit the option of a stormwater recapture system on the site, rather than a mandatory system.

Based upon the foregoing, it is recommended that the following amendments be made to the Hicks Avenue Redevelopment Plan. If there is a conflict between any of the amended provisions proposed below and existing provisions in the Plan, the amended provisions shall govern. With the exception of the foregoing, all other provisions of the Plan not specifically modified by this Plan Amendment shall remain unmodified.

## **HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT**

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**At Section 1.2, Local Context Map, on page 7, the last paragraph shall include the following:**

The Redevelopment Plan also permits a neighborhood center concept that includes a combination of townhouses, single family residential on existing lots and free-standing commercial uses or a commercial building with multiple commercial spaces. Development layouts, site and circulation plans and building graphics within the Plan are conceptual in nature and subject to final engineering and architectural design by an applicant, subject to approval by the Planning Board.

**At Section 1.7, Goals of the Plan, on page 12, Goal 18 shall be replaced with the following:**

18. To encourage environmental sustainability through the optional creation of a Potable Water Conservation Program, by which stormwater is recaptured, stored and used for landscape irrigation, car washing, and non-potable use within the dwelling units, retail or commercial structures.

**At Section 1.7 Goals of the Plan, on page 12, Redevelopment Objectives, under Section 1, the following sentence shall be added:**

1. A Redeveloper is not required to assemble all parcels in the Area prior to undertaking a redevelopment project.

**At Section 1.9, Illustrative Site Plan, the second and third paragraphs on page 14 and first paragraph on page 15 shall be deleted and replaced with the following:**

The Illustrative Site Plan provides one option for redevelopment of the Area. This Redevelopment Plan permits a density of up to 20 residential units per buildable acre. The total number of units ultimately constructed will depend on the amount of land allocated for residential uses and the total acreage of land proposed to be redeveloped by an applicant. The Plan provides one alternative that shows townhouses with rear access drives, a mixed-use building and a multi-family residential building and an alternative plan permitted by this Redevelopment Plan is for townhouses with garage access in front of the buildings, single family residential remaining or constructed on individual lots and free-standing commercial buildings with one or more commercial uses.

**At Section 2.2 Environmental Conditions, page 19, the final paragraph under the heading "Site Contamination" shall be deleted and replaced with the following:**

Prior to any construction on the site, the Municipality must receive from the redeveloper any and all supporting data which the Municipality deems necessary to validate that any contamination on the site has been remediated, or will be remediated during construction pursuant to an NJDEP approved site remediation plan.

**At Section 2.4 Circulation & Utilities, page 21, the third to the last paragraph entitled “Stormwater” shall be deleted and replaced with the following:**

The stormwater management on this development site will be in accordance with the Residential Site Improvement Standards and Newton’s Stormwater Control Ordinance.

**At Section 3.0 Definitions, page 24 and 25, the definitions for Design Professional, Density and Potable Water Conservation Program should be deleted and replaced with the following:**

Design Professional – A practicing Licensed Professional Planner or Architect that has experience with redevelopment plans in general and form-based zoning.

Density – The number of dwelling units permitted per buildable acre within the Redevelopment Area. Buildable land is exclusive of constraints from wetlands and wetland buffers. Where a Redeveloper is able to obtain an NJDEP permit to build within regulated areas, those areas shall be deemed buildable for purposes of density.

Potable Water Conservation Program – An optional program prepared by the developer by which stormwater is recaptured, stored and used for non-potable use, such as landscape irrigation, car washing and flushing toilets.

**At Section 4.1 Land Use Regulations, Permitted Uses, Section 1, page 28, Residential Uses should be deleted and replaced with the following:**

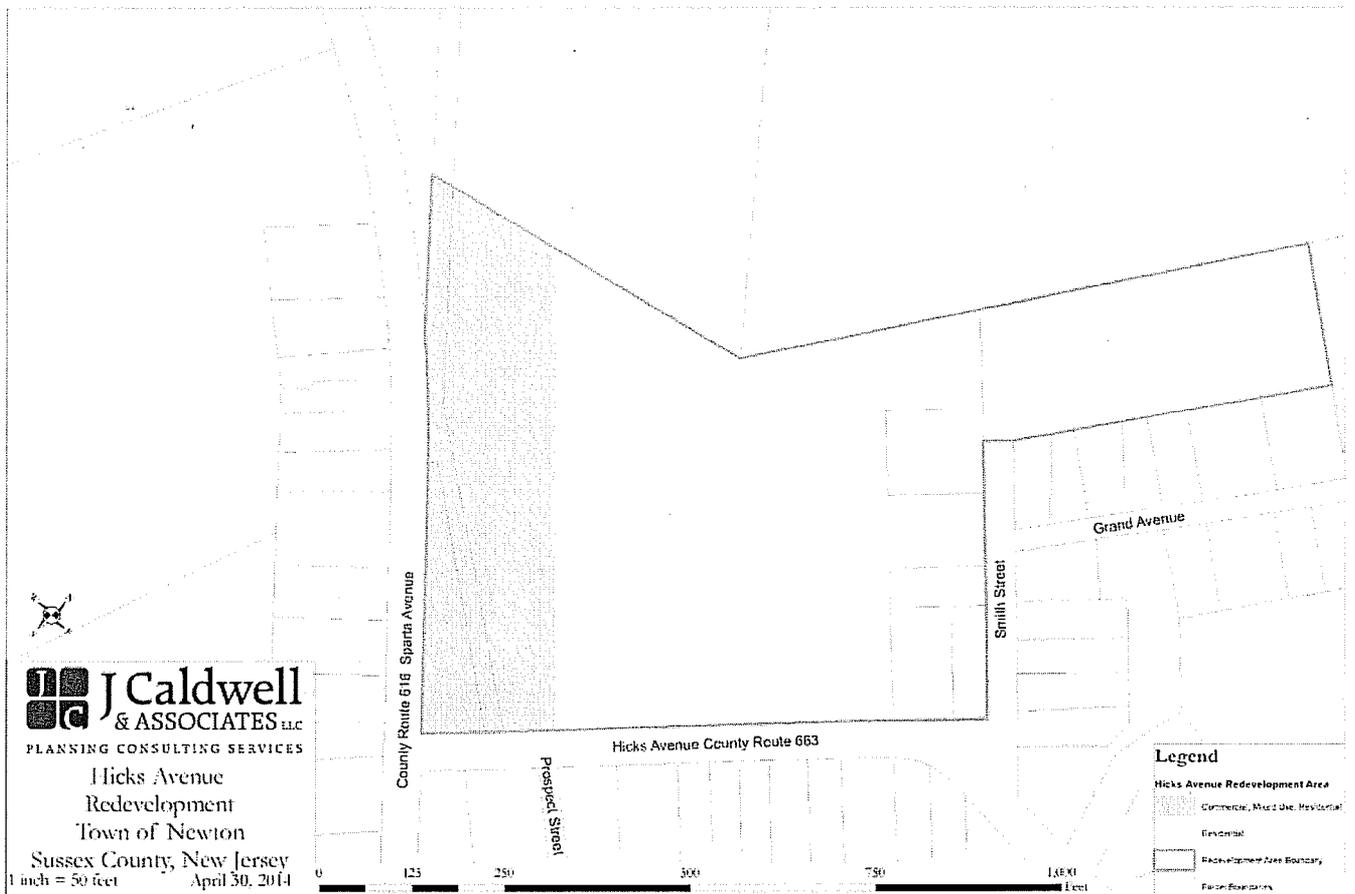
1. Residential: Includes premises available for long-term human habitation; excludes all boarding houses and rooming houses. Residential uses are limited to attached townhouses, paired villas (duplexes), multi-family flats, residential above mixed-use commercial and single-family dwellings.

**At Section 4.1 Land Use Regulations, Permitted Uses, page 28, delete and replace paragraph for as follows and add paragraph 5, Commercial Uses as follows:**

4. Open Spaces, Park and Playgrounds: Public or private open space and/or recreational areas that may include passive and/or active recreational facilities such as pedestrian walkways, bike paths, pedestrian-scaled lighting, benches, picnic areas, playground equipment and/or trash receptacles (wild-life proof).
5. Commercial: Free-standing commercial structures with one or more commercial uses. Permitted commercial uses include all Commercial Retail Service Uses and Business/Office/Professional Uses permitted in the T-4 Neighborhood Services Zone of the Newton Form-Based Code. The Accessory Uses in the T-4 Neighborhood Services Zone are also permitted within the Redevelopment Area as appropriate, with commercial accessory uses in the commercial area and residential accessory uses in the residential area.

At Section 4.1 Land Use Plan, page 29, delete the entire section and replace with the following:

The Land Use Plan for the area includes a 200-foot deep section along Sparta Avenue that permits commercial, mixed-use and residential uses. This area is shown in lavender below. The remainder of the Area, shown in yellow, is slated for residential development. Parking areas and access for the mixed-use/commercial zone of the Area may be located in the residential zone. The boundary between the two zones may be flexed 50 feet in either direction to facilitate a variety of layouts. (The areas flexed need not be the entire length of the boundary).



**At Section 5.2 Mobility Regulations, page 33, the first and second paragraphs shall be deleted and replaced with the following:**

This section provides a conceptual circulation and parking plan for the development. The development must meet New Jersey Site Residential Improvement Standards for the residential portion of the development and is subject to Planning Board approval for the commercial/mixed-use portion of the development.

**Section 5.4 Thoroughfare Overview, page 36, the following discussion shall be added at the end of the page:**

An alternate street layout may be designed to minimize pavement and impervious surfaces throughout the development. This layout would apply to the interior of the development. Streetscapes and sidewalks along Sparta Avenue, Hicks Avenue and Smith Street would remain as shown. The alternate street layout would permit a redeveloper to propose an internal residential street with a 24 foot-wide pavement width and four (4) foot sidewalk on one side of the street. All parking would be off-street parking including parking for both commercial and residential units. Residential units must have off-street guest parking provided along with the minimum parking required by New Jersey Residential Site Improvement Standards.

**At Section 5.7 Pedestrian Circulation Plan, page 45, the following shall be added to the end of the page:**

Examples of possible modifications to the pedestrian plan include: sidewalks on one side of the street within the development, six (6) foot sidewalks around the commercial building and a combined pedestrian walkway and rail trail bike path along Sparta Avenue in lieu of a sidewalk along Sparta Avenue.

**At Section 6.2 Bulk & Setback Regulations, page 49, the bulk standards shall be deleted and replaced with the following:**

**Density:** The density of the Area must not exceed 20 dwelling units per buildable acre of development area.

**Lot Sizes:** Lot sizes may vary depending on the building type and layout of the redevelopment. Lot sizes will be a function of building size plus required setbacks. Alternatively, the Area, or a portion thereof, may be redeveloped as one lot with multiple structures and uses. In this case, setbacks will be measured from exterior lot lines. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan and may be reconstructed within the same footprint on the existing lot. Future additions or redevelopment of those lots shall follow the bulk standards set forth herein.

**Setbacks:** Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet.

**Front yard setback: (measured from the building wall to ROW or edge of pavement)**

- Residential: 12' min. (garage in rear/ off-street parking) / 26' min. (garage in front)
- Multi-family: 15' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

**Side yard setback:**

- Residential: 6' min. to property line
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

**Rear yard setback:**

- Residential: 8' min.
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 10' min.
- Commercial: 10' min.

**Encroachments:** Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements which may encroach include, but are not necessarily limited to: overhangs, steps, porches, balconies, bay and box windows, decks, etc.

- Front yard encroachment: 6 feet max.
- Rear yard encroachment: 6 feet max.
- Side yard encroachment: 4 feet max.

**Driveways/Aprons:** Residential driveways shall be constructed of concrete, pavers, or similar materials. Access drives to commercial and multi-family structures may be asphalt.

**At Section 6.3 Minimum and Maximum Height Regulations, page 50, this section shall be deleted and replaced with the following:**

Maximum and minimum height requirements are expressed as a combination of stories and height in feet as follows:

- Residential: 3 stories and 40 feet max.
- Multi-family: 3 stories and 40 feet max.
- Mixed-use: 3 stories and 40 feet max.; 2 story minimum
- Commercial: 3 stories and 40 feet max.

At Section 6.4 Building Mass, page 51, the third paragraph shall be deleted and replaced with the following paragraph:

The development must address the provision of affordable housing units to meet NJ Council on Affordable Housing (COAH) regulations at the time of site plan approval. All COAH units must meet all COAH regulations.

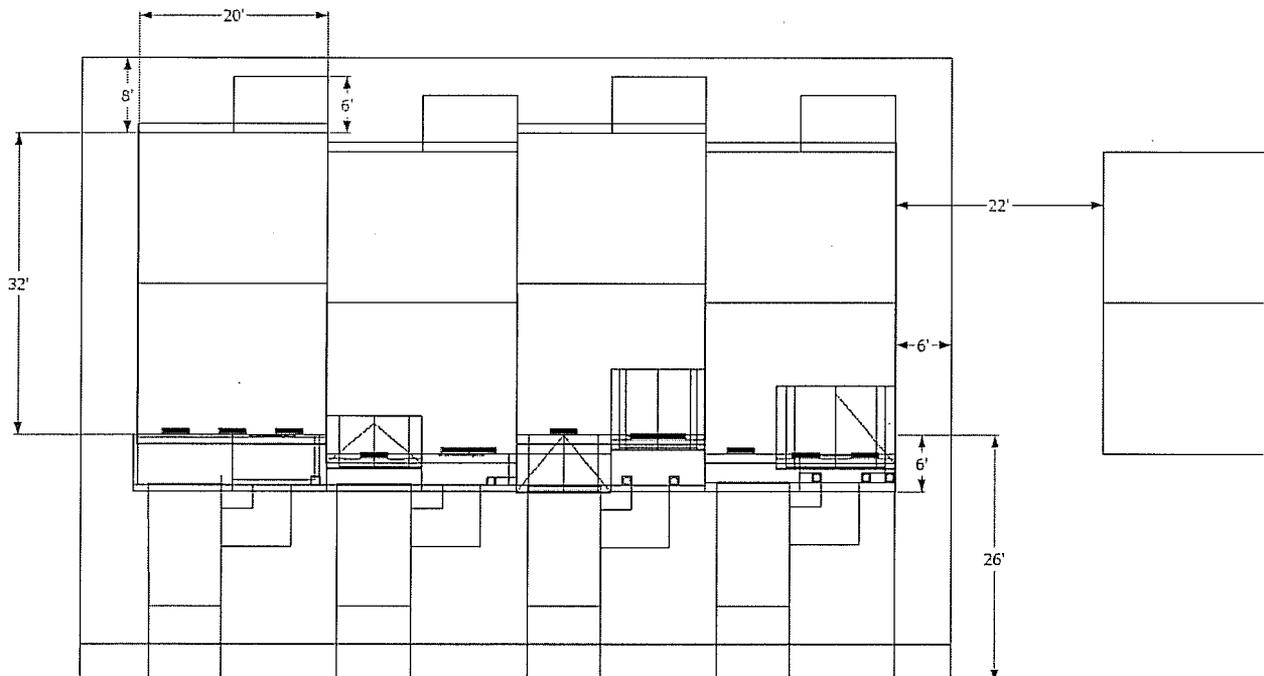
At Section 6.6 Building Typologies, page 55, add the following:

**Townhouse E: 20x32 (garage in front)**

Regulation	Feet
Front Yard Setback	26 min.
Side Yard Setback	6 min. / 22 between buildings
Rear Yard Setback	8 min. / 22 between buildings
Front & Rear Encroachment	6 min.
Side Encroachment	4 min.
Primary Building Footprint	20 x 32*
Accessory Structure Footprint	N/A
Lot Width	Varies
Lot Depth	Varies
Building Height	40 / 3 floors

\*Building footprint size may vary provided that other bulk standards can be met

**Townhouse E: 20 x 32**





Architectural Style and Colors are Illustrative and May Change Subject to Planning Board Approval

The Multi-Family and Mixed-Use building typologies shall also be changed to encompass commercial use buildings by changing the titles to Multi-Family/Commercial and Mixed-Use/Commercial

At Section 6.7.1 Architectural Style: Townhouse, page 57, the following photos shall be added:



**At Section 6.8 Façade Regulations, page 60, delete and replace Item 1 and delete Item 13 as shown below.**

1. To create individuality within a proposed residential development, there must be a minimum of three distinct façade designs for single family or townhouse building types, when multiple units are proposed. The three or more façade designs should be alternated within each building to provide for individuality of units and break-up long buildings. Façade colors, materials and accents should be alternated throughout the development.
- ~~13. Ground level retail/commercial facades fronting along Sparta Avenue and/or Hicks Avenue must be of at least 60% void area (windows and other openings).~~

**At Section 6.10 Building Entrance, Balcony, and Porch Regulations, page 62, delete Items 2 and 5 shown below:**

- ~~2. Every unit shall have a usable front porch and/or a second floor balcony. Porch steps must match the materials used in the porch.~~
- ~~5. The finished floor of the ground level of buildings shall be raised a minimum of 2 feet and a maximum of 3 feet above the grade of the front plain of each primary structure. Porches and stairs shall connect the building to walkway.~~

**At Section 6.11 Building Signage and Lighting Standards, page 64, delete the second paragraph and add the following:**

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

**At Section 6.12 Building Parking Standards, page 64, the second paragraph shall be replaced with the following:**

6. Garages: Garages may be built to accommodate one or two cars and may be built with a second floor or loft above.

**At Section 6.13 Green Building Standards, page 66, delete Item 4 and replace with the following:**

Stormwater Detention and Reuse: In order to mitigate the impact of stormwater on the existing infrastructure and limited potable water resources, new development is encouraged to create a Potable Water Conservation Program using stormwater detention, collection and re-use for non-potable uses such as irrigation, washing cars and flushing toilets, thereby reducing demands on potable water.

**At Section 7.2 General Requirements, page 71, delete Item 4 and Item 7 and replace with the following:**

4. All yard spaces shall be landscaped with trees, shrubs, perennials and ground cover.
7. All landscaped area must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character.

**At Section 7.3 Streetscape Requirements, page 73, delete Item 4 and replace with the following:**

4. If a planter strip is provided between the sidewalk and the curb, it shall be a minimum of 1'6" wide and shall contain plantings or textured pavers. Alternatively, sidewalks may be installed flush with the curb and street trees planted on the yard side of the sidewalks.

**At Section 7.3 Streetscape Requirements, page 73, delete Item 5 shown below:**

- ~~5. The area between the curb and ROW edge together must equal a combined minimum width of eight (8) feet. The remaining width of two (2) feet will be between the sidewalk and ROW edge, in effect lengthening the front yards of properties. Street trees are to be planted within this area. Street trees may also be planted in bumpouts.~~

**At Section 7.3 Streetscape Requirements, page 73, add Item 11 as follows:**

11. Where rear residential yards abut an exterior street, an evergreen buffer shall be planted along the street side of the units, in a staggered pattern to provide year-round buffering for the residences. The buffer width, design and tree species shall be subject to Planning Board approval.

**At Section 7.4 Yard Landscape Requirements, page 74, Items 2 and 9 shall be deleted and replaced as follows:**

2. Every building shall have direct access from the access drive, driveway or sidewalk to the primary pedestrian ingress and egress of a building by way of a walkway. Materials of the walkway shall compliment the color and design of the building and the sidewalks.
9. Yards must have a minimum number of landscape features:
  - Two (2) canopy trees per building (in addition to street trees); and
  - Foundation shrubs: five (5) per building (or unit for townhouses) along the front façade.

**At Section 7.5 Signage Requirements, page 75, the section shall be deleted and replaced with the following:**

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

**At Section 8.2 General Utilities Requirements, page 83, delete Item 3 and Item 7 and replace with the following:**

3. Stormwater Management in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-6 and the Town of Newton Stormwater Control Ordinance, Chapter 258 of the Code of the Town of Newton.
7. Snow Removal: Adequate facilities shall be provided for the removal of snow from the common areas.

**Section 8.3 Stormwater Management, page 84, the following paragraph shall be deleted as shown below:**

~~A Potable Water Conservation Program must be developed as part of the Plan (see page 25). Sustainable techniques to address and utilize stormwater runoff must be included in the Plan (unless the developer receives a waiver from the Planning Board). These techniques would include the construction of green roofs, water cisterns and the use of stored water for irrigation and other non-potable uses. Such techniques would mitigate the effects of stormwater runoff and lessen the volume needed in stormwater detention facilities, but as significantly, would mitigate the demands on the allocation of limited potable water resources from the Town.~~

**At Section 9.2 Plan Consistency Review, page 88, the following shall be added to the final paragraph:**

The Plan Amendment is determined to not be in conflict with the Master Plans of Andover Township, Fredon Township or Hampton Township.

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5. Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan Amendment and be re-constructed within the same building footprint on the existing lot. Future additions or redevelopment of those lots must conform to the standards of this Redevelopment Plan. Except as previously noted, a use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building has been “destroyed”.

**At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Phasing”, Items A and B shall be deleted and replaced with the following:**

Phasing Plan: Any applicant seeking to develop properties located within this Redevelopment Plan that is planning on phasing the development must submit a Phasing Plan for review and approval by the Newton Planning Board.

**At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Certificates of Completion and Compliance”, shall be deleted and replaced with the following:**

Upon the inspection of the verification the Redevelopment Entity that the redevelopment of a parcel has been completed pursuant to the Redevelopment Agreement, a Certificate of Completion and Compliance shall be issued to the Redeveloper as such parcel shall be deemed no longer in need of redevelopment.

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Town Council of the Town of Newton.

**At Section 9.5 Affordable Housing, page 92, paragraph 2 titled Affordable Housing shall be deleted and replaced with the following:**

**Affordable Housing**

Any redeveloper constructing more than three (3) residential units shall provide 10 percent of the total residential units redeveloped on the site as affordable units pursuant to COAH regulations. Alternatively, the developer may construct, rehabilitate or otherwise create an equivalent number of affordable units off-site within the municipality. Finally, a developer may, at the discretion and determination of the Town Council, provide a payment in lieu of construction for each unit, or portion thereof, not constructed on the site. The fee shall be based on the projected cost to develop an equivalent number of affordable units elsewhere in the Town.

(Paragraphs 3, 4 and 5 under Affordable Housing shall remain).

EXHIBIT B

PLANNING BOARD RESOLUTION

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF  
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY  
RECOMMENDING THE ADOPTION OF PROPOSED AMENDMENTS  
TO THE HICKS AVENUE REDEVELOPMENT PLAN**

**WHEREAS**, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, after investigation of a delineated area and recommendation of the Planning Board in accordance with the Act, on December 10, 2007, the Town Council, acting by resolution, designated the area then identified on the official tax map of the Town as Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41 and 42, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment (collectively, the "Redevelopment Area"); and

**WHEREAS**, on December 22, 2008, after review and comment by the Town's Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted a redevelopment plan for the Redevelopment Area (the "Initial Redevelopment Plan"); and

**WHEREAS**, due to changes in the national, regional and local economies occurring since the time of adoption of the Initial Redevelopment Plan, the Town wishes to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

**WHEREAS**, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendments"); and

**WHEREAS**, by Resolution 108-2014 adopted June 9, 2014, the Town requested that the Planning Board review and comment on the Proposed Amendments to the Redevelopment Plan; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on June 18, 2014; the Planning Board considered the Proposed Amendments; and

**WHEREAS**, after due consideration of the Proposed Amendments, the Planning Board has determined that they are consistent with the Town's Master Plan, and wishes to recommend to the Town Council that adopt the Proposed Amendments with certain recommended revisions which are set forth at Exhibit B attached hereto (the "Revised Proposal").

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Newton as follows:

**Section 1.** Recommendation – Adoption of Proposed Amendments. The Planning Board hereby recommends to the Town Council that the Revised Proposal, consisting of the

Proposed Amendments attached hereto as Exhibit A, and the recommended revisions enumerated in Exhibit B, be adopted as an amendment to the Initial Redevelopment Plan. The Planning Board hereby finds and determines that both the Proposed Amendments and the Revised Proposal are consistent with the Town's Master Plan.

**Section 2.** Transmission to the Town Council. The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Town Council. This Resolution shall serve as the Report to the Town Council required by Section 7 of the Act.

**Section 3.** Effective Date. This Resolution shall take effect immediately.

The above is hereby certified to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 18<sup>th</sup> day of June, 2014.

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Gregory LeFrois  
Planning Board Chair

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Kathy Citterbart  
Planning Board Secretary

**EXHIBIT A**

**PROPOSED AMENDMENTS**

**HICKS AVENUE  
REDEVELOPMENT PLAN  
AMENDMENT**

TOWN OF NEWTON  
SUSSEX COUNTY, NEW JERSEY

**JUNE 2014**

 **J Caldwell**  
& ASSOCIATES LLC  
PLANNING CONSULTING SERVICES

HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT  
TOWN OF NEWTON, SUSSEX COUNTY

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Jessica Caldwell, P.P., A.I.C.P., Town Planner, P.P. # 5944

## **PLAN CONSISTENCY REVIEW**

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### **BACKGROUND**

The Hicks Avenue Redevelopment Plan (the "Plan") governs the Town of Newton Redevelopment Area (the "Area") located on the northeastern corner of Sparta Avenue and Hicks Avenue. Notice was sent to property owners within the Area on November 21, 2007, pursuant to *DeRose v. Town of Harrison*. The Area was recommended to be designated as an Area in Need of Redevelopment by the Town of Newton Planning Board on December 6, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"). The Area was designated an Area in Need of Redevelopment by the Town Council on December 10, 2007. The Plan for the Area, which established superseding zoning, was adopted by the Town Council on December 22, 2008.

The Plan Area includes eight (8) tax lots in Block 24.02 (former Block 1309), including portions of the adjacent street rights-of-way of Sparta Avenue, Hicks Avenue and Smith Street. The Town of Newton has updated tax lot numbers since the adoption of the original Hicks Avenue Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 24.02, Lots 1, 2, 3, 4, 5, 6, 7 and 8 (former Block 1309, Lots 1.01, 1, 2, 41, 9, 6, 8 and 42, respectively). The Plan Area comprises approximately 13.65 acres.

The purpose of the plan amendment is to provide for an updated design concept for the Redevelopment Area. The original plan contemplated townhouses with rear access garages, a mixed-use building and an apartment building. This proposed plan amendment continues to propose townhouses; however with garage access in the front yard. The mixed-use/apartment building area along Sparta Avenue will be permitted to contain a free-standing commercial building. Additionally, this Plan Amendment will permit certain single family residential uses that exist in the area to remain as permitted uses. The mandatory stormwater recapture and use for irrigation or other non-potable uses are proposed to be revised to be optional as well. The prior development concepts will remain permitted, simply allowing for additional design options for potential developers.

## AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan (the "Plan") contemplates the potential for amendments to the Plan. At Section 9.1 of the Redevelopment Plan, it states, "As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes." The amendments proposed are to provide for changing market demands and an increase in the amount of available water in the Town, reducing the need for grey water conservation methods.

It has been more than five years since the Redevelopment Plan was adopted. There is insufficient market demand for the types of units proposed in the original plan because the cost of providing rear entry garages is increased because of the need to provide a rear access lane as well as the neighborhood street. The rear entry garages also minimize the size of rear yards, where the development community has requested the ability to provide larger rear yards. Additionally, the area has sufficient residential proposed to not necessarily need the retail uses to be mixed-use, providing for the ability to allow a stand-alone commercial use or commercial building with multiple commercial uses. This Plan Amendment provides for a greater variety of building types, while maintaining the spirit of the original plan, both in terms of the layout and architectural design.

The requirement for mandatory re-use of stormwater on the site may also be cost prohibitive for potential redevelopers. The original need for this water recycling program was due to a limited amount of available water in the Town's water allocation. The Town has undertaken a leak detection program and has recovered more than 20 percent of water previously lost to leaks in the system. This has lessened the need for mandatory water recycling, providing for the potential for this provision to be optional in the Plan.

The proposed Plan Amendment is generally consistent with the stated goals of the Plan. For example, the first goal in the Plan is to "eliminate the incongruous land uses within the Area and between the designated Area and surrounding environs, eliminating blighting influences." This Plan Amendment continues this goal by providing for a greater likelihood of redevelopment occurring. This Plan Amendment is also generally consistent with the Master Plan of the Town of Newton. For example, one of the general goals from the Master Plan is "to promote a desirable visual environment through creative development techniques and good civic design and arrangement." The proposed Plan Amendment encourages good design, building arrangement and provides for high quality residential and commercial uses in a currently abandoned industrial area. For these reasons, the proposed Plan Amendment is generally consistent with the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan. One goal from the Redevelopment Plan must be amended slightly to permit the option of a stormwater recapture system on the site, rather than a mandatory system.

Based upon the foregoing, it is recommended that the following amendments be made to the Hicks Avenue Redevelopment Plan. If there is a conflict between any of the amended provisions proposed below and existing provisions in the Plan, the amended provisions shall govern. With the exception of the foregoing, all other provisions of the Plan not specifically modified by this Plan Amendment shall remain unmodified.

## **HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT**

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**At Section 1.2, Local Context Map, on page 7, the last paragraph shall include the following:**

The Redevelopment Plan also permits a neighborhood center concept that includes a combination of townhouses, single family residential on existing lots and free-standing commercial uses or a commercial building with multiple commercial spaces. Development layouts, site and circulation plans and building graphics within the Plan are conceptual in nature and subject to final engineering and architectural design by an applicant, subject to approval by the Planning Board.

**At Section 1.7, Goals of the Plan, on page 12, Goal 18 shall be replaced with the following:**

18. To encourage environmental sustainability through the optional creation of a Potable Water Conservation Program, by which stormwater is recaptured, stored and used for landscape irrigation, car washing, and non-potable use within the dwelling units, retail or commercial structures.

**At Section 1.7 Goals of the Plan, on page 12, Redevelopment Objectives, under Section 1, the following sentence shall be added:**

1. A Redeveloper is not required to assemble all parcels in the Area prior to undertaking a redevelopment project.

**At Section 1.9, Illustrative Site Plan, the second and third paragraphs on page 14 and first paragraph on page 15 shall be deleted and replaced with the following:**

The Illustrative Site Plan provides one option for redevelopment of the Area. This Redevelopment Plan permits a density of up to 20 residential units per buildable acre. The total number of units ultimately constructed will depend on the amount of land allocated for residential uses and the total acreage of land proposed to be redeveloped by an applicant. The Plan provides one alternative that shows townhouses with rear access drives, a mixed-use building and a multi-family residential building and an alternative plan permitted by this Redevelopment Plan is for townhouses with garage access in front of the buildings, single family residential remaining or constructed on individual lots and free-standing commercial buildings with one or more commercial uses.

**At Section 2.2 Environmental Conditions, page 19, the final paragraph under the heading "Site Contamination" shall be deleted and replaced with the following:**

Prior to any construction on the site, the Municipality must receive from the redeveloper any and all supporting data which the Municipality deems necessary to validate that any contamination on the site has been remediated, or will be remediated during construction pursuant to an NJDEP approved site remediation plan.

**At Section 2.4 Circulation & Utilities, page 21, the third to the last paragraph entitled "Stormwater" shall be deleted and replaced with the following:**

The stormwater management on this development site will be in accordance with the Residential Site Improvement Standards and Newton's Stormwater Control Ordinance.

**At Section 3.0 Definitions, page 24 and 25, the definitions for Design Professional, Density and Potable Water Conservation Program should be deleted and replaced with the following:**

**Design Professional** – A practicing Licensed Professional Planner or Architect that has experience with redevelopment plans in general and form-based zoning.

**Density** – The number of dwelling units permitted per buildable acre within the Redevelopment Area. Buildable land is exclusive of constraints from wetlands and wetland buffers. Where a Redeveloper is able to obtain an NJDEP permit to build within regulated areas, those areas shall be deemed buildable for purposes of density.

**Potable Water Conservation Program** – An optional program prepared by the developer by which stormwater is recaptured, stored and used for non-potable use, such as landscape irrigation, car washing and flushing toilets.

**At Section 4.1 Land Use Regulations, Permitted Uses, Section 1, page 28, Residential Uses should be deleted and replaced with the following:**

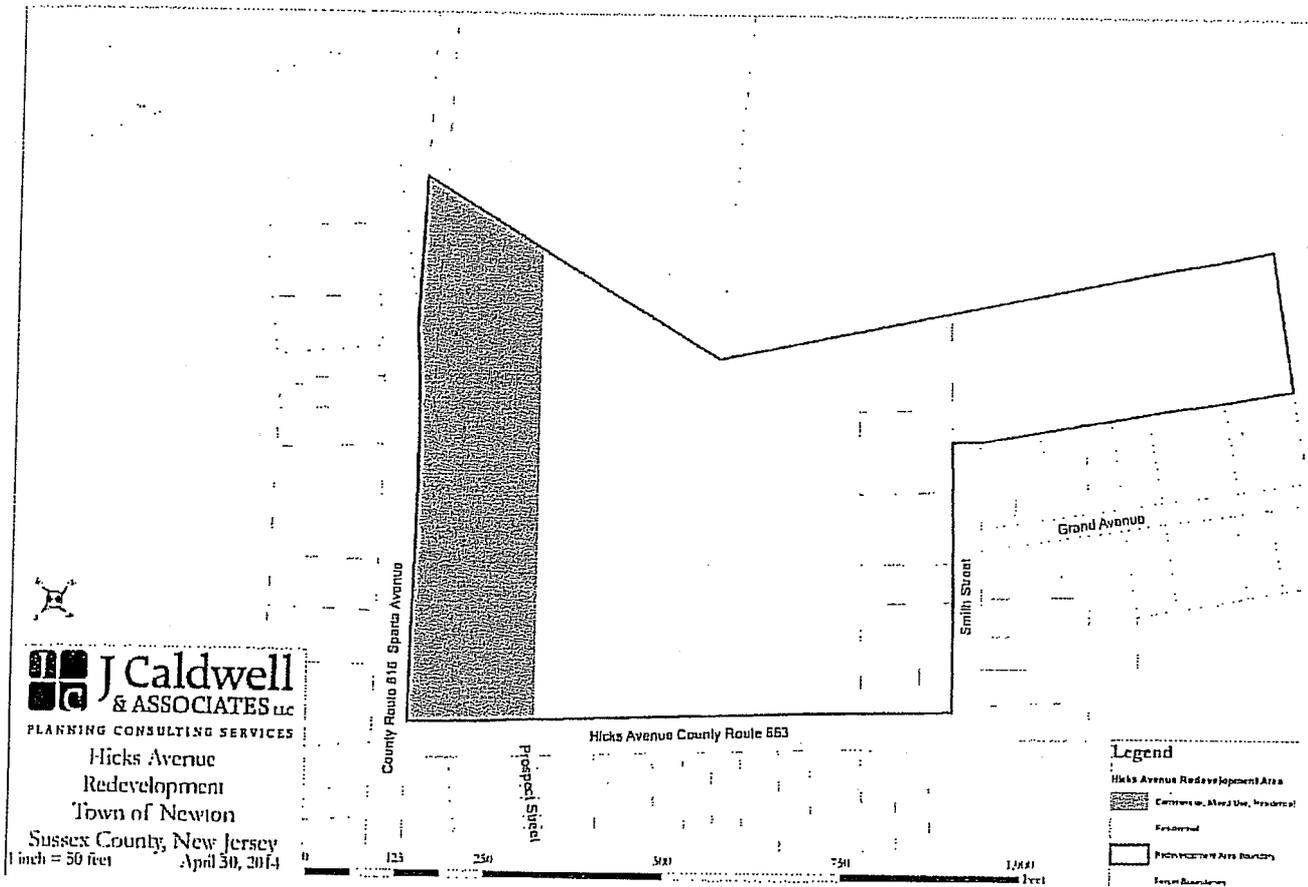
1. Residential: Includes premises available for long-term human habitation; excludes all boarding houses and rooming houses. Residential uses are limited to attached townhouses, paired villas (duplexes), multi-family flats, residential above mixed-use commercial and single-family dwellings.

**At Section 4.1 Land Use Regulations, Permitted Uses, page 28, delete and replace paragraph for as follows and add paragraph 5, Commercial Uses as follows:**

4. Open Spaces, Park and Playgrounds: Public or private open space and/or recreational areas that may include passive and/or active recreational facilities such as pedestrian walkways, bike paths, pedestrian-scaled lighting, benches, picnic areas, playground equipment and/or trash receptacles (wild-life proof).
5. Commercial: Free-standing commercial structures with one or more commercial uses. Permitted commercial uses include all Commercial Retail Service Uses and Business/Office/Professional Uses permitted in the T-4 Neighborhood Services Zone of the Newton Form-Based Code. The Accessory Uses in the T-4 Neighborhood Services Zone are also permitted within the Redevelopment Area as appropriate, with commercial accessory uses in the commercial area and residential accessory uses in the residential area.

At Section 4.1 Land Use Plan, page 29, delete the entire section and replace with the following:

The Land Use Plan for the area includes a 200-foot deep section along Sparta Avenue that permits commercial, mixed-use and residential uses. This area is shown in lavender below. The remainder of the Area, shown in yellow, is slated for residential development. Parking areas and access for the mixed-use/commercial zone of the Area may be located in the residential zone. The boundary between the two zones may be flexed 50 feet in either direction to facilitate a variety of layouts. (The areas flexed need not be the entire length of the boundary).



  
**J Caldwell**  
 & ASSOCIATES LLC  
 PLANNING CONSULTING SERVICES  
 Hicks Avenue  
 Redevelopment  
 Town of Newton  
 Sussex County, New Jersey  
 April 30, 2014  
 1 inch = 50 feet

**At Section 5.2 Mobility Regulations, page 33, the first and second paragraphs shall be deleted and replaced with the following:**

This section provides a conceptual circulation and parking plan for the development. The development must meet New Jersey Site Residential Improvement Standards for the residential portion of the development and is subject to Planning Board approval for the commercial/mixed-use portion of the development.

**Section 5.4 Thoroughfare Overview, page 36, the following discussion shall be added at the end of the page:**

An alternate street layout may be designed to minimize pavement and impervious surfaces throughout the development. This layout would apply to the interior of the development. Streetscapes and sidewalks along Sparta Avenue, Hicks Avenue and Smith Street would remain as shown. The alternate street layout would permit a redeveloper to propose an internal residential street with a 24 foot-wide pavement width and four (4) foot sidewalk on one side of the street. All parking would be off-street parking including parking for both commercial and residential units. Residential units must have off-street guest parking provided along with the minimum parking required by New Jersey Residential Site Improvement Standards.

**At Section 5.7 Pedestrian Circulation Plan, page 45, the following shall be added to the end of the page:**

Examples of possible modifications to the pedestrian plan include: sidewalks on one side of the street within the development, six (6) foot sidewalks around the commercial building and a combined pedestrian walkway and rail trail bike path along Sparta Avenue in lieu of a sidewalk along Sparta Avenue.

**At Section 6.2 Bulk & Setback Regulations, page 49, the bulk standards shall be deleted and replaced with the following:**

**Density:** The density of the Area must not exceed 20 dwelling units per buildable acre of development area.

**Lot Sizes:** Lot sizes may vary depending on the building type and layout of the redevelopment. Lot sizes will be a function of building size plus required setbacks. Alternatively, the Area, or a portion thereof, may be redeveloped as one lot with multiple structures and uses. In this case, setbacks will be measured from exterior lot lines. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan and may be reconstructed within the same footprint on the existing lot. Future additions or redevelopment of those lots shall follow the bulk standards set forth herein.

**Setbacks:** Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet.

**Front yard setback: (measured from the building wall to ROW or edge of pavement)**

- Residential: 12' min. (garage in rear/ off-street parking) / 26' min. (garage in front)
- Multi-family: 15' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

**Side yard setback:**

- Residential: 6' min. to property line
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

**Rear yard setback:**

- Residential: 8' min.
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 10' min.
- Commercial: 10' min.

**Encroachments:** Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements which may encroach include, but are not necessarily limited to: overhangs, steps, porches, balconies, bay and box windows, decks, etc.

- Front yard encroachment: 6 feet max.
- Rear yard encroachment: 6 feet max.
- Side yard encroachment: 4 feet max.

**Driveways/Aprons:** Residential driveways shall be constructed of concrete, pavers, or similar materials. Access drives to commercial and multi-family structures may be asphalt.

**At Section 6.3 Minimum and Maximum Height Regulations, page 50, this section shall be deleted and replaced with the following:**

Maximum and minimum height requirements are expressed as a combination of stories and height in feet as follows:

- Residential: 3 stories and 40 feet max.
- Multi-family: 3 stories and 40 feet max.
- Mixed-use: 3 stories and 40 feet max.; 2 story minimum
- Commercial: 3 stories and 40 feet max.

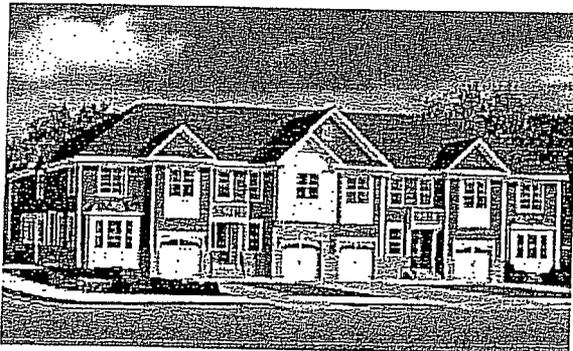




Architectural Style and Colors are Illustrative and May Change Subject to Planning Board Approval

The Multi-Family and Mixed-Use building typologies shall also be changed to encompass commercial use buildings by changing the titles to Multi-Family/Commercial and Mixed-Use/Commercial

At Section 6.7.1 Architectural Style: Townhouse, page 57, the following photos shall be added:



At Section 6.8 Façade Regulations, page 60, delete and replace Item 1 and delete Item 13 as shown below.

1. To create individuality within a proposed residential development, there must be a minimum of three distinct façade designs for single family or townhouse building types, when multiple units are proposed. The three or more façade designs should be alternated within each building to provide for individuality of units and break-up long buildings. Façade colors, materials and accents should be alternated throughout the development.

- ~~13. Ground level retail/commercial facades fronting along Sparta Avenue and/or Hicks Avenue must be of at least 60% void area (windows and other openings).~~

At Section 6.10 Building Entrance, Balcony, and Porch Regulations, page 62, delete Items 2 and 5 shown below:

- ~~2. Every unit shall have a usable front porch and/or a second floor balcony. Porch steps must match the materials used in the porch.~~
- ~~5. The finished floor of the ground level of buildings shall be raised a minimum of 2 feet and a maximum of 3 feet above the grade of the front plain of each primary structure. Porches and stairs shall connect the building to walkway.~~

At Section 6.11 Building Signage and Lighting Standards, page 64, delete the second paragraph and add the following:

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

At Section 6.12 Building Parking Standards, page 64, the second paragraph shall be replaced with the following:

6. Garages: Garages may be built to accommodate one or two cars and may be built with a second floor or loft above.

At Section 6.13 Green Building Standards, page 66, delete Item 4 and replace with the following:

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4. All yard spaces shall be landscaped with trees, shrubs, perennials and ground cover.
7. All landscaped area must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character.

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4. If a planter strip is provided between the sidewalk and the curb, it shall be a minimum of 1'6" wide and shall contain plantings or textured pavers. Alternatively, sidewalks may be installed flush with the curb and street trees planted on the yard side of the sidewalks.

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9. Yards must have a minimum number of landscape features:
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Phasing Plan: Any applicant seeking to develop properties located within this Redevelopment Plan that is planning on phasing the development must submit a Phasing Plan for review and approval by the Newton Planning Board.

**At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Certificates of Completion and Compliance”, shall be deleted and replaced with the following:**

Upon the inspection of the verification the Redevelopment Entity that the redevelopment of a parcel has been completed pursuant to the Redevelopment Agreement, a Certificate of Completion and Compliance shall be issued to the Redeveloper as such parcel shall be deemed no longer in need of redevelopment.

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Town Council of the Town of Newton.

**At Section 9.5 Affordable Housing, page 92, paragraph 2 titled Affordable Housing shall be deleted and replaced with the following:**

**Affordable Housing**

Any redeveloper constructing more than three (3) residential units shall provide 10 percent of the total residential units redeveloped on the site as affordable units pursuant to COAH regulations. Alternatively, the developer may construct, rehabilitate or otherwise create an equivalent number of affordable units off-site within the municipality. Finally, a developer may, at the discretion and determination of the Town Council, provide a payment in lieu of construction for each unit, or portion thereof, not constructed on the site. The fee shall be based on the projected cost to develop an equivalent number of affordable units elsewhere in the Town.

(Paragraphs 3, 4 and 5 under Affordable Housing shall remain).

## EXHIBIT B

### REVISED PROPOSAL – SUMMARY OF RECOMMENDED REVISIONS

1. Revise Section 6.2 on page 7 to clarify that all driveway aprons in all projects be they residential, commercial or multi-family be constructed of concrete, and that driveways may be constructed of either concrete, pavers or asphalt, however whatever material is chosen by the redeveloper for driveways must be used uniformly through the project. This revision should be made in the Proposed Amendments and if other areas of the Initial Redevelopment Plan need to be amended to accomplish this revision they should also be included in the final Plan Amendment.
  
2. Revise the language regarding affordable housing (a.k.a. COAH) requirements in Section 6.4 on page 8 and Section 9.5 on page 13, by clarifying the language in Section 6.4 to designate the Hicks Avenue Redevelopment Area as an Inclusionary Development and then replace the existing Section 9.5 language with the revised Section 6.4 language. This revision should be made in the Proposed Amendments and if other areas of the Initial Redevelopment Plan need to be amended to accomplish this revision they should also be included in the final Plan Amendment.
  
3. There are a number of areas where the use of a potable water conservation program (a.k.a. “gray water system”) is discussed as a design option. As the Board is concerned with the Town’s past issues with water usage and availability, the Board recommends that a gray water system should be a mandatory design requirement. However, the Board is inclined to consider a waiver from this design requirement if a redeveloper can show the inclusion of, and effectiveness of other water conservation and/or water reuse measures, or a combination of measures, such as low flow fixtures, rainwater cisterns to be used for outside water usage, and private wells. This revision should be made in the Proposed Amendments and if other areas of the Initial Redevelopment Plan need to be amended to accomplish this revision they should also be included in the final Plan Amendment.

EXHIBIT C

PLAN AMENDMENTS

EXHIBIT C

**HICKS AVENUE  
REDEVELOPMENT PLAN  
AMENDMENT**

TOWN OF NEWTON  
SUSSEX COUNTY, NEW JERSEY



**JULY 2014**

 **J Caldwell**  
& ASSOCIATES LLC  
PLANNING CONSULTING SERVICES

**HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT  
TOWN OF NEWTON, SUSSEX COUNTY**

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**Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944**

## **PLAN CONSISTENCY REVIEW**

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### **BACKGROUND**

The Hicks Avenue Redevelopment Plan (the “Plan”) governs the Town of Newton Redevelopment Area (the “Area”) located on the northeastern corner of Sparta Avenue and Hicks Avenue. Notice was sent to property owners within the Area on November 21, 2007, pursuant to *DeRose v. Town of Harrison*. The Area was recommended to be designated as an Area in Need of Redevelopment by the Town of Newton Planning Board on December 6, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). The Area was designated an Area in Need of Redevelopment by the Town Council on December 10, 2007. The Plan for the Area, which established superseding zoning, was adopted by the Town Council on December 22, 2008.

The Plan Area includes eight (8) tax lots in Block 24.02 (former Block 1309), including portions of the adjacent street rights-of-way of Sparta Avenue, Hicks Avenue and Smith Street. The Town of Newton has updated tax lot numbers since the adoption of the original Hicks Avenue Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 24.02, Lots 1, 2, 3, 4, 5, 6, 7 and 8 (former Block 1309, Lots 1.01, 1, 2, 41, 9, 6, 8 and 42, respectively). The Plan Area comprises approximately 13.65 acres.

The purpose of the plan amendment is to provide for an updated design concept for the Redevelopment Area. The original plan contemplated townhouses with rear access garages, a mixed-use building and an apartment building. This plan amendment continues to propose townhouses; however with garage access in the front yard. The mixed-use/apartment building area along Sparta Avenue will be permitted to contain a free-standing commercial building. Additionally, this Plan Amendment will permit certain single family residential uses that exist in the area to remain as permitted uses. The mandatory stormwater recapture and use for irrigation or other non-potable uses are revised to be optional as well. The prior development concepts will remain permitted, simply allowing for additional design options for potential redevelopers.

## AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan (the “Plan”) contemplates the potential for amendments to the Plan. At Section 9.1 of the Redevelopment Plan, it states, “As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.” These amendments provide for changing market demands and an increase in the amount of available water in the Town, reducing the need for grey water conservation methods.

It has been more than five years since the Redevelopment Plan was adopted. There is insufficient market demand for the types of units proposed in the original plan because the cost of providing rear entry garages is increased because of the need to provide a rear access lane as well as the neighborhood street. The rear entry garages also minimize the size of rear yards, where the development community has requested the ability to provide larger rear yards. Additionally, the area has sufficient residential proposed to not necessarily need the retail uses to be mixed-use, providing for the ability to allow a stand-alone commercial use or commercial building with multiple commercial uses. This Plan Amendment provides for a greater variety of building types, while maintaining the spirit of the original plan, both in terms of the layout and architectural design.

The requirement for mandatory re-use of stormwater on the site may also be cost prohibitive for potential redevelopers. The original need for this water recycling program was due to a limited amount of available water in the Town’s water allocation. The Town has undertaken a leak detection program and has recovered more than 20 percent of water previously lost to leaks in the system. This has lessened the need for mandatory water recycling, providing for the potential for this provision to be optional in the Plan.

The Plan Amendment is generally consistent with the stated goals of the Plan. For example, the first goal in the Plan is to “eliminate the incongruous land uses within the Area and between the designated Area and surrounding environs, eliminating blighting influences.” This Plan Amendment continues this goal by providing for a greater likelihood of redevelopment occurring. This Plan Amendment is also generally consistent with the Master Plan of the Town of Newton. For example, one of the general goals from the Master Plan is “to promote a desirable visual environment through creative development techniques and good civic design and arrangement.” The Plan Amendment encourages good design, building arrangement and provides for high quality residential and commercial uses in a currently abandoned industrial area. For these reasons, the Plan Amendment is generally consistent with the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan. One goal from the Redevelopment Plan must be amended slightly to permit the option of a stormwater recapture system on the site, rather than a mandatory system.

Based upon the foregoing, the following amendments will be made to the Hicks Avenue Redevelopment Plan. If there is a conflict between any of the amended provisions proposed below and existing provisions in the Plan, the amended provisions shall govern. With the exception of the foregoing, all other provisions of the Plan not specifically modified by this Plan Amendment shall remain unmodified.

## **HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT**

---

**At Section 1.2, Local Context Map, on page 7, the last paragraph shall include the following:**

The Redevelopment Plan also permits a neighborhood center concept that includes a combination of townhouses, single family residential on existing lots and free-standing commercial uses or a commercial building with multiple commercial spaces. Development layouts, site and circulation plans and building graphics within the Plan are conceptual in nature and subject to final engineering and architectural design by an applicant, subject to approval by the Planning Board.

**At Section 1.7, Goals of the Plan, on page 12, Goal 18 shall be replaced with the following:**

18. To encourage environmental sustainability through the optional creation of a Potable Water Conservation Program, by which stormwater is recaptured, stored and used for landscape irrigation, car washing, and non-potable use within the dwelling units, retail or commercial structures.

**At Section 1.7 Goals of the Plan, on page 12, Redevelopment Objectives, under Section 1, the following sentence shall be added:**

1. A Redeveloper is not required to assemble all parcels in the Area prior to undertaking a redevelopment project.

**At Section 1.9, Illustrative Site Plan, the second and third paragraphs on page 14 and first paragraph on page 15 shall be deleted and replaced with the following:**

The Illustrative Site Plan provides one option for redevelopment of the Area. This Redevelopment Plan permits a density of up to 20 residential units per buildable acre. The total number of units ultimately constructed will depend on the amount of land allocated for residential uses and the total acreage of land proposed to be redeveloped by an applicant. The Plan provides one alternative that shows townhouses with rear access drives, a mixed-use building and a multi-family residential building and an alternative plan permitted by this Redevelopment Plan is for townhouses with garage access in front of the buildings, single family residential remaining or constructed on individual lots and free-standing commercial buildings with one or more commercial uses.

**At Section 2.2 Environmental Conditions, page 19, the final paragraph under the heading "Site Contamination" shall be deleted and replaced with the following:**

Prior to any construction on the site, the Municipality must receive from the redeveloper any and all supporting data which the Municipality deems necessary to validate that any contamination on the site has been remediated, or will be remediated during construction pursuant to an NJDEP approved site remediation plan.

**At Section 2.4 Circulation & Utilities, page 21, the third to the last paragraph entitled “Stormwater” shall be deleted and replaced with the following:**

The stormwater management on this development site will be in accordance with the Residential Site Improvement Standards and Newton’s Stormwater Control Ordinance.

**At Section 3.0 Definitions, page 24 and 25, the definitions for Design Professional, Density and Potable Water Conservation Program should be deleted and replaced with the following:**

Design Professional – A practicing Licensed Professional Planner or Architect that has experience with redevelopment plans in general and form-based zoning.

Density – The number of dwelling units permitted per buildable acre within the Redevelopment Area. Buildable land is exclusive of constraints from wetlands and wetland buffers. Where a Redeveloper is able to obtain an NJDEP permit to build within regulated areas, those areas shall be deemed buildable for purposes of density.

Potable Water Conservation Program – An optional program prepared by the developer by which stormwater is recaptured, stored and used for non-potable use, such as landscape irrigation, car washing and flushing toilets.

**At Section 4.1 Land Use Regulations, Permitted Uses, Section 1, page 28, Residential Uses should be deleted and replaced with the following:**

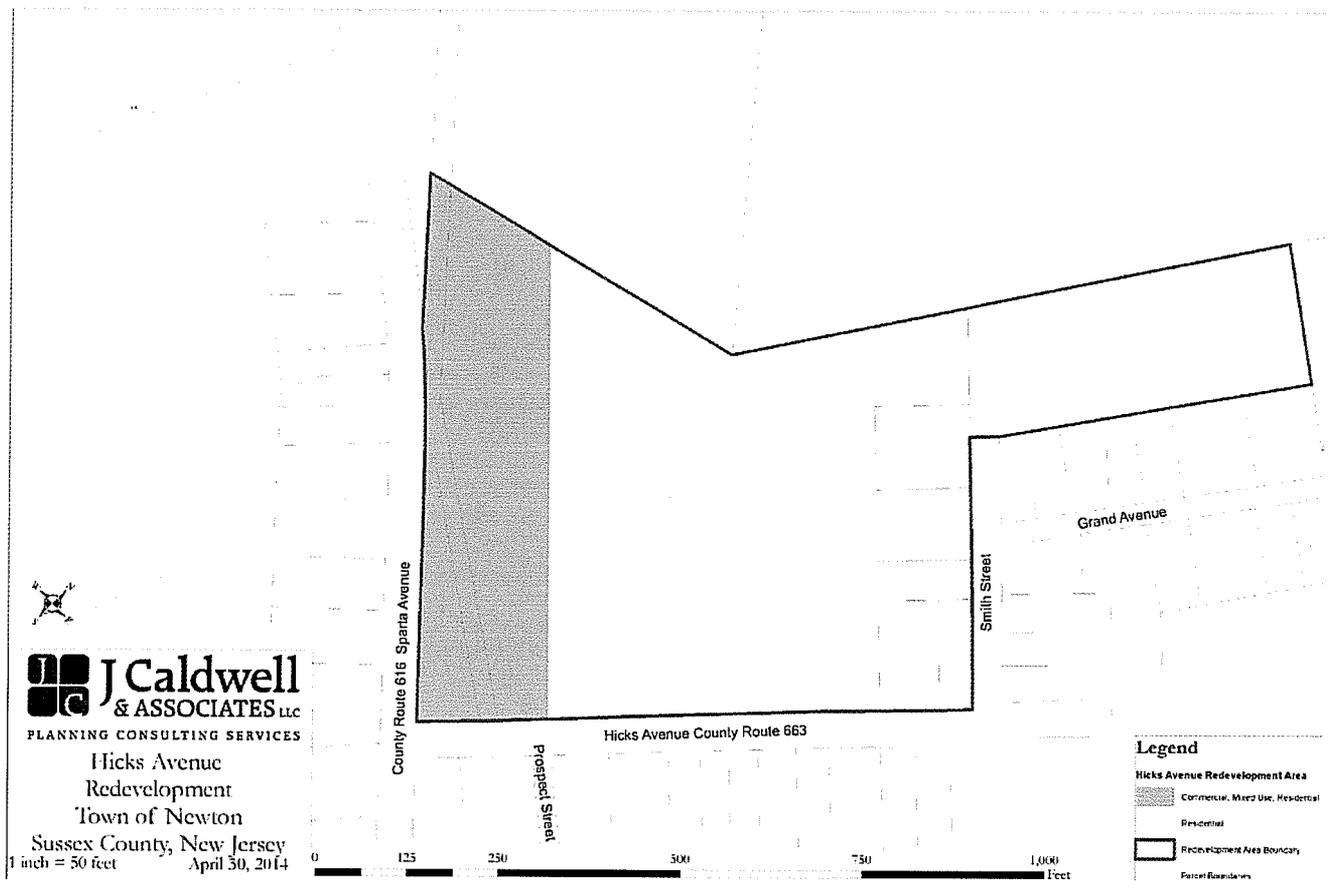
1. Residential: Includes premises available for long-term human habitation; excludes all boarding houses and rooming houses. Residential uses are limited to attached townhouses, paired villas (duplexes), multi-family flats, residential above mixed-use commercial and single-family dwellings.

**At Section 4.1 Land Use Regulations, Permitted Uses, page 28, delete and replace paragraph for as follows and add paragraph 5, Commercial Uses as follows:**

4. Open Spaces, Park and Playgrounds: Public or private open space and/or recreational areas that may include passive and/or active recreational facilities such as pedestrian walkways, bike paths, pedestrian-scaled lighting, benches, picnic areas, playground equipment and/or trash receptacles (wild-life proof).
5. Commercial: Free-standing commercial structures with one or more commercial uses. Permitted commercial uses include all Commercial Retail Service Uses and Business/Office/Professional Uses permitted in the T-4 Neighborhood Services Zone of the Newton Form-Based Code. The Accessory Uses in the T-4 Neighborhood Services Zone are also permitted within the Redevelopment Area as appropriate, with commercial accessory uses in the commercial area and residential accessory uses in the residential area.

At Section 4.1 Land Use Plan, page 29, delete the entire section and replace with the following:

The Land Use Plan for the area includes a 200-foot deep section along Sparta Avenue that permits commercial, mixed-use and residential uses. This area is shown in lavender below. The remainder of the Area, shown in yellow, is slated for residential development. Parking areas and access for the mixed-use/commercial zone of the Area may be located in the residential zone. The boundary between the two zones may be flexed 50 feet in either direction to facilitate a variety of layouts. (The areas flexed need not be the entire length of the boundary).



**At Section 5.2 Mobility Regulations, page 33, the first and second paragraphs shall be deleted and replaced with the following:**

This section provides a conceptual circulation and parking plan for the development. The development must meet New Jersey Site Residential Improvement Standards for the residential portion of the development and is subject to Planning Board approval for the commercial/mixed-use portion of the development.

**Section 5.4 Thoroughfare Overview, page 36, the following discussion shall be added at the end of the page:**

An alternate street layout may be designed to minimize pavement and impervious surfaces throughout the development. This layout would apply to the interior of the development. Streetscapes and sidewalks along Sparta Avenue, Hicks Avenue and Smith Street would remain as shown. The alternate street layout would permit a redeveloper to propose an internal residential street with a 24 foot-wide pavement width and four (4) foot sidewalk on one side of the street. All parking would be off-street parking including parking for both commercial and residential units. Residential units must have off-street guest parking provided along with the minimum parking required by New Jersey Residential Site Improvement Standards.

**At Section 5.7 Pedestrian Circulation Plan, page 45, the following shall be added to the end of the page:**

Examples of possible modifications to the pedestrian plan include: sidewalks on one side of the street within the development, six (6) foot sidewalks around the commercial building and a combined pedestrian walkway and rail trail bike path along Sparta Avenue in lieu of a sidewalk along Sparta Avenue.

**At Section 6.2 Bulk & Setback Regulations, page 49, the bulk standards shall be deleted and replaced with the following:**

**Density:** The density of the Area must not exceed 20 dwelling units per buildable acre of development area.

**Lot Sizes:** Lot sizes may vary depending on the building type and layout of the redevelopment. Lot sizes will be a function of building size plus required setbacks. Alternatively, the Area, or a portion thereof, may be redeveloped as one lot with multiple structures and uses. In this case, setbacks will be measured from exterior lot lines. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan and may be reconstructed within the same footprint on the existing lot. Future additions or redevelopment of those lots shall follow the bulk standards set forth herein.

**Setbacks:** Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet.

**Front yard setback: (measured from the building wall to ROW or edge of pavement)**

- Residential: 12' min. (garage in rear/ off-street parking) / 26' min. (garage in front)
- Multi-family: 15' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

**Side yard setback:**

- Residential: 6' min. to property line
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

**Rear yard setback:**

- Residential: 8' min.
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 10' min.
- Commercial: 10' min.

**Encroachments:** Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements which may encroach include, but are not necessarily limited to: overhangs, steps, porches, balconies, bay and box windows, decks, etc.

- Front yard encroachment: 6 feet max.
- Rear yard encroachment: 6 feet max.
- Side yard encroachment: 4 feet max.

**Driveways/Aprons:** Driveways and Access Drives may be constructed of concrete, pavers, asphalt or similar materials, as approve by the Planning Board. All driveway aprons shall be constructed of concrete.

**At Section 6.3 Minimum and Maximum Height Regulations, page 50, this section shall be deleted and replaced with the following:**

Maximum and minimum height requirements are expressed as a combination of stories and height in feet as follows:

- Residential: 3 stories and 40 feet max.
- Multi-family: 3 stories and 40 feet max.
- Mixed-use: 3 stories and 40 feet max.; 2 story minimum
- Commercial: 3 stories and 40 feet max.

**At Section 6.4 Building Mass, page 51, the third paragraph shall be deleted and replaced with the following paragraph:**

The development is an inclusionary zone and affordable units must be provided to meet the applicable NJ Council on Affordable Housing (COAH) regulations regarding inclusionary zones at the time of site plan approval. All COAH units must meet all COAH regulations.

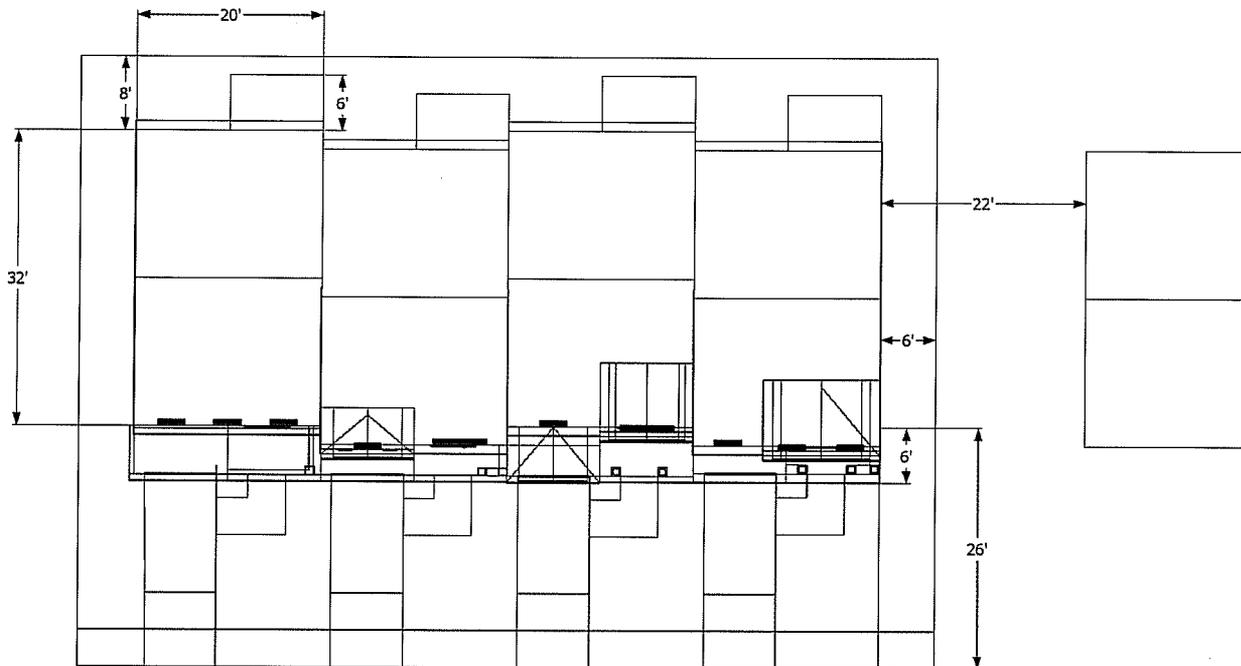
**At Section 6.6 Building Typologies, page 55, add the following:**

**Townhouse E: 20x32 (garage in front)**

Regulation	Feet
Front Yard Setback	26 min.
Side Yard Setback	6 min. / 22 between buildings
Rear Yard Setback	8 min. / 22 between buildings
Front & Rear Encroachment	6 min.
Side Encroachment	4 min.
Primary Building Footprint	20 x 32*
Accessory Structure Footprint	N/A
Lot Width	Varies
Lot Depth	Varies
Building Height	40 / 3 floors

\*Building footprint size may vary provided that other bulk standards can be met

**Townhouse E: 20 x 32**





Architectural Style and Colors are Illustrative and May Change Subject to Planning Board Approval

The Multi-Family and Mixed-Use building typologies shall also be changed to encompass commercial use buildings by changing the titles to Multi-Family/Commercial and Mixed-Use/Commercial

At Section 6.7.1 Architectural Style: Townhouse, page 57, the following photos shall be added:



**At Section 6.8 Façade Regulations, page 60, delete and replace Item 1 and delete Item 13 as shown below.**

1. To create individuality within a proposed residential development, there must be a minimum of three distinct façade designs for single family or townhouse building types, when multiple units are proposed. The three or more façade designs should be alternated within each building to provide for individuality of units and break-up long buildings. Façade colors, materials and accents should be alternated throughout the development.
- ~~13. Ground level retail/commercial facades fronting along Sparta Avenue and/or Hicks Avenue must be of at least 60% void area (windows and other openings).~~

**At Section 6.10 Building Entrance, Balcony, and Porch Regulations, page 62, delete Items 2 and 5 shown below:**

- ~~2. Every unit shall have a usable front porch and/or a second floor balcony. Porch steps must match the materials used in the porch.~~
- ~~5. The finished floor of the ground level of buildings shall be raised a minimum of 2 feet and a maximum of 3 feet above the grade of the front plain of each primary structure. Porches and stairs shall connect the building to walkway.~~

**At Section 6.11 Building Signage and Lighting Standards, page 64, delete the second paragraph and add the following:**

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

**At Section 6.12 Building Parking Standards, page 64, the second paragraph shall be replaced with the following:**

6. Garages: Garages may be built to accommodate one or two cars and may be built with a second floor or loft above.

**At Section 6.13 Green Building Standards, page 66, delete Item 4 and replace with the following:**

Stormwater Detention and Reuse: In order to mitigate the impact of stormwater on the existing infrastructure and limited potable water resources, new development is encouraged to create a Potable Water Conservation Program using stormwater detention, collection and re-use for non-potable uses such as irrigation, washing cars and flushing toilets, thereby reducing demands on potable water.

**At Section 7.2 General Requirements, page 71, delete Item 4 and Item 7 and replace with the following:**

4. All yard spaces shall be landscaped with trees, shrubs, perennials and ground cover.
7. All landscaped areas must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character.

**At Section 7.3 Streetscape Requirements, page 73, delete Item 4 and replace with the following:**

4. If a planter strip is provided between the sidewalk and the curb, it shall be a minimum of 1'6" wide and shall contain plantings or textured pavers. Alternatively, sidewalks may be installed flush with the curb and street trees planted on the yard side of the sidewalks.

**At Section 7.3 Streetscape Requirements, page 73, delete Item 5 shown below:**

- ~~5. The area between the curb and ROW edge together must equal a combined minimum width of eight (8) feet. The remaining width of two (2) feet will be between the sidewalk and ROW edge, in effect lengthening the front yards of properties. Street trees are to be planted within this area. Street trees may also be planted in bumpouts.~~

**At Section 7.3 Streetscape Requirements, page 73, add Item 11 as follows:**

11. Where rear residential yards abut an exterior street, an evergreen buffer shall be planted along the street side of the units, in a staggered pattern to provide year-round buffering for the residences. The buffer width, design and tree species shall be subject to Planning Board approval.

**At Section 7.4 Yard Landscape Requirements, page 74, Items 2 and 9 shall be deleted and replaced as follows:**

2. Every building shall have direct access from the access drive, driveway or sidewalk to the primary pedestrian ingress and egress of a building by way of a walkway. Materials of the walkway shall compliment the color and design of the building and the sidewalks.
9. Yards must have a minimum number of landscape features:
  - Two (2) canopy trees per building (in addition to street trees); and
  - Foundation shrubs: five (5) per building (or unit for townhouses) along the front façade.

**At Section 7.5 Signage Requirements, page 75, the section shall be deleted and replaced with the following:**

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

**At Section 8.2 General Utilities Requirements, page 83, delete Item 3 and Item 7 and replace with the following:**

3. Stormwater Management in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-6 and the Town of Newton Stormwater Control Ordinance, Chapter 258 of the Code of the Town of Newton.
7. Snow Removal: Adequate facilities shall be provided for the removal of snow from the common areas.

**Section 8.3 Stormwater Management, page 84, the following paragraph shall be deleted as shown below:**

~~A Potable Water Conservation Program must be developed as part of the Plan (see page 25). Sustainable techniques to address and utilize stormwater runoff must be included in the Plan (unless the developer receives a waiver from the Planning Board). These techniques would include the construction of green roofs, water cisterns and the use of stored water for irrigation and other non-potable uses. Such techniques would mitigate the effects of stormwater runoff and lessen the volume needed in stormwater detention facilities, but as significantly, would mitigate the demands on the allocation of limited potable water resources from the Town.~~

**At Section 9.2 Plan Consistency Review, page 88, the following shall be added to the final paragraph:**

The Plan Amendment is determined to not be in conflict with the Master Plans of Andover Township, Fredon Township or Hampton Township.

**At Section 9.3 Redevelopment Plan Implementation, page 90, Item 5 shall be deleted and replaced with the following:**

5. Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan Amendment and be re-constructed within the same building footprint on the existing lot. Future additions or redevelopment of those lots must conform to the standards of this Redevelopment Plan. Except as previously noted, a use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building has been “destroyed”.

**At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Phasing”, Items A and B shall be deleted and replaced with the following:**

Phasing Plan: Any applicant seeking to develop properties located within this Redevelopment Plan that is planning on phasing the development must submit a Phasing Plan for review and approval by the Newton Planning Board.

**At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Certificates of Completion and Compliance”, shall be deleted and replaced with the following:**

Upon the inspection of the verification the Redevelopment Entity that the redevelopment of a parcel has been completed pursuant to the Redevelopment Agreement, a Certificate of Completion and Compliance shall be issued to the Redeveloper as such parcel shall be deemed no longer in need of redevelopment.

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Town Council of the Town of Newton.

**At Section 9.5 Affordable Housing, page 92, paragraph 2 titled Affordable Housing shall be deleted and replaced with the following:**

**Affordable Housing**

The development is an inclusionary zone and affordable units must be provided to meet the applicable NJ Council on Affordable Housing (COAH) regulations regarding inclusionary zones at the time of site plan approval. All COAH units must meet all COAH regulations.

(Paragraphs 3, 4 and 5 under Affordable Housing shall remain).



## TOWN OF NEWTON

### RESOLUTION #139-2014

July 28, 2014

### “Authorize the Release of Executive Session Minutes to the Public”

**WHEREAS**, the Newton Mayor and Council met in Executive Session on certain occasions; and

**WHEREAS**, as a result of these Executive Sessions, minutes were prepared and approved by the Mayor and Council although the minutes were not released to the public; and

**WHEREAS**, the Town Attorney, Town Clerk, and Town Manager have reviewed such approved minutes and recommend the release of certain meeting minutes to the public;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, in the County of Sussex, and State of New Jersey that the minutes of the following Executive Sessions be released to the public:

4/22/2013, 6/24/2013, 12/9/2013, 12/23/2013, 1/27/2014, 02/24/2014, 3/10/2014, 6/23/14

**BE IT FURTHER RESOLVED**, that these specified minutes may be released to the public upon request.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

---

Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #140-2014

July 28, 2014

**“Award the Contract for the Milling and Paving of Diller Avenue & Stuart Street, and Townsend Street to Tilcon, New York”**

**WHEREAS**, the Governing Body of the Town of Newton adopted Resolution #189-2011 on September 14, 2011 in an effort to save budgeted monies and improve services for itself by participating in the Morris County Cooperative Pricing Council; and

**WHEREAS**, Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey was awarded Contract #6, Road Surfacing for District #2 in the Morris County Co-Op's portion for municipalities with regard to Resurfacing of Roads; and

**WHEREAS**, the Town Engineer, Harold E. Pellow, has recommended that Tilcon, New York be retained for the Milling and Paving of Diller Avenue & Stuart Street, and Townsend Street in the Town of Newton, based on the Morris County Cooperative Pricing Council as outlined in the memo dated July 18, 2014, which is attached to and made part of this resolution; and

**WHEREAS**, traffic control will be required for the completion of said project, which staff and costs will be supplied by the Town of Newton:

To be awarded to Tilcon, New York through the Morris County Co-op: \$123,362.54

**WHEREAS**, the Chief Financial Officer has certified that funds are available to support this project as per attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, that the contract for the Milling and Paving of Diller Avenue & Stuart Street, and Townsend Street in the Town of Newton is hereby awarded to Tilcon New York in the amount of \$123,362.54, based on the Morris County Cooperative Pricing Council bid results.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

---

Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 140-2014

APPROVING: TILCON NEW YORK

FOR THE PURPOSE OF: PAVE STREETS -DILLER, STUART, TOWNSEND

IN THE AMOUNT OF: \$123,362.54

APPROPRIATED BY: CAPITAL FUND

#2014-6 - VARIOUS ROAD IMPROVEMENTS #30914061

DATED THIS 28<sup>TH</sup> DAY OF JULY, 2014

BY 

DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



# HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

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(5/26/84 - 7/27/89)

DAVID B. SIMMONS, JR., *VICE PRESIDENT*  
NJ - P.E. & L.S., NJ - P.P., NJ - C.M.E.,  
NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY  
NJ - P.E.

July 18, 2014

**MEMORANDUM TO:** Mr. Thomas S. Russo, Jr., Newton Town Manager

**FROM:** Harold E. Pellow, P.E., L.S., Town Engineer

**SUBJECT:** **RECOMMENDATION OF AWARD OF CONTRACT**  
Milling and Paving of Diller Avenue & Stuart Street; and Townsend Street  
Town of Newton, Sussex County  
HPA Nos. 14-090 & 14-091

Dear Tom:

I recommend that the Town Council award the above referenced project in the amount of \$123,362.54 to Tilcon New York, Inc. utilizing the 2014 Morris County Cooperative Pricing Council Contract #6: Road Resurfacing for District #2.

Very truly yours,

Harold E. Pellow, P.E., L.S.  
**HAROLD E. PELLOW & ASSOCIATES, INC.**  
Town of Newton Engineer

HEP:mac  
K:\PROJECTS\MUNICIPAL\NEWTON\COUNCIL\14-090 & 14-091 - DILLER AVE & STUART ST; TOWNSEND STMCCPCMILLING AND PAVINGRUSSO1.DOC

cc: Debra Millikin, Newton Deputy Town Manager/QPA



## TOWN OF NEWTON

### RESOLUTION #141-2014

July 28, 2014

### “Acceptance of Replacement Mechanical Bar Screen at the Wastewater Treatment Plant Project”

**WHEREAS**, the Town Council of the Town of Newton awarded a contract for the Replacement Mechanical Bar Screen at the Wastewater Treatment Plant Project to Cothery Construction Company, Inc., Langhorne, PA by the adoption of Resolution #144-2013 on August 12, 2013; and

**WHEREAS**, the Newton Town Council approved Change Order No. 1 for said project by adoption of Resolution #94-2014 on May 28, 2014 in accordance with the recommendations of the Town Sewer Engineer, Hatch Mott MacDonald; and

**WHEREAS**, John Scheri, of Hatch Mott MacDonald, has recommended in his letter July 16, 2014, that the project be accepted as complete by the Town Council so the final payment can be made;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby accepts the Replacement Mechanical Bar Screen at the Wastewater Treatment Plant Project as complete based on the recommendation of the Sewer Engineer, so that the final paperwork can be completed.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



Hatch Mott  
MacDonald

**Hatch Mott MacDonald**  
111 Wood Avenue South  
Iselin, New Jersey 08830-4112

www.hatchmott.com

July 16, 2014

Ms. Debra Millikin  
Deputy Town Manager  
Town of Newton  
39 Trinity Street  
Newton, New Jersey 07860

JUL 2 X 2014

**Re: Replacement of Mechanical Bar Screen  
HMM No. 314588NB99**

Dear Ms. Millikin:

The bar screen replacement project is now 100% complete. All work was performed satisfactorily and in accordance with the Contract Documents. HMM hereby recommends that the Town of Newton accept the project as final and complete. We look forward to working with the Town on future projects.

Very truly yours,

Hatch Mott MacDonald

John J. Scheri, PE, BCEE  
Vice President  
T +1 973-912-2571 F +1973-376-1072  
[john.scheri@hatchmott.com](mailto:john.scheri@hatchmott.com)

Jeff Rantzer, PE  
T +1 973-912-2586 F +1973-376-1072  
[jeffrey.rantzer@hatchmott.com](mailto:jeffrey.rantzer@hatchmott.com)

JJS/JR:ab



## TOWN OF NEWTON

### RESOLUTION #142-2014

July 28, 2014

### "Award Purchase of Wheel Loader"

**WHEREAS**, the Town of Newton publicly accepted and opened bids for a Wheel Loader on Tuesday, July 22, 2014 at 11:00 a.m. as follows:

<u>Name and Address of Bidder</u>	<u>Bid Price</u>	<u>Option #1</u>	<u>Trade-In</u>	<u>Total</u>
Harter Equipment, Inc. 615 State Route 33 Millstone, NJ 08535	\$141,275.00	\$9,995.00	\$13,750.00	\$137,520.00
Hoffman International, Inc. 300 South Randolphville Rd Piscataway, NJ 08854	\$145,598.00	\$17,616.00	\$9,500.00	\$153,714.00

**WHEREAS**, based on review of the bid documents, the Qualified Purchasing Agent and the Department of Public Works Supervisor recommend award of the Wheel Loader, with Option #1 and the Trade-In to Harter Equipment, Inc. in the amount of \$137,520.00; and

**WHEREAS**, Chief Financial Officer has certified funds are available based on the attached certification;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the bid submitted for the purchase of a Wheel Loader with Option #1 and the Trade-In be awarded to Harter Equipment, Inc., Millstone, New Jersey in the amount of \$137,520.00. A copy of this resolution and the proposed Contract is to be forwarded to Harter Equipment, Inc., for execution.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



TOWN OF NEWTON

CERTIFICATION OF THE AVAILABILITY OF FUNDS  
(AS REQUIRED BY N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq)

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

RESOLUTION #: 142-2014

APPROVING: HARTER EQUIPMENT, INC.

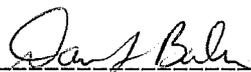
FOR THE PURPOSE OF: PURCHASE WHEEL LOADER WITH OPTION #1  
LESS TRADE-IN

IN THE AMOUNT OF: \$137,520.00

APPROPRIATED BY: CAPITAL FUND  
#2014-6 ACQUISITION OF FRONT END LOADER #30914067

DATED THIS 28<sup>TH</sup> DAY OF JULY, 2014

BY

  
\_\_\_\_\_  
DAWN L. BABCOCK  
CHIEF FINANCIAL OFFICER



## TOWN OF NEWTON

### RESOLUTION #143-2014

July 28, 2014

### **“Concur with the Recommendation of the Utility Advisory Board in Allocating Water and Sewer Gallonage for Julie Richard, LLC., 4 Diller Avenue”**

**WHEREAS**, at a regular meeting of the Newton Utility Advisory Board conducted on July 15, 2014, Mr. Daniel Davies, Engineer for the Julie Richard, LLC, project appeared before the Board to request an allocation of water and sewer gallonage for the Moose Lodge Location, 4 Diller Avenue, Block 18.02, Lot 3, for the purpose of constructing three structures. One structure will be the new Moose Lodge location which currently exists and has an existing water and sanitary sewer hook-up on the site. The application includes proposed lots 3.02 & 3.03. The second structure to be built on proposed lot 3.02 will utilize 1,061 gallons a day for a total cost of \$37,204.50. The third structure, 6,000 square foot building on proposed lot 3.03 will utilize 750 gallons a day, for a total cost of \$26,475.50; and

**WHEREAS**, the Utility Advisory Board reviewed the estimates and recommended to the Governing Body an additional .001811 MGD of water and sewer gallonage be approved contingent upon the following:

- 1) Payment of \$63,680.00 be paid prior to hook-ups being started; and
- 2) If 6" fire lines are hooked up, an additional fee of \$5,200 be paid for both lines at a total cost of \$10,400.00.
- 3) Provide confirmation sprinklers are or are not required by the Fire Subcode Official, Construction Official or Fire Department Chief;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body hereby concurs with the recommendation of the Utility Advisory Board and conditionally approves the allocation of .001811 MGD for the Julie Richard, LLC, project shown as Block 18.02, Lot 3 on the Tax Map, 4 Diller Avenue, of the Town of Newton, provided the applicant satisfies all of the above-stated conditions of the Utility Advisory Board, and Fire Official, including, but not limited to, the payment of all necessary fees with the Town of Newton.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #144-2014

July 28, 2014

**"Affirm the Refund of Redemption Monies to  
Outside Lien Holder for Block 14.04, Lot 54"**

**WHEREAS**, at the Municipal Tax Sale held on October 9, 2013 a lien was sold on Block 14.04, Lot 54, also known as 5 Walker Street, for 2012 delinquent real estate taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #1383, was sold to US Bank/Cust for Pro Cap III LLC for 0% redemption rate and a premium in the amount of \$6,100.00; and

**WHEREAS**, HSBC Mortgage the mortgage servicer for said property has effected redemption of Certificate #1383 in the amount of \$11,281.21;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges that US Bank/Cust for Pro Cap III LLC is entitled to the redemption in the amount of \$11,281.21 as well as \$6,100.00 for the return of the premium; and

**BE IT FURTHER RESOLVED**, that this Governing Body hereby affirms the actions of the Tax Collector who issued two (2) checks, the first in the amount of \$11,281.21 for the redemption of Certificate #1383 and the second in the amount of \$6,100.00 for the return of the premium to US Bank/Cust for Pro Cap III LLC., 50 S 16<sup>th</sup> Street, Suite 1950, Philadelphia, PA 19102.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #145-2014**

July 28, 2014

**"Confirming a Refund of Monies for Taxes Due to  
a State Appeal"**

**WHEREAS**, Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc., of Block 22.04; Lot 14, also known as 87-89 Sparta Avenue, filed a Tax Appeal with the Tax Court of New Jersey for the tax year 2012; and

**WHEREAS**, on May 30, 2014 the Tax Court of New Jersey settled said Tax Appeal and entered a Judgment in the amount of \$222,600.00 which is a \$25,000.00 reduction in the 2012 Tax Assessment for said property; and

**WHEREAS**, Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc. is requesting a refund be issued in the amount of \$830.00 which is the amount overpaid by Merriam Gateway Apartments, Inc. for the tax year 2012;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that this Governing Body acknowledges this Judgment entered by the Tax Court of New Jersey and Michael I. Schneck, Trustee for Merriam Gateway Apartments, Inc. is entitled to this refund in the amount of \$830.00; and

**BE IT FURTHER RESOLVED**, that the Tax Collector has issued said refund to Michael I Schneck, Trustee for Merriam Gateway Apartments, Inc., 301 South Livingston Avenue, Suite 105, Livingston, NJ 07039 in the amount of \$830.00 in accordance with said Tax Court of New Jersey's Judgment.

**CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #146-2014

July 28, 2014

**“Authorize and Direct the Tax Collector to Sell Municipal Liens in Accordance with New Jersey Law”**

**WHEREAS**, the Governing Body of the Town of Newton in the County of Sussex, New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

**WHEREAS**, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2013 in a manner prescribed by NJSA 54:5-19 and amended by Chapter 99, Public Laws of 1998;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with the New Jersey Statutes, as described above, and that said sale shall take place in 2014.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



**TOWN OF NEWTON**  
**RESOLUTION #147-2014**

July 28, 2014

**“Authorize Credits Due Water and Sewer Utility  
Accounts”**

**WHEREAS**, the Water and Sewer Collector has determined that the following Water and Sewer Utility Accounts are due credits for the reasons stated;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Water and Sewer Collector is hereby authorized to credit the following accounts for amounts billed incorrectly due to the reason(s) stated:

**UTILITY BOARD RECOMMENDS SEWER CREDIT TO THE FOLLOWING DUE TO WATER LEAKS:**

<u>Account</u>	<u>Address</u>	<u>Amount</u>
6806	26 Church Street	\$2026.50
5834	76-78 High Street	\$250.00

**CREDIT FOR PENALTY ERRONEOUSLY CHARGED:**

321	155-157 Spring Street	\$11.82
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**CERTIFICATION**

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #148-2014

July 28, 2014

### **“Authorize Release of the Cash Performance Guarantee Posted by Bischoff Holdings, LLC for Smith Street Sewer Connection”**

**WHEREAS**, Bischoff Holdings, LLC., provided a cash bond in the amount of \$2,706.00 for the new connection of a sewer lateral to their home at 4 Smith Street in November 2013; and

**WHEREAS**, all work has been completed and is acceptable to the Town Department of Public Works Supervisor;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that it hereby authorizes the release of the Cash Performance Guarantee in the amount of \$2,706.00 posted by Bischoff Holdings, LLC., with the Town of Newton, related to sewer work completed on Smith Street based on the recommendation of the Department of Public Works Supervisor.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #149-2014

July 28, 2014

**"Approve Bills and Vouchers for Payment"**

**BE IT RESOLVED** by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2013 and 2014 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

### CERTIFICATION

**THIS IS TO CERTIFY** that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, July 28, 2014.

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Lorraine A. Read, RMC  
Municipal Clerk

## List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
33849	50 - E.A. MORSE & COMPANY, INC.	PO 44456 POOL PAPER SUPP'S	250.68	250.68
33850	64 - PELLOW, HAROLD & ASSO, INC.	PO 44502 MAY ENGINEERING	1,884.00	
		PO 44508 JUNE ENGINEERING	451.25	2,335.25
33851	84 - ABCODE SECURITY INC.	PO 43291 3RD QTR ALARM MONITORING FIRE #1 &	117.00	117.00
33852	102 - SUSSEX CAR WASH INC	PO 43570 JUNE CAR WASH POLICE	156.00	156.00
33853	113 - JCP&L	PO 44462 JUNE ELECTRIC	7,568.49	7,568.49
33854	116 - NEW JERSEY HERALD, INC.	PO 44500 JUNE LEGAL ADVERTISING	152.70	152.70
33855	121 - PUMPING SERVICES, INC.	PO 44452 POOL PUMP	360.00	360.00
33856	126 - SCMUA	PO 44389 JUNE TRASH REMOVAL	1,423.89	1,423.89
33857	126 - SCMUA	PO 44454 2013 SUBMISSION RECYCLING TONNAGE R	250.00	250.00
33858	130 - SUSSEX COUNTY P & H, INC.	PO 44385 POOL CAULKING & REPAIR KIT	44.00	44.00
33859	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 43318 JUNE ALARM CIRCUITS HIGH ST TOWER &	125.85	125.85
33860	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 43357 JUNE POOL PAYPHONE ACCT #BTL003894	35.00	35.00
33861	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 43391 JUNE LONG DISTANCE	288.28	288.28
33862	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 43885 LOCAL PHONE SERVICE JUNE	11,569.34	11,569.34
33863	164 - HOLLANDER,STRELZIK,PASCULLI, HINKES	PO 44470 JUNE LEGAL SVC'S	1,242.00	1,242.00
33864	192 - CAMPBELL'S SMALL ENGINE INC.	PO 44455 PD LIGHT BULBS	234.30	234.30
33865	199 - NEOPOST LEASING, INC.	PO 43189 3RD QTR POSTAGE MACH RENTAL	504.00	504.00
33866	225 - FEDERAL EXPRESS	PO 43362 JUNE EXPRESS MAIL ACCT #1344-0525-2	129.27	129.27
33867	231 - ZEP MANUFACTURING COMPANY	PO 44445 WEED DEFEAT CUST #11149749	631.75	631.75
33868	238 - OFFICE EQUIPMENT CORPORATION	PO 44313 SHREDDER SVC CONTRACT (7/1/14-6/29/	600.00	600.00
33869	282 - WILLCO, INC.	PO 44444 REFRIDGERANT FOR AC	605.00	605.00
33870	367 - TREASURER, STATE OF NEW JERSEY	PO 43869 1ST QTR MARR/CIVIL UNION LICENSES (	375.00	375.00
33871	371 - T.A. MOUNTFORD COMPANY, INC.	PO 44418 COPIER 7/14-7/1/15 1ST FLOOR	1,150.00	1,150.00
33872	373 - GALLS INCORPORATED	PO 44351 TRUNK ORGANIZER AACT #4794479	149.00	149.00
33873	409 - MINISINK PRESS INC	PO 44345 New Letterhead	217.85	217.85
33874	499 - OFFICE BUSINESS SYSTEMS INC	PO 44196 POLICE LOGGER RECORD EQ. MAINT. AGM	203.00	203.00
33875	521 - TRUST ACCOUNT, TOWN OF NEWTON	PO 44460 PAY POOL SNACKS TO TRUST (6/21-7/8/	3,103.50	3,103.50
33876	633 - WEIS MARKETS, INC.	PO 44439 Food for Tax Bill Stuffing	78.06	78.06
33877	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 44465 JUNE UNIFORM & MAT RENTAL	999.23	999.23
33878	921 - AIRGAS EAST	PO 44485 ACETYLENE/OXYGEN RENTAL	38.44	38.44
33879	1132 - BOONTON TIRE SUPPLY INC.	PO 43243 POLICE VEH MAINT	528.52	528.52
33880	1151 - TREASURER, STATE OF NEW JERSEY	PO 44428 STORMWATER DISCHARGE PERMIT	2,000.00	2,000.00
33881	1158 - VISION SERVICE PLAN	PO 43931 MNTHLY VISION PLANT AUG	777.97	777.97
33882	1212 - STATEWIDE INSURANCE FUND	PO 43894 3RD QTR OF 4 INS ALL LINES/W/C/UMBR	42,625.04	42,625.04
33883	1280 - VERIZON WIRELESS, INC.	PO 43295 JULY 1X AIRCARDS ACCT #201 M15-0207	190.74	190.74
33884	1280 - VERIZON WIRELESS, INC.	PO 44469 JUNE CELL PHONE	1,470.84	1,470.84
33885	1528 - MR. JOHN, INC.	PO 43301 RECYCLING PORT A JOHN JUNE	75.95	75.95
33886	1608 - GOLD TYPE BUSINESS MACHINES	PO 44366 COMPUTER DOCKING STATION	1,045.80	1,045.80
33887	1625 - ALTERNATE POWER INC.	PO 43585 2nd Qtr GENERATOR MAINT BLDG/FIRE	812.50	812.50
33888	1711 - THE STAR LEDGER	PO 44440 1 YEAR SUBSCRIPTION PRINT & DIG 7 D	361.40	361.40
33889	1819 - VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	PO 44475 PB NON ESCROW JUNE	765.00	765.00
33890	1866 - HOME DEPOT, INC.	PO 44026 BLANKET: SUPPLIES B&G/PARKS	37.12	
		PO 44488 BULBS/TIE DOWN/BOLTS/SCEWS	30.00	67.12
33891	1880 - FIRE & SAFETY SERVICES, LTD., INC.	PO 44392 TOWER TRUCK MAINT. cust #n100560-0	602.71	
		PO 44411 FIRE #801 SVC BATTERY	1,196.68	1,799.39
33892	1982 - TREASURER, STATE OF NJ	PO 44384 ANNUAL STATE ELEVATOR INSPECT MUNI	436.00	436.00
33893	2049 - DOLAN, DAVID	PO 44378 MILEAGE REIMB 6/26 DEPOSITION CEDAR	28.67	28.67
33894	2124 - BUCKMAN'S INC.	PO 44391 CALCIUM CHLORIDE FLAKE 50 LB BAG	63.48	63.48
33895	2257 - STAPLES BUSINESS ADVANTAGE, INC.	PO 44159 BLANKET PO POLICE/CENCOM OFFICE SUP	168.77	
		PO 44406 OFFICE SUPPLIES FOR POOL	206.45	
		PO 44420 Chairmat and pens	47.77	422.99
33896	2313 - GRAVITY DESIGN WORKS, INC.	PO 44499 GARAGE SALE BANNER	165.00	165.00
33897	2365 - KRAVE CAFE	PO 44505 SID PLANNING MTG	52.00	52.00
33898	2375 - COUNTY OF SUSSEX	PO 44396 Primary Election Expenses	481.82	481.82
33899	2478 - RACHLES/MICHELE'S OIL COMPANY, INC.	PO 43988 BLANKET: GAS ACCT #40382 JUNE	5,642.39	5,642.39
33900	2479 - TAYLOR OIL CO., INC.	PO 43989 BLANKET: DIESEL ACCT #62714 MAY	5,145.43	5,145.43
33901	2532 - LADDEY, CLARK & RYAN, LLP	PO 43120 2014 PROSECUTOR \$27,000/12 = \$2,	2,250.00	2,250.00
33902	2532 - LADDEY, CLARK & RYAN, LLP	PO 44468 JUNE TAX APPEALS/BANKRUPTCY	1,584.00	1,584.00
33903	2532 - LADDEY, CLARK & RYAN, LLP	PO 44501 JUNE LEGAL SVCS	4,368.00	4,368.00
33904	2674 - GRAMCO BUSINESS COMMUNICATIONS INC.	PO 44309 SVC CALL SOUND SYSTEM REPAIR	383.30	383.30
33905	2741 - JERSEY CENTRAL POWER & LIGHT, INC.	PO 43564 JUNE ELECTRIC PARK N RIDE ACCT #1	847.15	847.15

## List of Bills - (100001) CASH - CURRENT - LAKELAND #434 CURRENT FUND

Check#	Vendor	Description	Payment	Check Total
33906	2780 - ENFORSYS POLICE SYSTEM, INC.	PO 44338 E TICKETING INTERFACE	2,000.00	2,000.00
33907	2781 - TRIMBOLI & PRUSINOWSKI, LLC.	PO 43307 2014 LABOR ATTORNEY	135.00	135.00
33908	2788 - PENTELEDATA	PO 43231 INTERNET JUNE	564.75	564.75
33909	2835 - NJMEBF	PO 44503 JULY HEALTH BENEFITS	134,983.50	134,983.50
33910	2843 - CHELBUS CLEANING CO., INC.	PO 43903 TOWN BLDGS CLEANING JULY	1,770.00	1,770.00
33911	2938 - WOODRUFF ENERGY US, INC.	PO 44496 JUNE NAT GAS SVC	677.48	677.48
33912	3124 - EXTRA TECH DATA SERVICES, LLC.	PO 44387 5/21 MNGR & ASSIST COMPUTER CHECK	90.00	90.00
33913	3164 - KERRY DECKERT	PO 44416 REIM POOL CHLORINATOR	325.07	325.07
33914	3199 - D. LOVENBERG'S PORTABLE TOILET RENT	PO 44019 PORT A JOHNS JUNE	475.00	475.00
33915	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 44443 JUNE UPDATE PLANNING PROJECTS	57.50	57.50
33916	3246 - Recreation Supply Company, Inc.	PO 44316 POOL SUPPLIES	31.80	
		PO 44336 NEWTON POOL SUPPLIES CUST #V26304	21.90	53.70
33917	3247 - JOE MATE	PO 44446 REIMB POOL SUPP'S	111.41	111.41
33918	3369 - UNITED TELEPHONE/CENTURY LINK	PO 43250 DIGITAL DATA CIRCUIT JUNE	124.85	124.85
33919	3379 - CEUNION	PO 44461 Social Media Mayhem Seminar - Budd	89.00	89.00
33920	3429 - TOYOTA MOTOR CREDIT CORP.	PO 43904 2013 TOYOTA CAMRY 60 PMT @ \$472.08=	472.08	472.08
33921	3442 - SUNLIGHT GENERAL	PO 43939 DPW/STP ELECTRIC MAY/JUNE	967.82	967.82
33922	3444 - USA HOISTCO., INC.	PO 43241 ELEVATOR MAINT POLICE SIDE JULY	205.00	205.00
33923	3449 - RELIABLE WOOD PRODUCTS, LLC.	PO 44331 BRUSH DISBOSAL ACCT #108729	714.00	714.00
33924	3450 - MORRIS ASPHALT CO.	PO 44390 ASPHALT	660.00	660.00
33925	3492 - CINTAS FIRE PROTECTION	PO 44307 OXYGEN REFILL SVC ACCT #10519992	153.55	153.55
33926	3496 - DISTRICT CONNECT, LLC.	PO 43489 NEWTON EVENTS PROMOTION ACCT #NEW1	1,456.00	1,456.00
33927	3523 - LOGOUP	PO 43970 Shirts for Code Enforcement, Zoning	141.15	141.15
33928	3528 - Miracle Chemical Co	PO 44220 BLANKET: POOL CHLORINE	1,918.16	1,918.16
33929	3533 - BLOOMS OF ELEGANCE	PO 44016 FUNERAL ARRANGEMENT	100.00	100.00
33930	3553 - KAPPA MAP GROUP	PO 44245 ATLAS CUST #725271	41.57	41.57
33931	3560 - MIRAGE PRODUCTIONS INC	PO 44361 NEWTON PRODUCTION	3,300.00	3,300.00
33932	3562 - KIM YARNALL	PO 44425 REFUND POOL & LESSONS	355.00	355.00
33933	3563 - D. BECKER PHOTO	PO 44423 COUNCIL 8X10 PHOTO	75.00	75.00
33934	3565 - ST. MORITZ GRILL & BAR	DINNER MEETING 7/21	81.97	81.97
TOTAL				261,425.94

Total to be paid from Fund 10 CURRENT FUND

261,425.94

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261,425.94

### Checks Previously Disbursed

33848	MICHAEL I. SCHNECK, TRUSTEE MERRIAM	PO# 44489	REFUND 2012 STATE TAX APPEAL 87-89	830.00	7/21/2014
141047	NEWTON BOARD OF EDUCATION		Newton School Tax partial Jy 2014	400,000.00	7/18/2014
33847	RICHARDS, MICHAEL		REIMB CHIEF'S MEETING REFRESHMENTS	28.46	7/17/2014
141046	PAYROLL ACCOUNT		7/17 CURRENT PAYROLL	199,157.43	7/17/2014
33846	NEWTON POSTMASTER		ASSESSING ADD'L POSTAGE INCOME & E	28.56	7/15/2014
141045	ELAVON		JULY COURT MERCHANT FEE	613.10	7/14/2014
33845	TUSCANY BISTRO	PO# 44413	RE-ORG BUFFET	908.60	7/10/2014
33844	THOMAS S RUSSO JR	PO# 44421	REIM LUNCH - SID MORRISTOWN	53.00	7/10/2014
33843	DANIELSON, DEBORAH	PO# 44388	SNOW DAMAGE TO EMPLOYEE VEHICLE	2,341.16	7/09/2014
141044	US BANK OPER.CTR/TRUST MGMT		MCIA 2011A(new) & Ref Bond int	476,943.13	7/14/2014
33842	ROSENN JENKINS & GREENWALK LLP	PO# 44346	PA LEGAL LANCE BANKRUPTCY	500.00	7/02/2014
141043	PAYROLL ACCOUNT		7/3 CURRENT PAYROLL	198,543.16	7/03/2014
33841	ZAPPA, MARK J		REIMB PAID DIFF TITLE/REG NEW POLI	25.00	6/30/2014
33840	NJ MOTOR VEHICLE SERVICES		REGISTRATION NEW POLICE CAR	60.00	6/30/2014

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1,280,031.60

**List of Bills - (100001) CASH - CURRENT - LAKELAND #434**  
**CURRENT FUND**

Check#	Vendor	Description	Payment	Check Total
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Total paid from Fund 10 CURRENT FUND

1,280,031.60

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1,280,031.60

Total for this Bills List: **1,541,457.54**

### List of Bills - (110001) CASH FEDERAL/STATE GRANTS

Check#	Vendor	Description	Payment	Check Total
1217	64 - PELLOW, HAROLD & ASSO, INC.	PO 44502 MAY ENGINEERING	637.50	637.50
1218	2113 - SUSSEX COUNTY MAILING SERVICE	PO 44429 2,064 RECYCLING NEWSLETTERS JULY	986.27	986.27
1219	2206 - CENTER FOR PREVENTION & COUNSELING,	PO 44458 Youth Matters- Straight Talk	241.66	241.66
1220	3050 - THE FIBREX GROUP, INC.	PO 44367 32 GALLON RECYCLING RECEPTACLES	3,695.00	3,695.00
1221	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 44253 TDR FEASIBILITY STUDY (transfer dev	690.00	690.00
1222	3246 - Recreation Supply Company, Inc.	PO 44316 POOL SUPPLIES	217.00	217.00
1223	3425 - TOWN OF NEWTON POOL	PO 44409 POOL MEMBERSHIP FOR JOE MARION THRO	150.00	150.00
TOTAL				6,617.43

Total to be paid from Fund 11 FEDERAL/STATE GRANTS 6,617.43

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6,617.43

**Checks Previously Disbursed**

141105	PAYROLL ACCOUNT	7/17 GRANT PAYROLL	1,577.29	7/15/2014
				1,577.29

Total paid from Fund 11 FEDERAL/STATE GRANTS 1,577.29

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1,577.29

**Total for this Bills List: 8,194.72**

## List of Bills - (30001) CASH - CAPITAL - LAKELAND #450 CAPITAL

Check#	Vendor	Description	Payment	Check Total
8299	64 - PELLOW, HAROLD & ASSO, INC.	PO 43449 FIRE MUSEUM CONSULTING MAY/JUNE	437.50	
		PO 44502 MAY ENGINEERING	3,297.75	
		PO 44508 JUNE ENGINEERING	10,512.88	14,248.13
8300	116 - NEW JERSEY HERALD, INC.	PO 44500 JUNE LEGAL ADVERTISING	65.40	65.40
8301	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 44442 MAY GEN REDEVELOPMENT	5,833.13	5,833.13
8302	499 - OFFICE BUSINESS SYSTEMS INC	PO 44089 POLICE VOICE LOGGER CUST #PB0247	15,790.00	
		PO 44196 POLICE LOGGER RECORD EQ. MAINT. AGM	7,210.00	23,000.00
8303	1608 - GOLD TYPE BUSINESS MACHINES	PO 44222 INFO-COP E-TICKETING SYSTEM MCCP#41	18,947.00	18,947.00
8304	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 44475 PB NON ESCROW JUNE	300.00	300.00
8305	2129 - NEWTON ELECTRICAL SERVICES	PO 44349 POOL BONDING & GROUNDING	1,664.25	1,664.25
8306	2532 - LADDEY, CLARK & RYAN, LLP	PO 44501 JUNE LEGAL SVCS	2,352.00	2,352.00
8307	2744 - FKA ARCHITECTS INC.	PO 44229 FIRE MUSEUM PROJECT MASTER PLAN	1,350.00	
		PO 44228 FIRE MUSEUM ROOF REPLACEMENT ARCHIT	4,200.00	5,550.00
8308	3014 - NATIONAL BUSINESS FURNITURE, LLC.	PO 44054 DESK COURT OFFICE	1,088.00	1,088.00
8309	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 41831 REDEVELOPMENT PLAN MCGUIRE PROPERTY	2,292.50	2,292.50
8310	3445 - WADE ASSOCIATES	PO 44033 POOL FILTER -CONSTRUCTION PHASE	1,200.00	1,200.00
8311	3524 - CYPRECO INDUSTRIES, INC.	PO 43952 POOL IMPROVEMENTS R #48-2014	15,508.50	15,508.50
TOTAL				92,048.91

Total to be paid from Fund 30 CAPITAL

92,048.91

92,048.91

**Checks Previously Disbursed**

143002	CURRENT ACCOUNT	online Infrnd to Curr for school	300,000.00	7/18/2014
143001	CURRENT ACCOUNT	online Pay 2014 Res Sr/C to Curren	45,000.00	7/10/2014
			345,000.00	

Total paid from Fund 30 CAPITAL

345,000.00

345,000.00

**Total for this Bills List: 437,048.91**

## List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426 WATER/SEWER UTILITY

Check#	Vendor	Description	Payment	Check Total
14359	53 - MONTAGUE TOOL & SUPPLY, INC.	PO 44466 ASPHALT BLADES	521.70	
		PO 44491 ANGLE GRINDER & CUTOFF WHEEL	138.35	660.05
14360	55 - SCHMIDT'S WHOLESALE, INC	PO 44274 BLANKET: METER/HYDRANT REPAIR/MAINT	190.61	190.61
14361	64 - PELLOW, HAROLD & ASSO, INC.	PO 43021 WATER ALLOCATION BALANCE PROJ#13-04	7,438.00	
		PO 43069 A/P - Gardner Ave Well study from P	6,933.25	
		PO 44150 DRAKE MANOR FLOW TEST & MAPPING	1,608.00	
		PO 44225 ENGINEERING WATERMAIN IN SPARTA GLE	1,925.00	
		PO 44502 MAY ENGINEERING	5,818.50	23,722.75
14362	64 - PELLOW, HAROLD & ASSO, INC.	PO 44508 JUNE ENGINEERING	1,803.87	1,803.87
14363	106 - ELIZABETHTOWN GAS	PO 44478 JUNE NAT GAS USAGE	45.84	45.84
14364	113 - JCP&L	PO 44462 JUNE ELECTRIC	8,832.36	8,832.36
14365	121 - PUMPING SERVICES, INC.	PO 44493 QTRLY MAINT STP	3,800.00	3,800.00
14366	126 - SCMUA	PO 44389 JUNE TRASH REMOVAL	644.00	644.00
14367	130 - SUSSEX COUNTY P & H, INC.	PO 44271 COPPER COIL	278.77	278.77
14368	155 - COYNE CHEMICAL CORP., INC.	PO 43609 SODIUM BISULFITE	766.90	
		PO 43959 BID: CES PACL @\$4.683 (9X\$8300=\$74,	9,225.51	
		PO 43958 BID: SODA ASH-LIQ SODIUM CARBONATE	3,264.59	13,257.00
14369	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 43229 JULY WOODSIDE AVE PS 9733834159 ACC	36.34	36.34
14370	163 - CENTURYLINK COMMUNICATIONS, INC.	PO 43885 LOCAL PHONE SERVICE JUNE	1,251.64	1,251.64
14371	200 - GARDEN STATE LABORATORIES INC	PO 44482 DRINKING WATER ANALYSES JUNE	1,586.00	1,586.00
14372	409 - MINISINK PRESS INC	PO 44345 New Letterhead	65.36	65.36
14373	419 - DUKE'S SALES & SERVICE, INC.	PO 44317 ROOT CONTROL	514.23	514.23
14374	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 44465 JUNE UNIFORM & MAT RENTAL	324.65	324.65
14375	921 - AIRGAS EAST	PO 44410 CARBON DIOXIDE	112.72	
		PO 44487 CARBON DIOXIDE	175.79	288.51
14376	1062 - INSTRUMENTATION TECH SYSTEMS, INC.	PO 42430 ANNUAL COMPUTER & CONTROL SYSTEM WT	1,200.00	1,200.00
14377	1151 - TREASURER, STATE OF NEW JERSEY	PO 44450 NJ POLLUTANT DISCHARGE ELIMINATION	13,057.31	13,057.31
14378	1151 - TREASURER, STATE OF NEW JERSEY	PO 44449 SURFACE WATER DISCHARGE	2,300.00	2,300.00
14379	1158 - VISION SERVICE PLAN	PO 43931 MNTHLY VISION PLANT AUG	211.90	211.90
14380	1212 - STATEWIDE INSURANCE FUND	PO 43894 3RD QTR OF 4 INS ALL LINES/W/C/UMBR	48,915.43	48,915.43
14381	1271 - JCI JONES CHEMICALS, INC	PO 43946 CHLORINE (\$.5333 gal) APR-DEC \$4400	479.97	479.97
14382	1280 - VERIZON WIRELESS, INC.	PO 44469 JUNE CELL PHONE	218.20	218.20
14383	1406 - UNIVAR USA INC.	PO 43950 BID: LIQ GAS SULFUR DIOXIDE @\$ .66 (	693.00	693.00
14384	1489 - SMALLEY, JOHN	PO 44012 2014 SVC'S MORRIS LAKE JULY	1,250.00	1,250.00
14385	1601 - TILCON NEW JERSEY, INC.	PO 44490 ASPHALT (10 TONS)	673.50	673.50
14386	1625 - ALTERNATE POWER INC.	PO 44492 SVC CALL'S ON GENERATORS W/S	3,954.25	3,954.25
14387	1866 - HOME DEPOT, INC.	PO 44270 BLANKET:W/S SUPPLIES	41.10	41.10
14388	2365 - KRAVE CAFE	PO 44505 SID PLANNING MTG	52.00	52.00
14389	2514 - ERIC TOMPKINS	PO 44379 REIMB CDL LICENSE	42.00	42.00
14390	2532 - LADDEY, CLARK & RYAN, LLP	PO 44501 JUNE LEGAL SVCS	608.00	608.00
14391	2709 - ACCURATE WASTE REMOVAL INC.	PO 43945 TRUCKING SLUDGE REMOVAL STP Bid@\$ .0	10,274.25	10,274.25
14392	2788 - PENTELEDATA	PO 43231 INTERNET JUNE	119.90	119.90
14393	2835 - NJMEBF	PO 44503 JULY HEALTH BENEFITS	26,135.50	26,135.50
14394	2882 - ONE CALL CONCEPTS, INC.	PO 43293 ONE CALL MESSAGES JUNE	246.62	246.62
14395	2938 - WOODRUFF ENERGY US, INC.	PO 44496 JUNE NAT GAS SVC	418.76	418.76
14396	3166 - HATCH MOTT MACDONALD	PO 43531 2014 SEWER CONSULTING THRU 6/14/14	1,542.40	1,542.40
14397	3355 - BRAEN STONE SPARTA	PO 44325 STONE FOR MAIN BREAK	353.64	353.64
14398	3442 - SUNLIGHT GENERAL	PO 43939 DPW/STP ELECTRIC MAY/JUNE	1,716.20	1,716.20
14399	3450 - MORRIS ASPHALT CO.	PO 44474 ASPHALT REPAIR MAIN SWARTSWWOD RD	1,319.14	1,319.14
14400	3492 - CINTAS FIRE PROTECTION	PO 44314 SVC CALL FIRE ALARM REPAIR ACCT #33	601.60	601.60
14401	3523 - LOGOUP	PO 43970 Shirts for Code Enforcement, Zoning	50.48	50.48
14402	3528 - Miracle Chemical Co	PO 43961 BID: Sodium Hypochlorite WFP @\$ .99	605.88	605.88
14403	3565 - ST. MORITZ GRILL & BAR	DINNER MEETING 7/21 PLANNING FOR UP	81.97	81.97
	TOTAL			174,464.98

Total to be paid from Fund 60 WATER/SEWER UTILITY

174,464.98

174,464.98

**List of Bills - (600001) CASH - W/S OPERATING-LAKELAND #426  
WATER/SEWER UTILITY**

Check#	Vendor	Description	Payment	Check Total
<b>Checks Previously Disbursed</b>				
146023	PAYROLL ACCOUNT	7/17 W/S PAYROLL	35,623.27	7/17/2014
14358	TUSCANY BISTRO	PO# 44413 RE-ORG BUFFET	908.60	7/10/2014
14357	THOMAS S RUSSO JR	PO# 44421 REIM LUNCH - SID MORRISTOWN	53.00	7/10/2014
14356	MILLIKIN, DEBRA	Supplies Dept Staff mtg 7/9	23.33	7/09/2014
146022	PAYROLL ACCOUNT	7/3 W/S PAYROLL	39,870.95	7/03/2014
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			76,479.15	

Total paid from Fund 60 WATER/SEWER UTILITY

76,479.15

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76,479.15

**Total for this Bills List: 250,944.13**

**List of Bills - (610001) CASH - W/S CAPITAL - LAKELAND #442  
WATER/SEWER CAPITAL**

Check#	Vendor	Description	Payment	Check Total
2352	64 - PELLOW, HAROLD & ASSO, INC.	PO 42159 FOX HOLLOW WATERMAIN REPLACE \$92,	4,617.75	4,617.75
2353	2532 - LADDEY, CLARK & RYAN, LLP	PO 44501 JUNE LEGAL SVCS	464.00	464.00
2354	3408 - COTHERY CONSTRUCTION COMPANY, INC.	PO 42273 REPLACE MECHANICAL BAR SCREEN WWTP	10,980.41	10,980.41
TOTAL				----- 16,062.16

Total to be paid from Fund 61 WATER/SEWER CAPITAL

16,062.16

16,062.16

**List of Bills - (710001) CASH - TRUST - LAKELAND #469 TRUST**

Check#	Vendor	Description	Payment	Check Total
3264	64 - PELLOW, HAROLD & ASSO, INC.	PO 44400 J&R DEV/J.PUTRINO/TWN SQ GRD-MARCH/	289.25	
		PO 44401 K MEMBER-MAY ESCROW	155.00	
		PO 44402 JULIE RICHARD-MAY ESCROW	62.50	
		PO 44403 JULIE RICHARD-MAY ESCROW	1,743.25	
		PO 44404 KEN MARTIN/KOHL'S-MAY ESCROW	218.75	
		PO 44405 RPM-MAY ESCROW	62.50	
		PO 44451 JUNE JERSEY GROWTH INVESTORS	280.00	
		PO 44508 JUNE ENGINEERING	123.75	2,935.00
3265	164 - HOLLANDER, STRELZIK, PASCULLI, HINKES	PO 44470 JUNE LEGAL SVC'S	234.00	234.00
3266	263 - MCMANIMON, SCOTLAND & BAUMANN, LLC	PO 44441 MAY JADE REDEVELOPMENT	747.50	747.50
3267	285 - SLOAN, JAMES P, P.C., INC.	PO 43097 2014 PUBLIC DEFENDER	1,333.33	1,333.33
3268	1819 - VOGEL, CHAIT, COLLINS, SCHNEIDER, PC,	PO 44430 HAYEK'S MARKET-JUNE ESCROW	15.00	
		PO 44432 WEIS-jUNE ESCROW	15.00	
		PO 44434 RPM-JUNE ESCROWS	75.00	
		PO 44436 K MEMBER-MAY/JUNE ESCROW	660.00	
		PO 44435 SOLAR ENTERPRISES, LLC-JUNE ESCROW	120.00	
		PO 44437 JULIE RICHARD-JUNE ESCROW	510.00	1,395.00
3269	3112 - COUNTRY CLUB ICE CREAM, LLC.	PO 44427 POOL SNACK FOOD	1,545.88	1,545.88
3270	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 44397 K MEMBER-JUNE ESCROW	172.50	
		PO 44398 SOLAR ENT/N. AUTOBODY-JUNE ESCROW	632.50	
		PO 44399 JULIE RICHARD LLC-JUNE ESCROW	1,150.00	
		PO 44453 JADE LAND ESCROW JUNE	805.00	2,760.00
TOTAL				10,950.71

Total to be paid from Fund 71 TRUST

10,950.71

10,950.71

**Checks Previously Disbursed**

147114	PAYROLL ACCOUNT	7/17 TRUST PAYROLL	140.50	7/17/2014
147113	PAYROLL ACCOUNT	7/3 TRUST PAYROLL	2,950.53	7/03/2014
			3,091.03	

Total paid from Fund 71 TRUST

3,091.03

3,091.03

**Total for this Bills List: 14,041.74**

**List of Bills - (720001) CASH - DEV ESCROW - LAKELAND #515  
DEVELOPERS ESCROW (Fund 72)**

Check#	Vendor	Description	Payment	Check Total
1188	1819 - VOGEL,CHAIT,COLLINS,SCHNEIDER, PC,	PO 44433 MARTORANA-JUNE ESCROW	195.00	195.00
1189	2852 - FERRIERO ENGINEERING INC.	PO 44438 MARTORANA-JUNE ESCROW	95.63	95.63
1190	2963 - EDWARD J BUZAK	PO 44426 MARTORANA-MAY/JUNE ESCROW	267.05	267.05
	TOTAL			----- 557.68

Total to be paid from Fund 72 DEVELOPERS ESCROW (Fund 72) 557.68

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557.68

**List of Bills - (730001) CASH - SUI - LAKELAND #027  
SUI (Fund 73)**

Check#	Vendor	Description	Payment	Check Total
1100	1261 - S/NJ EMPLOYER ACCOUNTS	2ND QTR UNEMPLOYMENT	179.00	179.00
	TOTAL			----- 179.00
Total to be paid from Fund 73 SUI (Fund 73)			179.00	
			=====	
			179.00	