



AGENDA
NEWTON TOWN COUNCIL
MARCH 9, 2015
7:00 P.M.

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

- FEBRUARY 23, 2015 REGULAR MEETING
FEBRUARY 24, 2015 SPECIAL BOE/TC MTG.

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**
- VII. ORDINANCES**

a. 2ND READING AND PUBLIC HEARING

ORDINANCE 2015-4

AN ORDINANCE TO EXCEED THE 2015 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

- i. OPEN HEARING TO PUBLIC
- ii. CLOSE HEARING TO PUBLIC
- iii. ACT ON ORDINANCE

b. INTRODUCTION

ORDINANCE 2015-5

A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT ORDINANCE IN THE AMOUNT OF \$25,000.00 FOR ACQUISITION OF A NEW FIRE ENGINE WITH EQUIPMENT IN THE TOWN OF NEWTON, COUNTY OF SUSSEX, NEW JERSEY

ORDINANCE 2015-6

AN ORDINANCE OF THE TOWN OF NEWTON ELIMINATING RUN-OFF ELECTIONS

ORDINANCE 2015-7

AN ORDINANCE REPEALING ORDINANCE #2003-6 IN ITS ENTIRETY; AND DELETING AND CONFIRMING CERTAIN SECTIONS OF THE MUNICIPAL CODE OF THE TOWN OF NEWTON

ORDINANCE 2015-8

AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN

VIII. OLD BUSINESS

- a. TREE PROTECTION ORDINANCE
- b. TREE BANK ORDINANCE

IX. CONSENT AGENDA

ALL ITEMS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE TOWN COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

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|----|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. | RESOLUTION #34-2015* | RESOLUTION TO ACCEPT THE CERTIFIED LIST OF QUALIFYING 2014 NEWTON FIRE DEPARTMENT LOSAP PARTICIPANTS |
| b. | RESOLUTION #35-2015* | APPROVAL OF THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH BYRAM TOWNSHIP TO PROVIDE CERTIFIED TAX COLLECTION SERVICES FOR MAY 1, 2015 THROUGH DECEMBER 31, 2015 |
| c. | RESOLUTION #36-2015* | APPOINTMENT OF ERNEST HEMSCHOT AS AN ALTERNATE MEMBER OF THE NEWTON PLANNING BOARD |
| d. | RESOLUTION #37-2015* | ESTABLISH SALARIES AND WAGES FOR CERTAIN TOWN OF NEWTON EMPLOYEES NOT COVERED BY BARGAINING AGREEMENTS |
| e. | RESOLUTION #38-2015* | MODIFYING BENEFIT COVERAGE FOR SCOTT J. HOLZHAUER AND ADJUSTING ANNUAL SALARY FOR SCOTT J. HOLZHAUER |
| f. | RESOLUTION #39-2015* | AUTHORIZING THE TOWN OF NEWTON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF PROVIDING A CERTIFIED RECYCLING PROFESSIONAL FOR THE TOWN OF NEWTON |
| g. | RESOLUTION #40-2015* | APPROVE 2014 APPROPRIATION TRUST RESERVE BE LAPSED TO TRUST – SNOW REMOVAL RESERVE |
| h. | RESOLUTION #41-2015* | AUTHORIZING THE REDUCTION OF UTILITY FEES FOR MARTORANA ENTERPRISES IN CONNECTION WITH THE DEVELOPMENT OF PROPERTY KNOWN AS BLOCK 22.05, LOT 13, NEWTON, NEW JERSEY (GRANDE VILLAGGIO) |
| i. | RESOLUTION #42-2015* | APPROVE BILLS AND VOUCHERS FOR PAYMENT |

j. APPLICATIONS*

APPLICATION FOR A SPECIAL PERMIT FOR A SOCIAL AFFAIR FROM THE SUSSEX COUNTY ARTS AND HERITAGE COUNCIL, 133 SPRING STREET, NEWTON TO BE HELD ON SATURDAY, MAY 2, 2015 FROM 4:00PM TO 6:00PM

X. INTERMISSION

XI. INTRODUCTION OF 2015 BUDGET

a. TOWN OF NEWTON MUNICIPAL AND WATER & SEWER UTILITY BUDGET

XII. DISCUSSION

XIII. OPEN TO THE PUBLIC

XIV. COUNCIL & MANAGER COMMENTS

XV. ADJOURNMENT

TOWN OF NEWTON

ORDINANCE #2015-4

**AN ORDINANCE TO EXCEED THE 2015 MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Town Council of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Newton Town Council hereby determines that a 2% increase in the budget for said year, amounting to \$164,711.73 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Newton Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Newton, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 2%, amounting to \$164,711.73, and that the CY 2015 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 23, 2015. It was adopted, after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, March 9, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE #2015-5

**A FULLY FUNDED GENERAL CAPITAL IMPROVEMENT
ORDINANCE IN THE AMOUNT OF \$25,000.00 FOR
ACQUISITION OF A NEW FIRE ENGINE WITH
EQUIPMENT IN THE TOWN OF NEWTON, COUNTY OF
SUSSEX, NEW JERSEY**

BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex, as follows:

Section 1 a. \$25,000.00 is hereby appropriated for Acquisition of a New Fire Engine with Equipment and all costs necessary therefore or incidental thereto from the following sources:

General Capital – Fund Balance	\$25,000.00
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The \$25,000 being appropriated is in addition to the \$500,000 appropriated by Section 3(k) of bond ordinance #2014-6 finally adopted 4/14/14. The \$500,000 appropriated in bond ordinance #2014-6 included funding of \$45,600 reserved in prior years.

Section 2. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of local Government Services and is filed and available for public inspection in the office of the Clerk.

Section 3. This ordinance shall take effect as provided by the law.

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on Monday, March 9, 2015. It will be considered for adoption, after public hearing and final reading thereon, at a regular meeting of said Governing Body to be conducted on Monday, March 23, 2015, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2015-6

AN ORDINANCE OF THE TOWN OF NEWTON ELIMINATING RUN-OFF ELECTIONS

WHEREAS, the Town Council of the Town of Newton has reviewed the current procedure for run-off elections, pursuant to N.J.S.A. 40:45-18 and 19; and

WHEREAS, the Town of Newton adopted the Council-Manager, Plan B Form of Government, commonly known as the *Faulkner Act*, N.J.S.A. 40:69A:1 et seq. on July 1, 1956, which required the holding of run-off elections; and

WHEREAS, municipalities may adopt, by referendum, an ordinance which eliminates run-off elections in the municipality; and

WHEREAS, eliminating run-off elections not only saves the added expense of a run-off election, but also reflects the sentiment of the voters at the election by putting into office the candidate(s) who receive the greatest number of votes;

NOW, THEREFORE BE IT ORDAINED, by the Newton Town Council, County of Sussex, State of New Jersey that the procedure for run-off elections will no longer apply in the Town of Newton and the winning candidate will be determined in accordance with N.J.S.A. 40:45-17, as same may be amended or replaced in the future; and

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon the voters of the Town of Newton voting on a binding referendum to seek their approval to adopt this Ordinance providing for the elimination of holding of run-off elections.

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.

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

Effective date. This Ordinance shall take effect after its final passage and publication as required by law.

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on Monday, March 9, 2015. 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 7:00 p.m. on Monday, March 23, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2015-7

AN ORDINANCE REPEALING ORDINANCE #2003-6 IN ITS ENTIRETY; AND DELETING AND CONFIRMING CERTAIN SECTIONS OF THE MUNICIPAL CODE OF THE TOWN OF NEWTON

WHEREAS, the Town Council of the Town of Newton has reviewed current Code provisions and has determined that fire inspections of commercial properties are within the purview of the County Fire Marshall, so that current Code provisions need to be revised; and

WHEREAS, the Town Council of the Town of Newton has determined that Ordinance #2003-6, adopted on July 14, 2003, applying Certificates of Compliance to commercial structures, should be repealed; and

WHEREAS, §100-21 of the Code of the Town of Newton, specifically regarding Property Maintenance Code fees, is to be revised to delete any reference to fees for inspection of commercial structures; and

WHEREAS, the Town Council of the Town of Newton wishes to confirm that §213-7 of the current Property Maintenance Code, Chapter 213, Article II, regarding “Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance” for residential structures shall remain in full force and effect.

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

1. Ordinance #2003-6, adopted July 14, 2003, is hereby deleted in its entirety.
2. §100-21.E. is hereby deleted.
3. §213-7 of the existing Property Maintenance Code shall remain in full force and effect.

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.

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

Effective date. This Ordinance shall take effect after its final passage and publication as required by law.

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton held on Monday, March 9, 2015. 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 7:00 p.m. on Monday, March 23, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

**TOWN OF NEWTON
ORDINANCE 2015-8**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM GATEWAY
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 or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, on April 23, 2007, the Town of Newton (the “Town”), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the “Rehabilitation Area”); and

WHEREAS, in November 2010, after review and comment by the Planning Board in accordance with the Act, the Town implemented a redevelopment plan (the “Redevelopment Plan”) for a portion of the Rehabilitation Area comprised of: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the “Plan Area”); and

WHEREAS, by Ordinance 2012-23 adopted on September 12, 2012, the Town has previously amended the Redevelopment Plan; and

WHEREAS, the Town now wishes to amend the Redevelopment Plan to permit single use commercial buildings and certain other amendments as further detailed in the proposed amendments to the Redevelopment Plan (the “Proposal”); and

WHEREAS, the Town Council by Resolution No. 26-2015 adopted on February 11, 2015, referred the Proposal to the Planning Board for its review and comment in accordance with *N.J.S.A. 40A:12A-7(e)* of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on February 18, 2015, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board determined by Resolution dated February 18, 2015 that the Proposal is consistent with the Town's Master Plan, recommended certain changes to the Proposal and that the Town adopt the Proposal as an amendment to the Redevelopment Plan (the “Planning Board Resolution” attached hereto as EXHIBIT A); and

WHEREAS, the Town wishes to adopt the Proposal with the recommended changes contained in the Planning Board Resolution and has incorporated the Planning Board's recommended changes into the Proposal (the "Amended Redevelopment Plan" attached hereto as EXHIBIT B);

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The Town concurs with the Planning Board's determination that the Proposal, including as modified by the revisions requested by the Planning Board, is consistent with the Master Plan. The Amended Redevelopment Plan as filed in the Office of the Town Clerk, and attached hereto as EXHIBIT B, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Amended Redevelopment Plan, and to delineate the boundaries of the Plan Area, as amended by the Amended Redevelopment Plan.

Section 3. This Ordinance shall take effect as provided in law.

I, Lorraine A. Read, Municipal Clerk of the Town of Newton, Sussex County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the Ordinance which was finally adopted by the Town Council at a meeting held on the 23rd day of March, 2015.

Lorraine A. Read, RMC
Municipal Clerk

ORDINANCE 2015-8

EXHIBIT A

PLANNING BOARD RESOLUTION

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THE ADOPTION OF AN AMENDMENT TO THE
MERRIAM GATEWAY REDEVELOPMENT PLAN PURSUANT TO THE
LOCAL REDEVELOPMENT AND HOUSING LAW**

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 or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, on April 23, 2007, the Town of Newton (the “Town”), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the “Rehabilitation Area”); and

WHEREAS, in November 2010, after review and comment by the Town’s Planning Board in accordance with the Act, the Town implemented a redevelopment plan (as thereafter amended from time to time, the “Redevelopment Plan”) for a portion of the Rehabilitation Area then identified on the official tax map of the Town as: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the “Plan Area”); and

WHEREAS, the Town wishes to amend the Redevelopment Plan to permit single use commercial buildings and certain other amendments as further detailed in the Redevelopment Plan; 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 Amendment”); and

WHEREAS, by Resolution No. 26-2015 adopted on February 11, 2015, the Town referred the Proposed Amendment to the Planning Board for review and comment, pursuant to the Act; and

WHEREAS, after due consideration of the Proposed Amendment at a duly noticed and constituted public meeting held on February 18, 2015, the Planning Board has determined that the Proposed Amendment is consistent with the Town's Master Plan, and wishes to recommend its adoption to the Mayor and Town Council, subject to certain recommended revisions which are set forth in Exhibit B attached hereto (the “Proposed Revisions”),

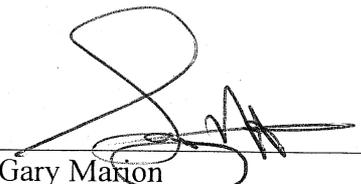
NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Newton as follows:

Section 1. Recommendation – Adoption of Proposed Amendment with Proposed Revisions. The Planning Board hereby recommends to the Mayor and Town Council that the Proposed Amendment be adopted together with the incorporation of the Proposed Revisions. The Planning Board hereby finds and determines that the Proposed Amendment (both with and without the Proposed Revisions) is consistent with the Town's Master Plan.

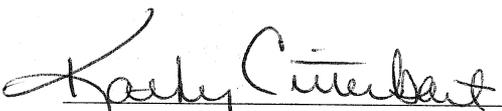
Section 2. Transmission to the Mayor and Town Council. The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Town Council. This Resolution shall serve as the report to the governing body pursuant to *N.J.S.A. 40A:12A-7(e)* of the Act.

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 18th day of February, 2015.



Gary Marion
Planning Board Vice-Chairman

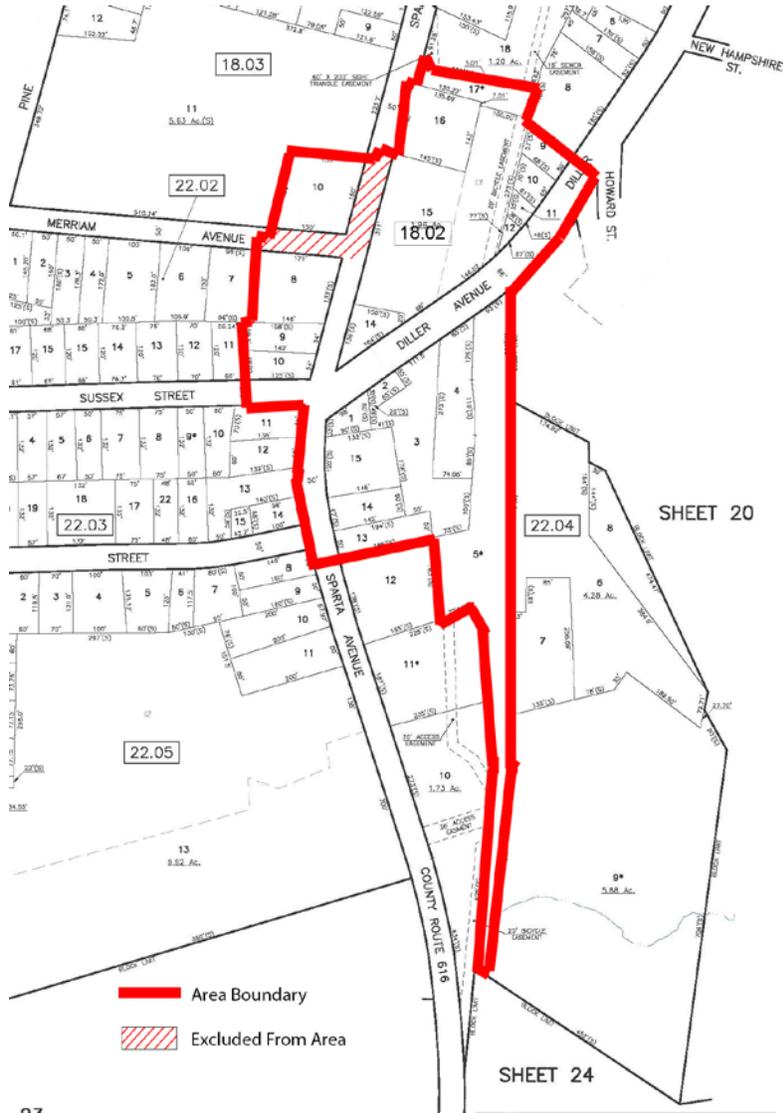


Kathy Citterbart
Planning Board Secretary

EXHIBIT A

PROPOSED AMENDMENT

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



February 2015



PLANNING CONSULTING SERVICES

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON, SUSSEX COUNTY

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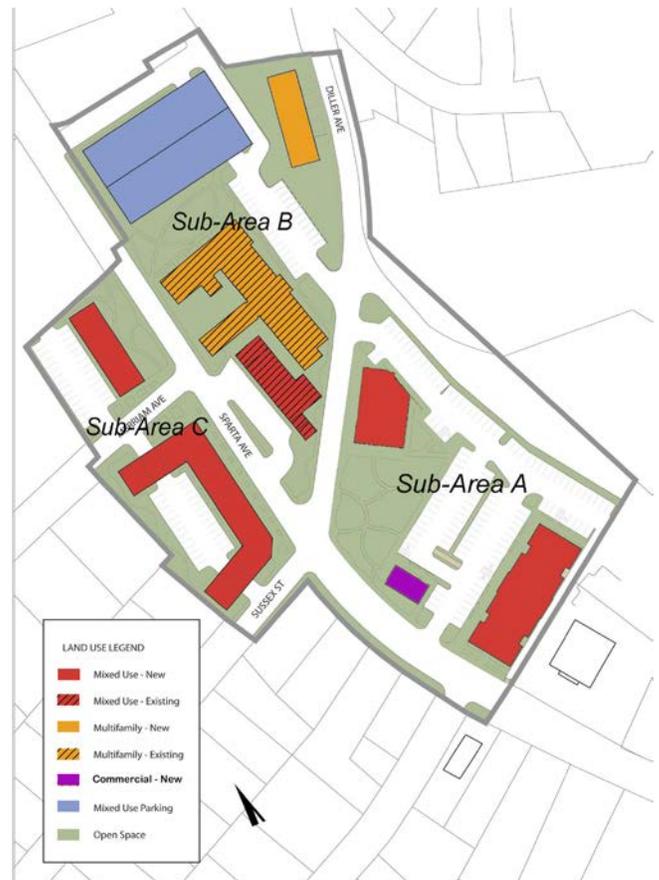
Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944

PLAN CONSISTENCY REVIEW

BACKGROUND

The Merriam Gateway Redevelopment Plan (the “Plan”) governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), including parcels, public streets and Rights-of-Way adjacent to and including Sparta Avenue and Diller Avenue (the “Plan Area”). The Plan was adopted by the Town Council in November 2010 and amended in September 2012.

The Plan Area includes 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The Town of Newton has updated tax lot numbers since the adoption of the original Merriam Gateway Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14). The Plan Area covers 10.18 acres. The Plan divides the Plan Area into three (3) sub-areas: A, B and C. The parcels within Block 22.04 (former Block 1308) comprise Sub-Area A, the parcels within Block 18.02 (former Block 1301) comprise Sub-Area B, and the parcels within Blocks 18.03 and 22.02 (former Blocks 1104 and 1209 respectively) comprise Sub-Area C. The figure to the right shows the Sub-Areas along with the originally proposed conceptual layout for the area.



The purpose of this Plan Amendment is to provide for a greater variety of building types and uses than originally proposed. Currently the only commercial use permitted is mixed-use within a mixed-use structure. This means that structures must contain two or more usable stories and include at least two distinct uses. The Plan Amendment seeks to provide for single use and single story structures, provided they have a two story façade and to provide for additional commercial uses. Additionally, permitted uses are further clarified. As has been the case in the Town’s other redevelopment plans, this Plan Amendment makes the water use reduction and stormwater re-use optional. The result will provide for a greater variety of development options within the Plan Area.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the Plan. At Section 8.0 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.” As noted previously, the amendments proposed are being developed to provide for greater commercial development opportunities including single-use commercial, office and light industrial buildings within the Plan Area.

The Redevelopment Goals stated in the Plan focus on creating positive development, rehabilitation and redevelopment within the Plan Area. The focus of these goals is met by creating greater opportunities to redevelop and rehabilitate uses within the Area. Some specific Redevelopment Goals furthered by this Plan Amendment are as follows:

1. To allow more efficient use of land and to expand the Town’s tax base.
2. To enhance the positive visual character and safety of the Area and surrounding neighborhood through building placement and design, landscaping and streetscape improvements.
3. To provide flexibility of design, while incorporating modern technologies and reflecting the architectural design vocabulary (design characteristics) of the surrounding neighborhood and the Town of Newton, and respecting the historic character of Newton.

The proposal is consistent with the Town of Newton Master Plan because the land use plan for this area also proposes single use buildings, office and industrial uses. The proposal is also consistent with the State Development and Redevelopment Plan which designates the Town of Newton as a Regional Center, which provides a variety of commercial and residential uses in a compact development pattern. For these reasons, the proposed Plan Amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan and the State Development and Redevelopment Plan.

The proposed Plan Amendments do not impact the zoning plans of any adjacent municipalities as it does not vary in a significant way from the proposed uses for this area in the Town’s Master Plan, which was reviewed and determined to not have any impacts to the zone plans of adjacent municipalities.

Based upon the foregoing, it is recommended that the following amendments be made to the Merriam Gateway Redevelopment Plan.

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT

At Section 3.0 Definitions, add the following:

Single-use: A building or structure which contains a single principal use.

At Section 4.1 Land Use Regulations, Permitted Uses, amend Item 1 and add Items 5 and 6 as follows:

1. Mixed Use Commercial: Ground floor Commercial Retail Services or Business/Office/Professional Uses with Commercial Retail Services, Business/Office/Professional or Light Industrial Uses on floors above. Structures shall comply with the bulk and dimensional standards in the Building Regulation Plan found further in this Plan. Permitted Uses shall be as per the Commercial Retail Services, Business/Office/Professional and Light Industrial Uses permitted in the T-5 Transect Zone of Section 320-2.C Permitted Uses in the Town's Form-Based Zoning Code.
5. Single-Use Commercial: Encompasses buildings with a single-use including Commercial Retail Services, Business/Office/Professional Uses or Light Industrial Uses. Structures shall comply with the bulk and dimensional standards in the Building Regulation Plan found further in this Plan. Permitted Uses shall be as per the Commercial Retail Services, Business/Office/Professional and Light Industrial Uses permitted in the T-5 Transect Zone of Section 320-2.C Permitted Uses in the Town's Form-Based Zoning Code.
6. Accessory Uses: Accessory uses to the permitted uses in this section shall include: parking, accessory storage of products or for maintenance of the property, sidewalk cafes and outdoor displays (March 1-Dec. 1 provided snow and ice are not present), and drive-through facilities.

At Section 4.2 Land Use Plan add the following discussion following the first paragraph:

The Land Use Plan below shows one of the many available options for redevelopment within the Plan Area. Other options encompassing permitted uses not shown in the Land Use Plan below may be developed on a lot by lot basis or by a combination of lots within the Area.

At Section 6.2, Building Envelope, Bulk & Setback Regulations add the following:

Setbacks: Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. The setbacks below apply to principal structures. Accessory structures are not permitted in the front yard setback and must have a minimum 5' side and rear yard setback. The principal building setbacks below are delineated by building type. For descriptions of the varying building types, see page 46 of the Plan.

Sub-Area A (Block 22.04)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area B (Block 18.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	5' min.
Single-use:	5' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	5' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area C (Blocks 18.03 & 22.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

At Section 6.3 Building Height Regulations, add the following:

Single-use

Minimum 1.0 floor (must have 2 story façade)

Maximum 5.0 floors or 65 feet (measured from the mean front elevation to the highest point of the roof).

Single-use structures may be constructed with one floor of usable space; however the exterior façade should exhibit at least a 2 story façade. The overall massing of the structure should be in keeping with the design standards, buildable area and height standards of this Plan.

At Section 6.9 Green Building Standards, revise and supplement this section as follows:

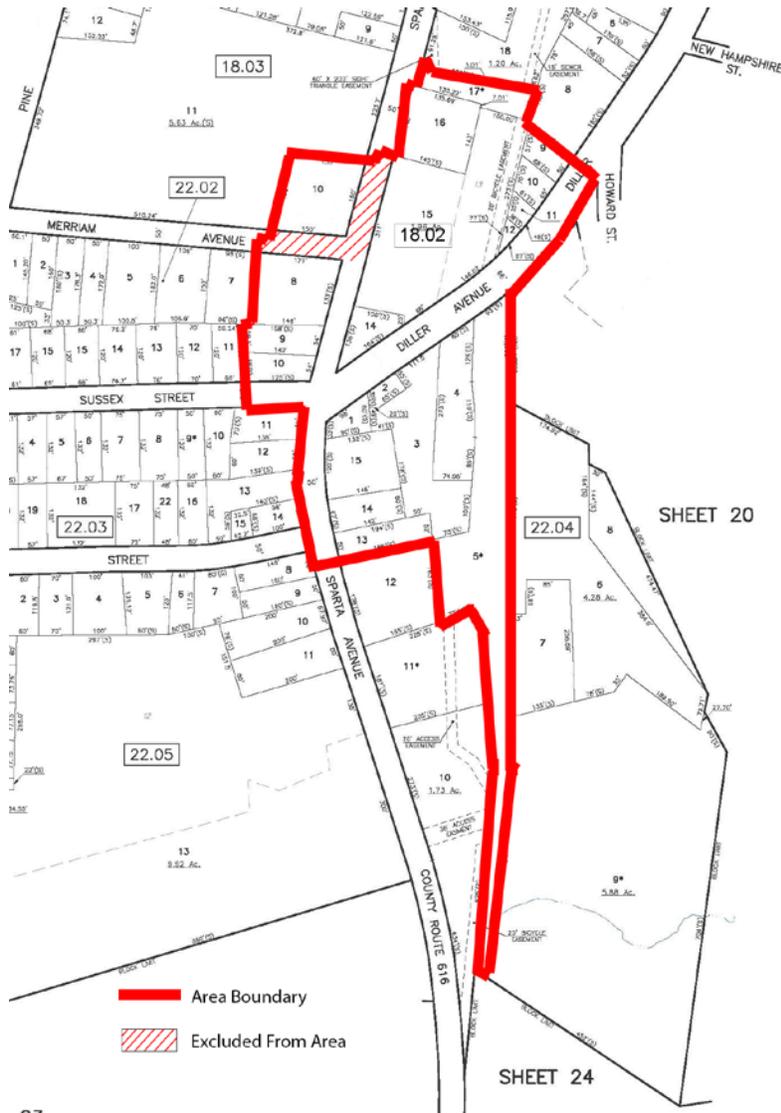
7. Wastewater: Reduction of potable water use for building sewage conveyance by 50% is encouraged through the use of water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater.

8. Water Reduction: A reduction of 20% water use from the baseline calculated for the building (not including irrigation) is encouraged through the use of water-conserving fixtures and other methods such as re-use of greywater or stormwater.

EXHIBIT B

PROPOSED REVISIONS

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



February 19, 2015



PLANNING CONSULTING SERVICES

**MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT
TOWN OF NEWTON, SUSSEX COUNTY**

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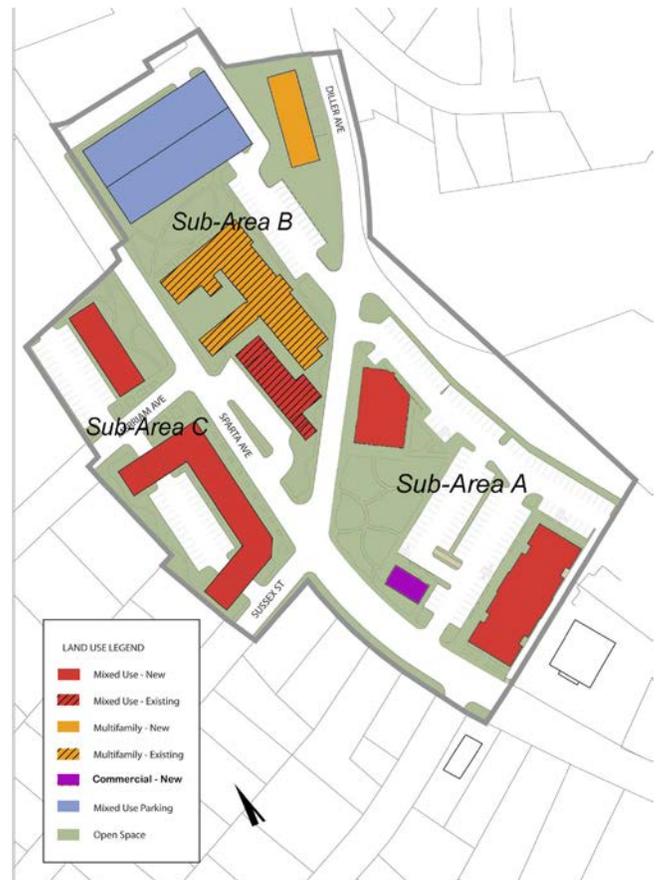
Jessica Caldwell, P.P., A.I.C.P, Town Planner, P.P. # 5944

PLAN CONSISTENCY REVIEW

BACKGROUND

The Merriam Gateway Redevelopment Plan (the “Plan”) governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), including parcels, public streets and Rights-of-Way adjacent to and including Sparta Avenue and Diller Avenue (the “Plan Area”). The Plan was adopted by the Town Council in November 2010 and amended in September 2012.

The Plan Area includes 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The Town of Newton has updated tax lot numbers since the adoption of the original Merriam Gateway Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14). The Plan Area covers 10.18 acres. The Plan divides the Plan Area into three (3) sub-areas: A, B and C. The parcels within Block 22.04 (former Block 1308) comprise Sub-Area A, the parcels within Block 18.02 (former Block 1301) comprise Sub-Area B, and the parcels within Blocks 18.03 and 22.02 (former Blocks 1104 and 1209 respectively) comprise Sub-Area C. The figure to the right shows the Sub-Areas along with the originally proposed conceptual layout for the area.



The purpose of this Plan Amendment is to provide for a greater variety of building types and uses than originally proposed. Currently the only commercial use permitted is mixed-use within a mixed-use structure. This means that structures must contain two or more usable stories and include at least two distinct uses. The Plan Amendment seeks to provide for single use and single story structures, provided they have a two story façade and to provide for additional commercial uses. Additionally, permitted uses are further clarified. As has been the case in the Town’s other redevelopment plans, this Plan Amendment makes the water use reduction and stormwater re-use optional. The result will provide for a greater variety of development options within the Plan Area.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the Plan. At Section 8.0 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.” As noted previously, the amendments proposed are being developed to provide for greater commercial development opportunities including single-use commercial, office and light industrial buildings within the Plan Area.

The Redevelopment Goals stated in the Plan focus on creating positive development, rehabilitation and redevelopment within the Plan Area. The focus of these goals is met by creating greater opportunities to redevelop and rehabilitate uses within the Area. Some specific Redevelopment Goals furthered by this Plan Amendment are as follows:

1. To allow more efficient use of land and to expand the Town’s tax base.
2. To enhance the positive visual character and safety of the Area and surrounding neighborhood through building placement and design, landscaping and streetscape improvements.
3. To provide flexibility of design, while incorporating modern technologies and reflecting the architectural design vocabulary (design characteristics) of the surrounding neighborhood and the Town of Newton, and respecting the historic character of Newton.

The proposal is consistent with the Town of Newton Master Plan because the land use plan for this area also proposes single use buildings, office and industrial uses. The proposal is also consistent with the State Development and Redevelopment Plan which designates the Town of Newton as a Regional Center, which provides a variety of commercial and residential uses in a compact development pattern. For these reasons, the proposed Plan Amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan and the State Development and Redevelopment Plan.

The proposed Plan Amendments do not impact the zoning plans of any adjacent municipalities as it does not vary in a significant way from the proposed uses for this area in the Town’s Master Plan, which was reviewed and determined to not have any impacts to the zone plans of adjacent municipalities.

Based upon the foregoing, it is recommended that the following amendments be made to the Merriam Gateway Redevelopment Plan.

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT

At Section 3.0 Definitions, add the following:

Single-use: A building or structure which contains a single principal use.

At Section 4.1 Land Use Regulations, Permitted Uses, amend Item 1 and add Items 5 and 6 as follows:

1. Mixed Use Commercial: Ground floor Commercial Retail Services or Business/Office/Professional Uses with Commercial Retail Services, Business/Office/Professional or Light Industrial Uses on floors above. Structures shall comply with the bulk and dimensional standards in the Building Regulation Plan found further in this Plan. Permitted Uses shall be as per the Commercial Retail Services, Business/Office/Professional and Light Industrial Uses permitted in the T-5 Transect Zone of Section 320-2.C Permitted Uses in the Town's Form-Based Zoning Code.
5. Single-Use Commercial: Encompasses buildings with a single-use including Commercial Retail Services, Business/Office/Professional Uses or Light Industrial Uses. Structures shall comply with the bulk and dimensional standards in the Building Regulation Plan found further in this Plan. Permitted Uses shall be as per the Commercial Retail Services, Business/Office/Professional and Light Industrial Uses permitted in the T-5 Transect Zone of Section 320-2.C Permitted Uses in the Town's Form-Based Zoning Code.
6. Accessory Uses: Accessory uses to the permitted uses in this section shall include: parking, accessory storage of products or for maintenance of the property, sidewalk cafes and outdoor displays (March 1-Dec. 1 provided snow and ice are not present), and drive-through facilities.

At Section 4.2 Land Use Plan add the following discussion following the first paragraph:

The Land Use Plan below shows one of the many available options for redevelopment within the Plan Area. Other options encompassing permitted uses not shown in the Land Use Plan below may be developed on a lot by lot basis or by a combination of lots within the Area.

At Section 6.2, Building Envelope, Bulk & Setback Regulations add the following:

Setbacks: Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. The setbacks below apply to principal structures. Accessory structures are not permitted in the front yard setback and must have a minimum 5' side and rear yard setback. The principal building setbacks below are delineated by building type. For descriptions of the varying building types, see page 46 of the Plan.

Sub-Area A (Block 22.04)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area B (Block 18.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	5' min.
Single-use:	5' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	5' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area C (Blocks 18.03 & 22.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

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At Section 6.3 Building Height Regulations, add the following:

Single-use

Minimum 1.0 floor (must have 2 story façade on all four sides of the building)

Maximum 5.0 floors or 65 feet (measured from the mean front elevation to the highest point of the roof).

Single-use structures may be constructed with one floor of usable space; however the exterior façade should exhibit at least a 2 story façade on all four sides of the building. The overall massing of the structure should be in keeping with the design standards, buildable area and height standards of this Plan.

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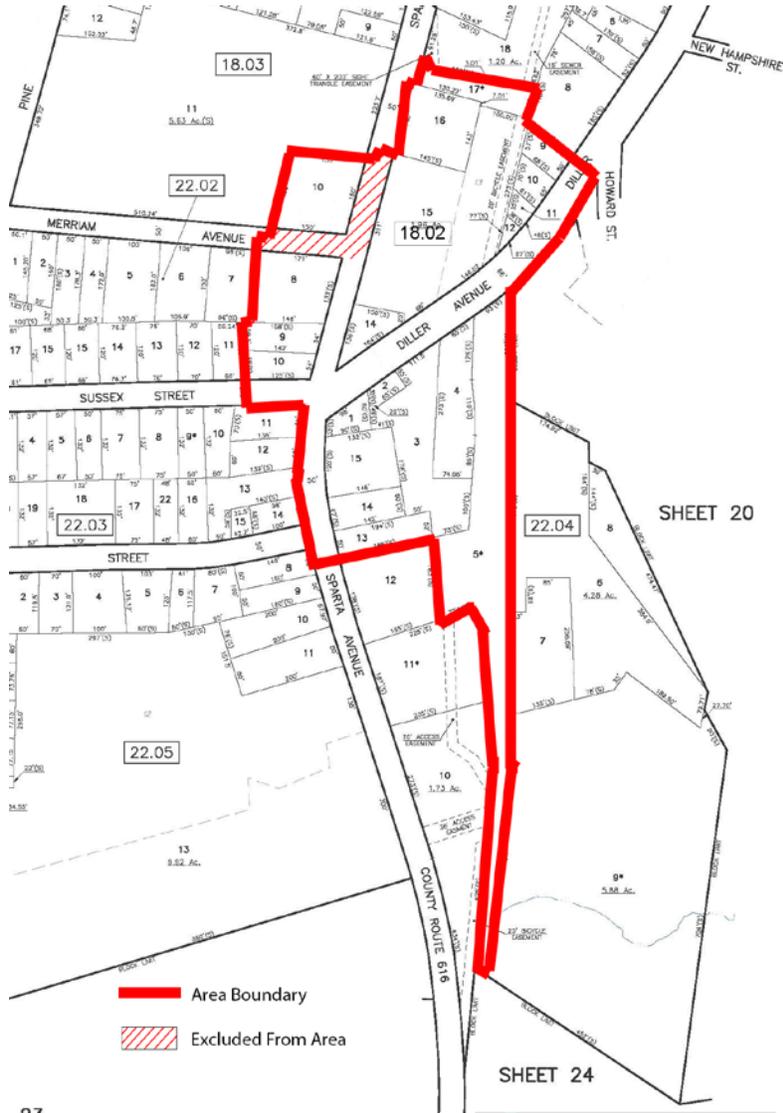
8. Water Reduction: A reduction of 20% water use from the baseline calculated for the building (not including irrigation) is encouraged through the use of water-conserving fixtures and other methods such as re-use of greywater or stormwater.

ORDINANCE 2015-8

EXHIBIT B

AMENDED REDEVELOPMENT PLAN

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



February 19, 2015



PLANNING CONSULTING SERVICES

**MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT
TOWN OF NEWTON, SUSSEX COUNTY**

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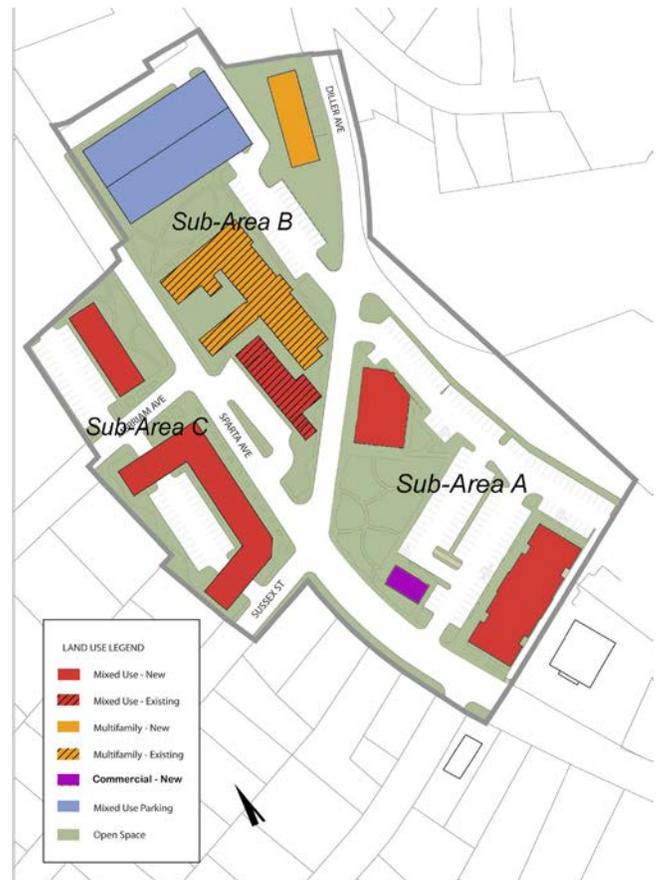
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Sub-Area A (Block 22.04)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area B (Block 18.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	5' min.
Single-use:	5' min.
Landmark:	0' min.

Side yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	5' min.
Landmark:	5' min.

Rear yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	10' min.

Sub-Area C (Blocks 18.03 & 22.02)

Front yard setback:

Multi-family:	10' min.
Mixed-use:	10' min.
Single-use:	10' min.
Landmark:	5' min.

Side yard setback:

Multi-family:	10' min.
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Single-use:	10' min.
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Rear yard setback:

Multi-family:	10' min.
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At Section 6.3 Building Height Regulations, add the following:

Single-use

Minimum 1.0 floor (must have 2 story façade on all four sides of the building)

Maximum 5.0 floors or 65 feet (measured from the mean front elevation to the highest point of the roof).

Single-use structures may be constructed with one floor of usable space; however the exterior façade should exhibit at least a 2 story façade on all four sides of the building. The overall massing of the structure should be in keeping with the design standards, buildable area and height standards of this Plan.

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8. Water Reduction: A reduction of 20% water use from the baseline calculated for the building (not including irrigation) is encouraged through the use of water-conserving fixtures and other methods such as re-use of greywater or stormwater.

**TOWN OF NEWTON
ORDINANCE 2015-9**

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN
FOR THE MCGUIRE REDEVELOPMENT AREA**

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 October 28, 2013, the Town Council, acting by Resolution, designated the area identified on the official tax map of the Town as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment (collectively, the "Redevelopment Area"); and

WHEREAS, in accordance with the Act, the Town prepared a proposed Redevelopment Plan for the Redevelopment Area (the "Proposal"); and

WHEREAS, the Town Council by Resolution No. 216-2014 adopted on December 22, 2014, referred the Proposal to the Planning Board for its review and comment in accordance with *N.J.S.A. 40A:12A-7(e)* of the Act; and

WHEREAS, at duly noticed and constituted public meetings of the Planning Board held on January 21, 2015 and February 18, 2015, Jessica Caldwell, P.P., A.I.C.P. (the "Planning Consultant") presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board determined by Resolution dated February 18, 2015 that the Proposal is consistent with the Town's Master Plan, recommended certain changes to the Proposal and that the Town adopt the Proposal as the Redevelopment Plan (the "Planning Board Resolution" attached hereto as EXHIBIT A); and

WHEREAS, the Town wishes to adopt the Proposal with the recommended changes contained in the Planning Board Resolution and has incorporated the Planning Board's recommended changes into the Proposal (the "Redevelopment Plan" attached hereto as EXHIBIT B);

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The Town concurs with the Planning Board's determination that the Proposal, including the revisions requested by the Planning Board, is consistent with the Master Plan. The Redevelopment Plan as filed in the Office of the Town Clerk, and attached hereto as EXHIBIT B, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Redevelopment Plan, and to delineate the boundaries of the Plan Area, as set forth in the Redevelopment Plan.

Section 3. This Ordinance shall take effect as provided in law.

I, Lorraine A. Read, Municipal Clerk of the Town of Newton, Sussex County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the Ordinance which was finally adopted by the Town Council at a meeting held on the 23rd day of March, 2015.

Lorraine A. Read, RMC
Municipal Clerk

ORDINANCE 2015-9

EXHIBIT A

PLANNING BOARD RESOLUTION

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THE ADOPTION OF THE MCGUIRE
REDEVELOPMENT PLAN PURSUANT TO THE LOCAL
REDEVELOPMENT AND HOUSING LAW**

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 October 28, 2013, the Mayor and Town Council, acting by resolution, designated the area then identified on the official tax map of the Town as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment (collectively, the "Redevelopment Area"); and

WHEREAS, the Town commissioned the production of a draft redevelopment plan for the Redevelopment Area dated December 22, 2014 entitled "McGuire Redevelopment Plan", prepared by Jessica C. Caldwell, P.P., A.I.C.P. of J. Caldwell & Associates, LLC (the "Draft Plan"), a copy of which is attached hereto as Exhibit A; and

WHEREAS, by Resolution No. 261-2014 adopted on December 22, 2014, the Town referred the Draft Plan to the Planning Board for review and comment, pursuant to the Act; and

WHEREAS, after due consideration of the Draft Plan at a duly noticed and constituted public meetings held on January 21, 2015 and February 18, 2015, the Planning Board has determined that the Draft Plan is consistent with the Town's Master Plan, and wishes to recommend its adoption to the Mayor and Town Council, subject to certain recommended revisions which are set forth in the red-lined version of the Draft Plan (the "Proposed Revisions"), a copy of which is attached hereto as Exhibit B.

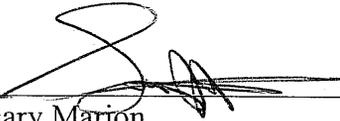
NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Newton as follows:

Section 1. Recommendation – Adoption of Draft Plan with Proposed Revisions. The Planning Board hereby recommends to the Mayor and Town Council that the Draft Plan be adopted together with the incorporation of the Proposed Revisions. The Planning Board hereby finds and determines that the Draft Plan (both with and without the Proposed Revisions) is consistent with the Town's Master Plan.

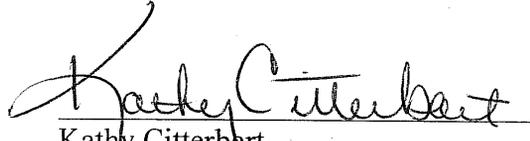
Section 2. Transmission to the Mayor and Town Council. The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Town Council. This Resolution shall serve as the report to the governing body pursuant to *N.J.S.A. 40A:12A-7(e)* of the Act.

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 18th day of February, 2015.



Gary Marion
Planning Board Vice-Chairman



Kathy Citterbart
Planning Board Secretary

EXHIBIT A
DRAFT PLAN

MCGUIRE REDEVELOPMENT PLAN

TOWN COUNCIL

E. Kevin Elvidge, Mayor
Daniel G. Flynn, Deputy Mayor
Kristen S. Becker, Council Member
Sandra Lee Diglio, Council Member
Wayne F. Levante, Council Member

PLANNING BOARD

Gregory Le Frois, Chair
Gary Marion, Vice Chair
E. Kevin Elvidge, Mayor
Daniel G. Flynn, Deputy Mayor
Thomas S. Russo, Jr., Town Manager
Neil Flaherty
Kent Hardmeyer
Melissa Logan
David Steinberg
William Tharp

Professional Staff

Thomas S. Russo, Jr., Town Manager
Debra J. Millikin, Deputy Town Manager
Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. G.A., Town Planner

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. – G.A.

New Jersey Professional Planner #5944

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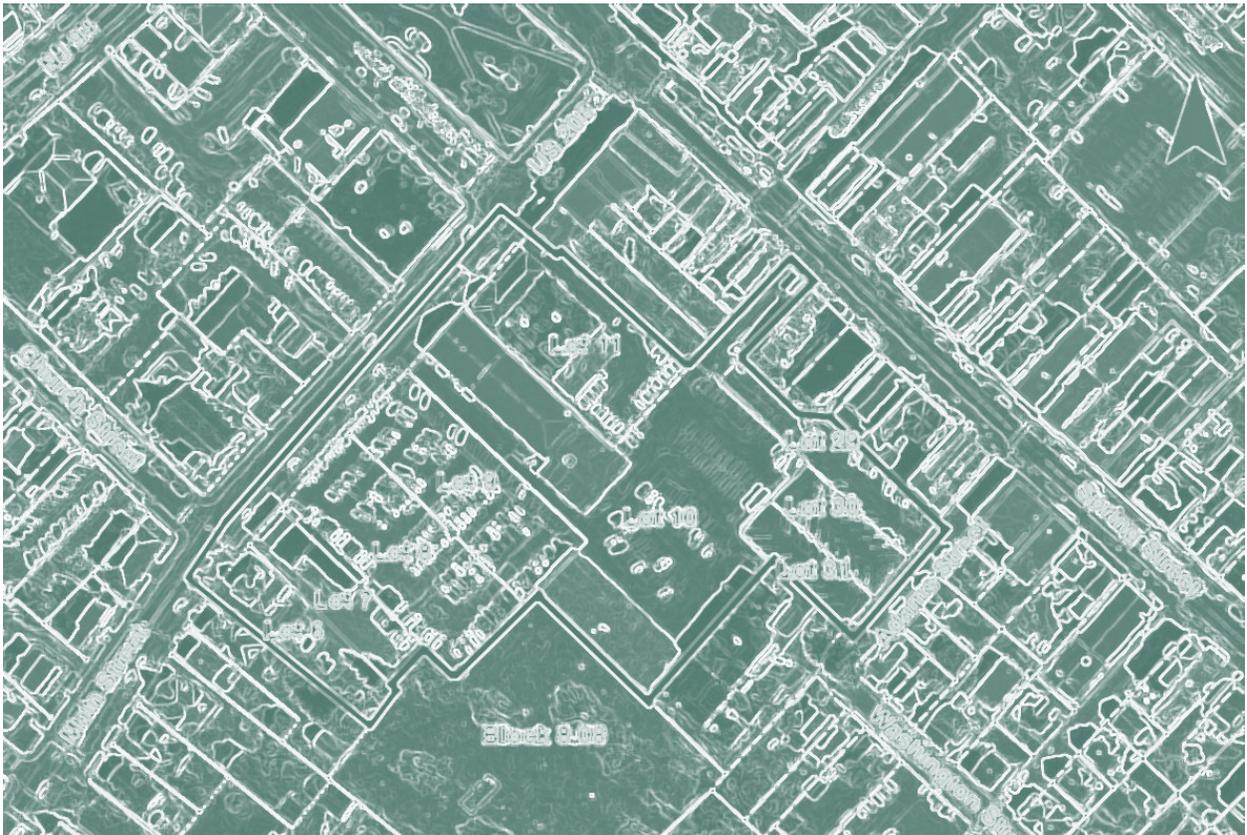
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1.0 DESCRIPTION OF THE PLAN



1.1 INTRODUCTION

The McGuire Redevelopment Plan is the regulating plan for the McGuire Redevelopment Area. This Redevelopment Area, as defined below, is a key component of the downtown revitalization effort in the Town of Newton. The redevelopment designation of the McGuire Redevelopment Area stemmed from a Strategic Vision Plan that focused on downtown Newton and uncovered underutilized and vacant parcels.

The 2013 Town of Newton Strategic Vision Plan included an extensive public involvement component comprised of one on one interviews with multiple stakeholders in the community. During that process, it was revealed that the McGuire Chevrolet dealership was planning on moving to a new location on US Route 206 in Hampton Township. The relatively large size of the soon to be vacant dealership property, and the impact of such a significant vacancy on the downtown area, prompted a recommendation in the Strategic Vision Plan to analyze parcels in the downtown, including the McGuire dealership parcels and surrounding parcels, to determine if an area in need of redevelopment designation was merited under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”).

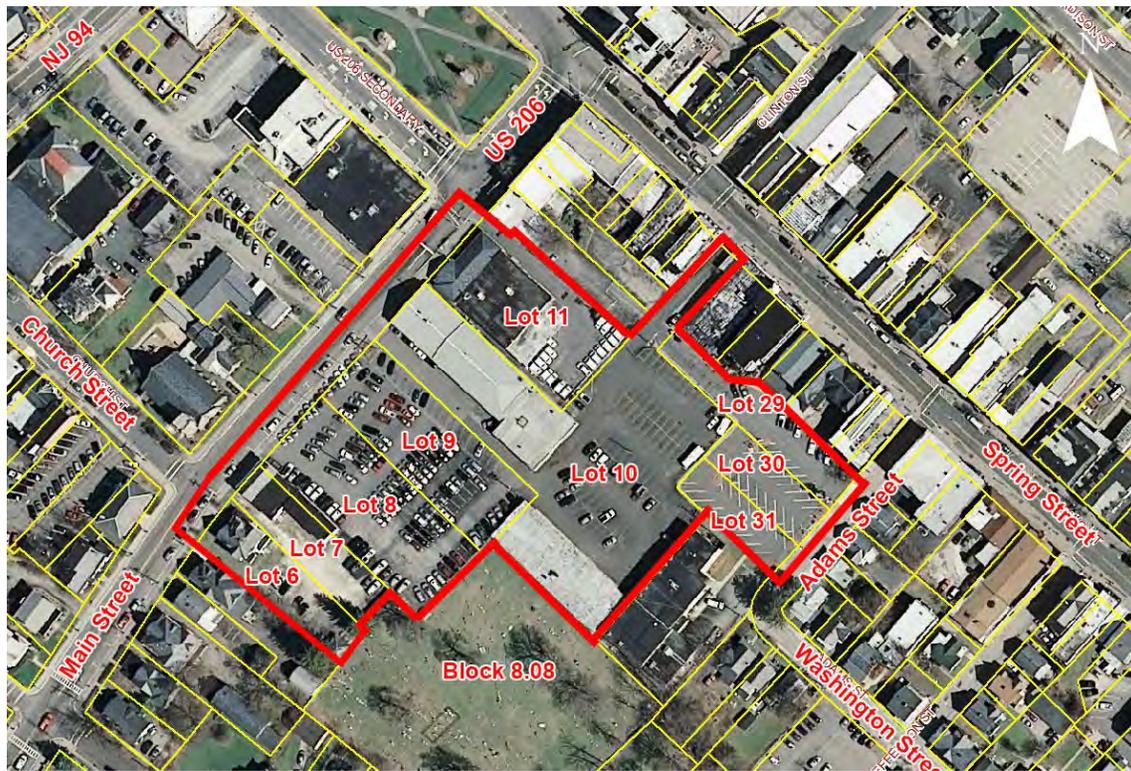
As a result, the Town Council of the Town of Newton directed the Planning Board, by resolution, to conduct a study of Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 (the “Redevelopment Area”) pursuant to the Redevelopment Law to determine if the area was in need of redevelopment. A planning report evaluating the statutory criteria and a map of the area were prepared. The Planning Board held a hearing on October 23, 2013 and recommended to the Town Council that the area should be deemed an Area in Need of Redevelopment pursuant to Redevelopment Law. On October 28, 2013, the Town Council adopted a resolution deeming the area an Area in Need of Redevelopment. Notice of the designation was sent to the property owners on November 5, 2013.

The Redevelopment Area is located along Main Street/US Route 206, Spring Street and Adams Street in Newton’s downtown. The downtown is generally mixed-use with retail, commercial, office and residential uses. Spring Street is the Town’s historic retail shopping district, while Main Street is historically home to a broader mix of office, public and residential uses. The Redevelopment Area includes the former McGuire Dealership parcels, the U.S. Post Office, two commercial structures and the Town of Newton Public Parking Lot #1. The Redevelopment Area is relatively large for the downtown area, covering approximately 4.17 acres. With frontage on Main Street/US Route 206, access frontage on Spring Street and the public parking lot to provide parking, the Redevelopment Area presents a historic opportunity to infuse new life into this promising downtown.

The Strategic Vision Plan focused on the downtown area and the community’s perception of the downtown and resulted in a focused plan to improve the area. The Strategic Vision Plan found that, in addition to filling current vacancies, the downtown needed more retail, restaurants and amenities to create a bigger “draw” to Newton’s downtown. Existing vacancies are undersized for many types of retail uses and the potential to provide space to attract national retailers was identified as a way to draw more visitors to the downtown. The Redevelopment Area presents this opportunity to create new mixed-use retail, office and residential opportunities in the downtown. The extensive planning and market research conducted during the Strategic Vision Plan process, forms the basis for the permitted uses and proposed density for this Redevelopment Plan. The vision for the Redevelopment Area builds on the Town of Newton’s vision for the downtown area, to be “Sussex County’s Downtown: a charming, unique place to live and visit that is compact, attractive and offers arts, entertainment, dining, shopping and activities for all ages.”

1.2 LOCAL CONTEXT MAP

The Redevelopment Area is a total of 4.17± acres in size and located in the center of downtown Newton. The downtown is an historic main street district hosting a mix of commercial and residential uses. The Newton Green, a County Park, is the centerpiece of the downtown and is located just one block to the north of the redevelopment area. County offices surround the Newton Green, with the Sussex County Administration Building to the northeast and the historic County Courthouse, new County Courthouse and County Jail to the northwest of the Green. To the southeast of the Newton Green is Spring Street, which is the Town's downtown shopping district. Due to the proximity of the new County Courthouse and County Jail, several legal offices are located around the proximity of the Newton Green. The area surrounding the Newton Green is the confluence of several arterials and is a very high traffic area for the County.



Aerial Photo with the Redevelopment Area Shown in Red

1.3 HISTORIC DISTRICT

The entire Redevelopment Area is located within the Town's Local Historic District. The properties fronting on Main Street/US Route 206, with the exception of Lot 6, are located within the Town Plot Historic District, which is on the State and National Registers of Historic Places. To the extent that redevelopment of a lot or lots in the Redevelopment Area in accordance with this Plan may constitute an encroachment under the Historic Places Act, N.J.S.A. 13:1B-15.128 et seq., or may otherwise require historic preservation review and/or approvals, the applicable redeveloper shall be responsible for obtaining any and all necessary historic preservation review and/or approvals, including, if applicable, approval of the State Historic Preservation Office ("SHPO"). Following are descriptions of the properties located within the Historic District.

The commercial building at 79 Main Street (Lot 6) was built in 1900 as a residence and was converted to a commercial structure for offices in the mid-1980s. This lot is located within the local Historic District. The structure was built in the Folk Victorian Style with a covered porch along its entire front with a shed roof, decorative spindle railing and a decorative gold pediment. There are a number of bay windows along the front of the structure, a front gable, a high-pitched pyramid-shaped roof and decorative trim and clapboard. The building has been vacant and increasingly dilapidated since the late 1980s.

The commercial building at 75 Main Street (Lot 7) was constructed in 1802 and served as the Newton Academy from 1802 to 1829. The original front section of the structure was constructed in the Georgian style. The front section is two and a half stories tall, with a slate roof gabled across its length, a brick chimney at the left ridge and dentils along the soffits. In 1831, the building was renovated to accommodate a mercantile store and residence. The original building was sided with clapboard, which was covered in stucco in 1928. Later, the building was converted into eight apartment units. The building was converted to a commercial use in the mid-1980s. The building has been vacant and growing increasingly dilapidated since at least the early 1990s.

The main McGuire Chevrolet building (Lots 8, 9 and 10) was built in in the early 20th century, replacing residential uses from the late 1800s. In 1915, the J.R. Roof Company began operating a garage and filling station at the site. Later, J.R. Roof Company also began selling cars at the site. Since then, the site has remained a car dealership, first under the J.R. Roof name and later as McGuire Chevrolet. The original façade of the structure was altered from the Mission Revival style façade to the hip and gable roof façade of today. The former car lot (Lots 8 & 9) was home to the old Inslee Mansion, which housed the Town's Young Women's Christian Association (Y.W.C.A.) until 1966, when it was demolished to provide parking for J.R. Roof Company's car dealership. The dealership building was vacated in October 2013.

The site where the U.S. Post Office now stands (Lot 11) was originally George M. Ryerson's drugstore in the mid 1800's. The original drugstore was replaced with Library Hall, which was constructed to house the Town Library. Library Hall was completed in 1871 and housed several uses. The first floor of the structure contained the post office and offices of the New Jersey Herald. The second floor housed the Town library and the third floor was originally a meeting hall. The third floor was later renovated to become the Town's Opera House. The library moved to its current location at the Dennis Library on Main Street and Elm Street in the early 1940s. Library Hall was demolished in 1958 to make way for the new post office building. The current building was built in 1959 and the post office use there continues today with little or no change to the original structure.

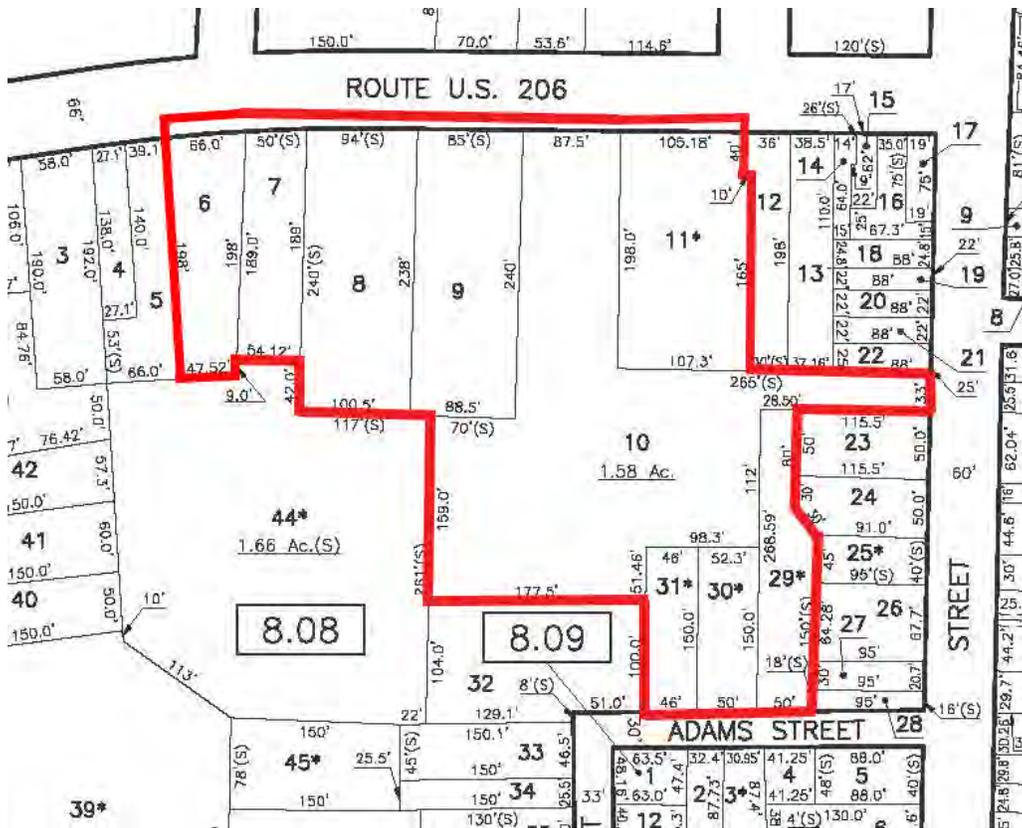
Lots 29, 30 and 31 contain the Town of Newton Public Parking Lot #1. Sanborn Fire Insurance Maps from 1916 show two single family dwellings, a furniture store, paint shop, three ice houses, sheds and a carriage house on the properties. These structures were demolished at some point and the area is now a parking lot.

McGuire Redevelopment Area



1.4 BLOCK AND LOT MAP

The Redevelopment Area consists of nine (9) parcels, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 in Block 8.08. The total size of the Redevelopment Area is 4.17± acres with frontage along Main Street/US Route 206, Spring Street and Adams Street. Lots 6 and 7 in Block 8.08 are improved with two free standing buildings, which were most recently commercial office structures but have been vacant for decades. Lots 8, 9 and 10 in Block 8.08 make up the former McGuire Chevrolet Dealership, which is also vacant. Lot 11 in Block 8.08 is the U.S. Post Office for Newton and the surrounding area within the 07860 zip code. Lots 29, 30 and 31 in Block 8.08 comprise Newton Public Parking Lot #1, which is owned and operated by the Town of Newton Parking Authority.



Newton Tax Map Sheet 8 with the Redevelopment Area Shown in Red

1.5 STATUTORY BASIS OF THE PLAN

The McGuire Redevelopment Plan was prepared pursuant to the Town Council of the Town of Newton's determination on October 28, 2013 by Council Resolution #190-2013 that the area meets the statutory criteria for designation as an Area in Need of Redevelopment, pursuant to Redevelopment Law.

1.6 STATUTORY REQUIREMENTS

The McGuire Redevelopment Plan provides regulations for the Redevelopment Area that implement the Town's vision for the revitalization of the downtown. The Plan employs a form-based code to guide development within the Redevelopment Area according to the Town's vision.

- A. This Plan addresses the following issues as required pursuant to the Redevelopment Law:
1. The Plan's relationship to definite local objectives regarding land uses, population density, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
 2. The proposed land uses and building requirements in the area;
 3. The plan for temporary and permanent relocation of any displaced businesses and/or residences, if any;
 4. The plan for replacement of affordable housing, if any, to be removed as a result of the implementation of this Plan;
 5. The identification of any property that may be acquired in accordance with the Plan;
 6. Any significant relationship of the Plan to (a) the Master Plans of contiguous municipalities, (b) the Strategic Growth Plan of Sussex County and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 185, c. 398 (C.52:18A-196 et al); and
 7. The Plan's relationship to the development regulations of the municipality.
- B. This Plan also contains:
1. Standards for redevelopment of the Redevelopment Area as a mixed-use retail, commercial, office, government and residential use area;
 2. Provisions for the enforcement of codes and ordinances;
 3. Controls and requirements related to affordable housing if constructed as part of the redevelopment;
 4. Procedures and standards for amending this Plan; and
 5. A form-based code containing building and architectural, parking and circulation regulations for the redevelopment of the Redevelopment Area.

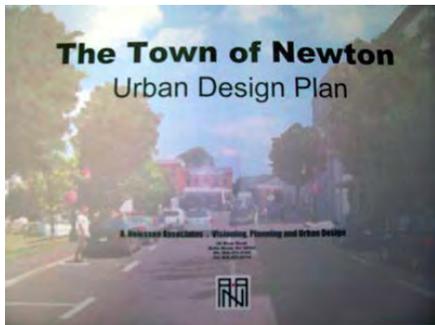
1.7 PURPOSE OF THE PLAN

The purpose of this Plan is to set forth the terms and conditions under which the Redevelopment Area may be redeveloped.

The illustrations in this Plan showing potential site layout and development options are conceptual in nature and intended to provide guidance to a future redeveloper. The form-based code provides the standards that shall be utilized to redevelop the Redevelopment Area. The form-based code assures the Town of a redevelopment which fits into the context of the surrounding area, is constructed according to high standards of quality and character, and will have a long term positive economic and aesthetic impact on the Town of Newton.

1.8 OVERVIEW OF THE PLAN

The McGuire Redevelopment Plan is part of a planning framework in the Town of Newton that began in 2005 when the Town conducted its first visioning process. The resulting vision plan, known as the Urban Design Plan, formed the backbone for future planning in the Town. The Urban Design Plan prompted designation of several redevelopment areas, a master plan update and a complete revision of the Town’s Ordinances into a Form-Based Code. In 2013, the Town revisited the vision plan and developed a Strategic Vision Plan, which focused on the downtown, town core area, and made several recommendations for downtown revitalization including studying the McGuire site and surrounding area to determine if it was in need of redevelopment. This Redevelopment Plan takes the next step and establishes a form-based code for the McGuire Redevelopment Area. Following are brief descriptions of the plans and ordinances of the Town that form the groundwork for this Redevelopment Plan.



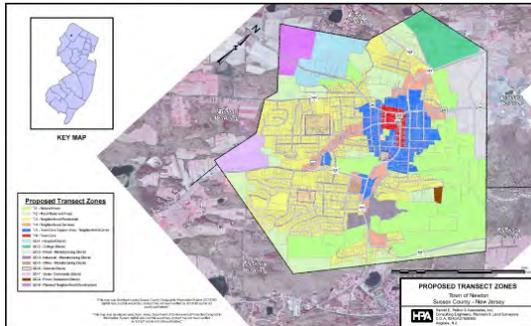
The Urban Design Plan was developed through a vision process conducted in 2005. The plan outlined a community consensus on the type of development desired, identified potential areas for redevelopment and framed a general Transect Zone scheme for the Town. While the Urban Design Plan presented potential Transect Zoning for the entire Town, the focus was along US Route 206 and Sparta Avenue, the areas known as the “spine” of the Town.

The Urban Design Plan prompted the designation of several redevelopment areas and a portion of the Town was also declared an area in need of rehabilitation. The Urban Design Plan resulted in an updated Master Plan that outlined Transect Zoning for the entire town as well as a Form-Based Code that replaced the traditional zoning for the Town.

The Urban Design Plan described the vision for the future of the Town as “a holistic vision of a place where the people of Newton want to live, work and feel connected to; a pedestrian friendly place, which can be translated into feasible development opportunities to provide the opportunity for urban living for a variety of households, with additional services and amenities for the entire community.”

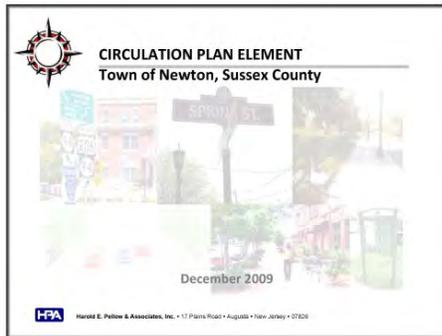
As a result of the Urban Design Plan, the Town identified 116 acres, primarily along the “spine” of the Town, as having the potential to be in need of redevelopment. The Town also identified an area covering 1,009 acres as being in need of rehabilitation. The Town initiated redevelopment studies in phases. Six areas have been designated in need of redevelopment: 56 Sparta Avenue, Mason Avenue, Hicks Avenue, Paterson Avenue, the Armory/Shoprite Area and the McGuire Redevelopment Area. A study was started for the Railroad District Area but was not completed. Redevelopment plans were also

completed for three of the areas: 56 Sparta Avenue, Hicks Avenue and Paterson Avenue. Ultimately, the 56 Sparta Avenue area was redeveloped by ThorLabs, Inc. as their main corporate office and manufacturing facility. The Paterson Avenue Plan was amended to permit the existing industrial uses on the site to continue in addition to the proposed small lot single family development. The Hicks Avenue Redevelopment Plan was also recently amended to modify the requirements for a townhouse and mixed-use development on the site. In the rehabilitation area, a redevelopment plan for an area known as Merriam Gateway was adopted that proposed mixed-use buildings with retail on the ground floors and apartments on the upper floors.



In 2006, the Town of Newton began an update to its Master Plan. As part of the process, Transect Zoning was applied to the entire Town. The Master Plan was ultimately adopted in August 2008. The Transect Zoning in the 2008 Master Plan further refined recommendations from the Urban Design Plan and established the basis for the Town to adopt a Form-Based Code. The 2008 Master Plan also included an updated Historic Preservation Element. The focus of the Transect Zoning was to implement the Urban Design Plan for the Town as well as simplify the development and

redevelopment processes in the Town. The Master Plan provided the foundation for the development of the Town’s Form-Based Code and integrated the Redevelopment Plans that had been completed by the Town into the Land Use Plan for the Town. The Master Plan also focused on the Town as a State Planning Commission designated Regional Center.



In 2009, the Town of Newton received a grant from the Office of Smart Growth to develop an expanded Circulation Element of the Town’s Master Plan. This was developed based on the 2008 Master Plan Transect Zones as well as the Urban Design Plan. Traffic counts were taken at key locations and proposals for a variety of improvements to the Town’s circulation system were proposed. Many of the recommendations were focused on the Spring Street area and other commercial areas. The Circulation Plan Element was adopted in December 2009. The plan included a recommendations matrix which is being implemented annually through the Town’s budget process.

Wayfinding signage, parking area improvements, bike racks in the downtown, streetscape improvements and planting of street trees along US Route 206 have been completed to date. Lighting in alleyways and parking lots, along with new parking meters, were also installed as recommended by the Plan.

Town of Newton
CHAPTER 240
LAND SUBDIVISION
& SITE PLAN

CHAPTER 320
FORM-BASED
CODE

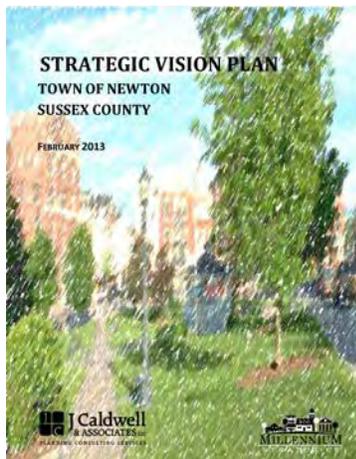
CHAPTER 139
HISTORIC
PRESERVATION

Newton
Land Development
Ordinances

Effective May 2, 2012
Updated June 2012



In late 2010, the Town began the process of revising its ordinances to implement the recommendations of the 2008 Master Plan and the 2009 Circulation Element. This included a complete revision of the Town's Site Plan and Subdivision Ordinance, a complete revision of the Zoning Code to replace it with a Form-Based Code and a revised version of the Historic Preservation Ordinance. The Form-Based Code focuses on illustrative examples to communicate ordinance requirements and emphasizes building form as the guiding principal for development. The ordinance update became effective on May 2, 2012. The Form-Based Code is implementing the "form" and design of buildings recommended in the Urban Design Plan as well as the Transect Zoning outlined in the Urban Design Plan. The Site Plan and Subdivision code revisions brought those standards up to date and in line with the Form-Base Code. The Historic Preservation Ordinance revision added a list of pre-approved materials for use on historic structures that are modern and low maintenance but provide the same look as historic materials.



The Strategic Vision Plan, adopted in February 2013, built on the existing vision of the Town from the Urban Design Plan. It described the Town as a compact "urban" Town which has a unique sense of place that attracts people not just to visit, but to live and work as well. The community envisioned by the Urban Design plan is a tight knit mixed-use Town with the potential to encompass a wide variety of residential and commercial uses. The Strategic Vision plan focused on the center of the Town, as the heart of the Town that provides life and vibrancy to the Town as a whole. When the center of the Town is struggling, the whole Town is impacted. The Strategic Vision for the Town envisioned what the downtown can be: "Sussex County's Downtown: a charming, unique place to live and visit that is compact, attractive and offers arts, entertainment, dining, shopping and activities for all ages."

The community's perception of the Town is based on the vitality of Spring Street. The overall health, economic strength and sense of place of the Town also hinges on Spring Street. As a result, the Strategic Vision Plan laid out a vision for a safe, vibrant and attractive downtown that will breathe life and vitality into the Town as a whole. One of the key recommendations from the Strategic Vision Plan was to review portions of the downtown, including the McGuire site and surrounding parcels to determine if they were in need of redevelopment. This Redevelopment Plan is a product of that effort, which led to an Area in Need of Redevelopment designation for the Redevelopment Area in October 2013.

1.9 GOALS OF THE PLAN

The Town of Newton Master Plan was updated in August 2008 to incorporate smart growth principles, which included a proposal for Transect Zoning and introduction of the concept of a form-based code. In March of 2012, the Town of Newton adopted revised Town Ordinances using a form-based code. The Town is designated as a Regional Center by the State Planning Commission and the Town of Newton received Plan Endorsement from the State Planning Commission in May 2013. Plan Endorsement from the State Planning Commission recognizes that the Master Plan and Ordinances of the Town of Newton are consistent with the State Plan and smart growth principles. The following goals from the Town's Master Plan are relevant to this Plan:

Overall Goal: To enhance and strengthen Newton's position as a Regional Center in Sussex County in such a way that it will fulfill the social, commercial, medical and service needs of a growing County within the constraints of the Town's existing resources.

a) Municipal Goals:

- To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
- To encourage the coordination of the various public and private procedures and activities shaping land development.
- Encourage further improvement and consolidation of Main Street and Spring Street commercial areas as the effective Central Business District (CBD) of Newton.

b) Land Use Goals:

- To provide for sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Newton.
- Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.
- Promote adequacy, variety and convenience of shopping for local residents.

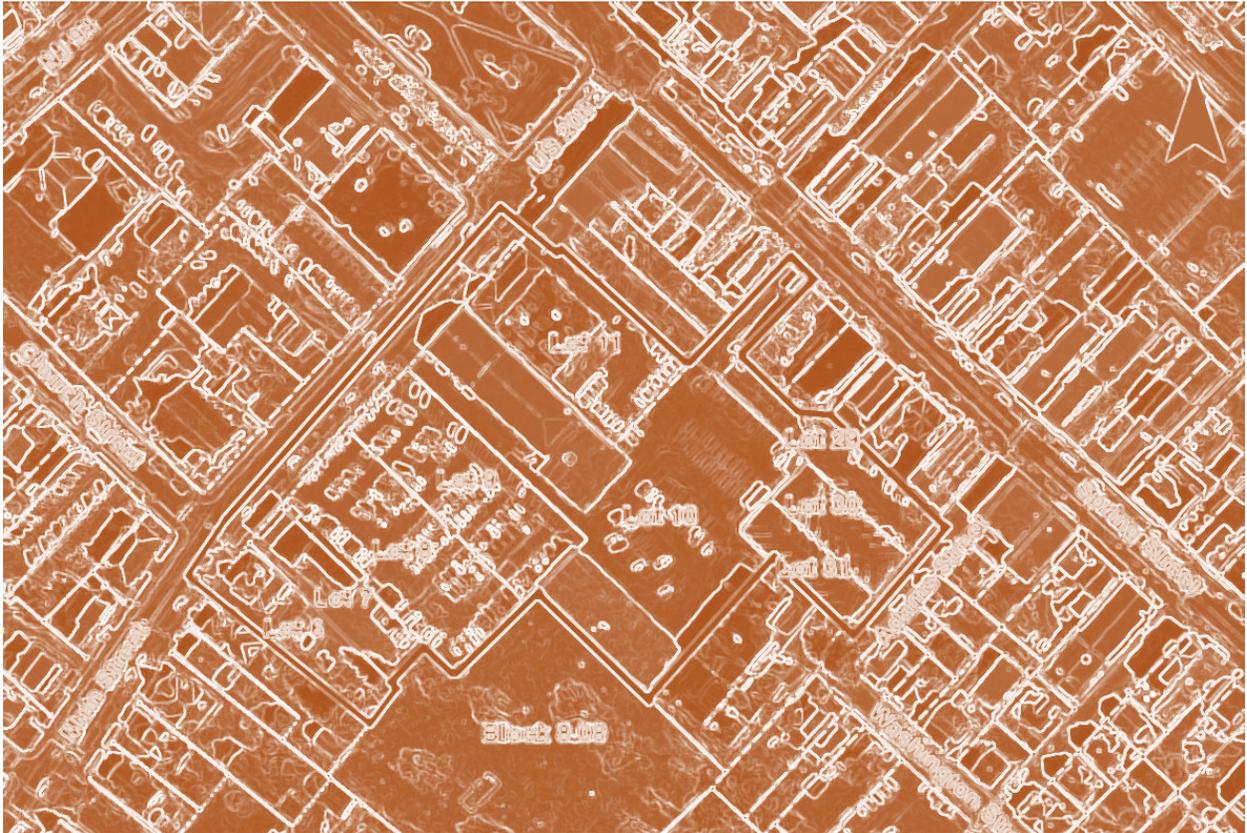
c) Circulation Goals:

- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.
- Promote safe pedestrian use of the redevelopment area as well as provide pedestrian connections throughout Newton's Downtown Business District: Main St. and Spring St.

d) Neighborhood Aesthetics and Preservation Goals:

- Prevent deterioration of individual structures including historic resources or inadequate maintenance of premises from exerting a deleterious effect on their surroundings by adopting reasonable rules and regulations controlling maintenance standards.
- Maintain and develop an appropriate and harmonious physical and visual setting for historic landmarks and architecturally significant buildings, structures, site objects, and districts within Newton.
- Encourage architectural design that complements historic buildings in the Town.
- Develop a strategy for the placement of streetscape amenities in appropriate business areas to include such items as benches, sitting areas, landscaped courtyards, bike racks and other pedestrian amenities in various combinations to create community focal points for residents and workers in designated Historic Districts.
- Preserve and protect existing street trees and promote planting of additional street trees and replacement of dying and diseased trees, utilizing properly sized trees in appropriate locations.

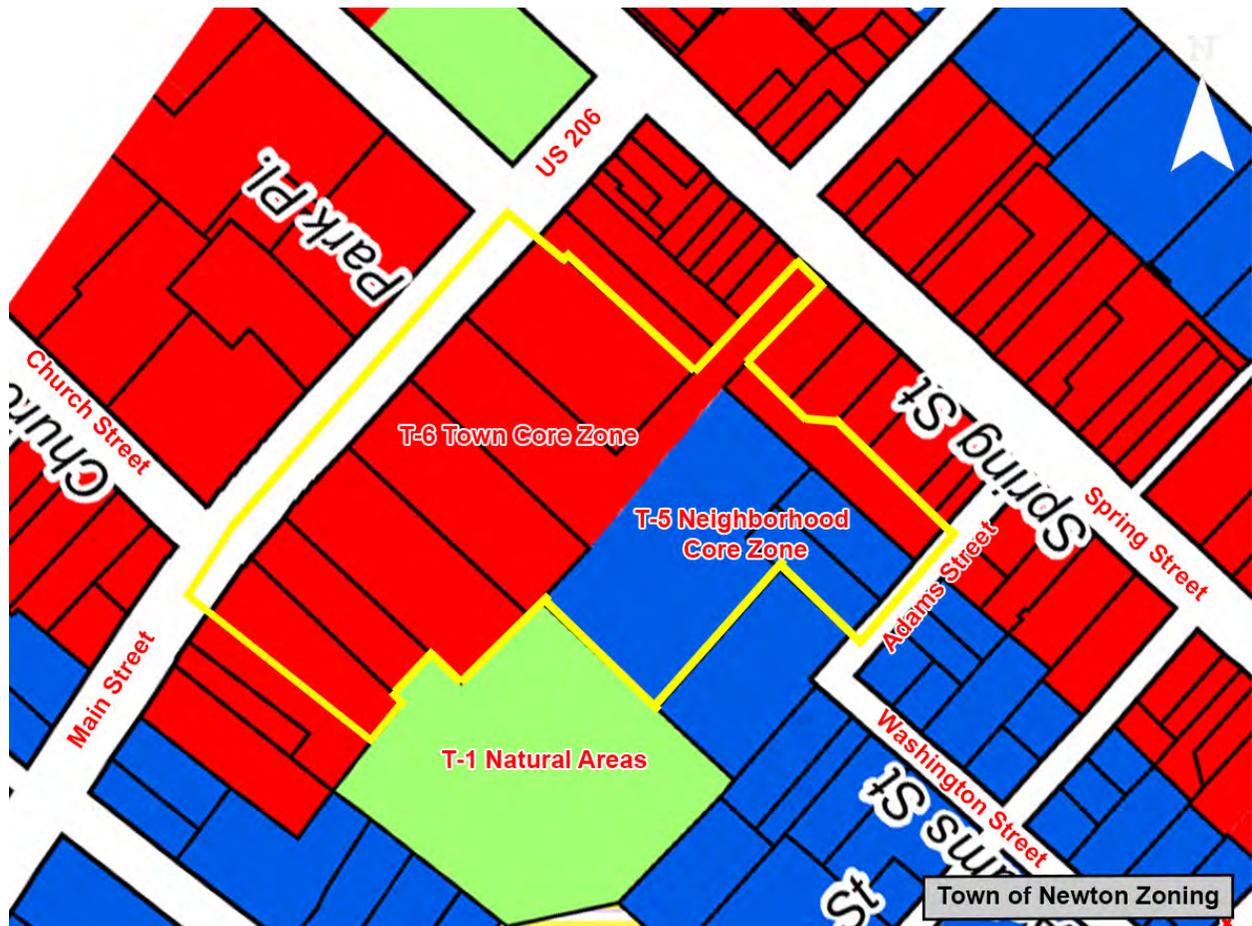
2.0 EXISTING CONDITIONS



2.1 EXISTING ZONING

In March 2012, the Town of Newton adopted a revision to its ordinances to incorporate the use of a Form-Based Code, which became effective on May 2, 2012. The Form-Based Code focuses on physical form as the organizing principle of planning rather than the more customary separation of uses utilized by most traditional zoning ordinances. The Town of Newton's Form-Based Code is based on Transect Zoning which provides for graduated density and intensity of uses from the center of Town to the surrounding areas. Both Form-Based coding and Transect Zoning are utilized as tools by planners to implement Smart Growth Principles. The Special Districts in the Form-Based Code identify areas that fall outside of the Transect concept.

Under the Form-Based Code, the Redevelopment Area is located both in the T-5 – Neighborhood Core District and the T-6 – Town Core Zone. As can be seen in the Zoning Map below, most of the Redevelopment Area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone.



The Redevelopment Area is located in both the T-5 and T-6 Zones

2.2 ENVIRONMENTAL CONDITIONS AND CONSTRAINTS

The Redevelopment Area is not encumbered by New Jersey Department of Environmental Protection (NJDEP) designated wetlands, riparian zones or category one streams as shown on the NJDEP i-map GIS Environmental Data (NJDEP Database). According to the NJDEP Database, there are no threatened and endangered species in or around the Redevelopment Area. This Redevelopment Area is also located outside of the New Jersey Highlands Planning and Preservation Areas.

The Town has not had access to any environmental reports regarding the Redevelopment Area. Given the historic use of the dealership site as an auto repair shop, contamination may have occurred over the years and there may be underground storage tanks that require removal and remediation of contaminated soils. It is the Town's understanding that the studies are ongoing. Any redeveloper will need to address environmental remediation, if needed, as part of the redevelopment.

2.3 CIRCULATION

The Redevelopment Area is located to the south of the Newton Green and has frontage along Main Street/ U.S. Route 206, Adams Street and alley access to Spring Street. U.S. Route 206 is an Urban Principal Arterial that generally runs north-south through the Town of Newton. It becomes one way as it circles the Newton Green just north of the Redevelopment Area and becomes a two-way street again when it meets NJ State Highway 94 north of the Green. Spring Street is designated as an Urban Minor Arterial that connects U.S. Route 206 at the square with Sparta Avenue (County Route 616), which is also an Urban Minor Arterial. Adams Street is a one-way single lane street coming off of Spring Street which connects to Washington Street (also one-way) then connects to Madison Street. There is an unnamed right-of-way connecting Block 8.08, Lot 10 to Spring Street through a one-way alley. This "exit" currently can be used by the municipal parking lots off of Adams Street and other commercial properties via a lease agreement between the Town of Newton and the owners of the McGuire Property.

The Town is currently working on a plan to change the circulation on Spring Street from two way traffic to one way with traffic traveling south to north on the street. The change, which will provide additional on-street parking along Spring Street, is proposed to be implemented in 2015.

There is a large amount of pedestrian activity within the vicinity of the study area. The Spring Street area is considered the pedestrian heart of the Town of Newton. The area has sidewalks on both sides of Main Street and Spring Street. The Town's 2009 Circulation Plan Element outlined potential improvements to make Spring Street as pedestrian friendly as possible. Street trees, benches and bike racks, colored crosswalks and wayfinding signage were installed as a result. Some possible future improvements include: bike lanes, sidewalk buffers, planters and public art.

2.4 SEWER SUPPLY

The Redevelopment Area has access to the municipal sewer system. The Wastewater Treatment Plant has a capacity to treat 1.4 million gallons of wastewater flow per day while it currently processes an average of 0.910 million gallons of wastewater flow each day. There are four municipal sewer pump stations and over 20 miles of sewer collection lines. Any new sewer hookups require approval by the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any required hookup fees and permits.

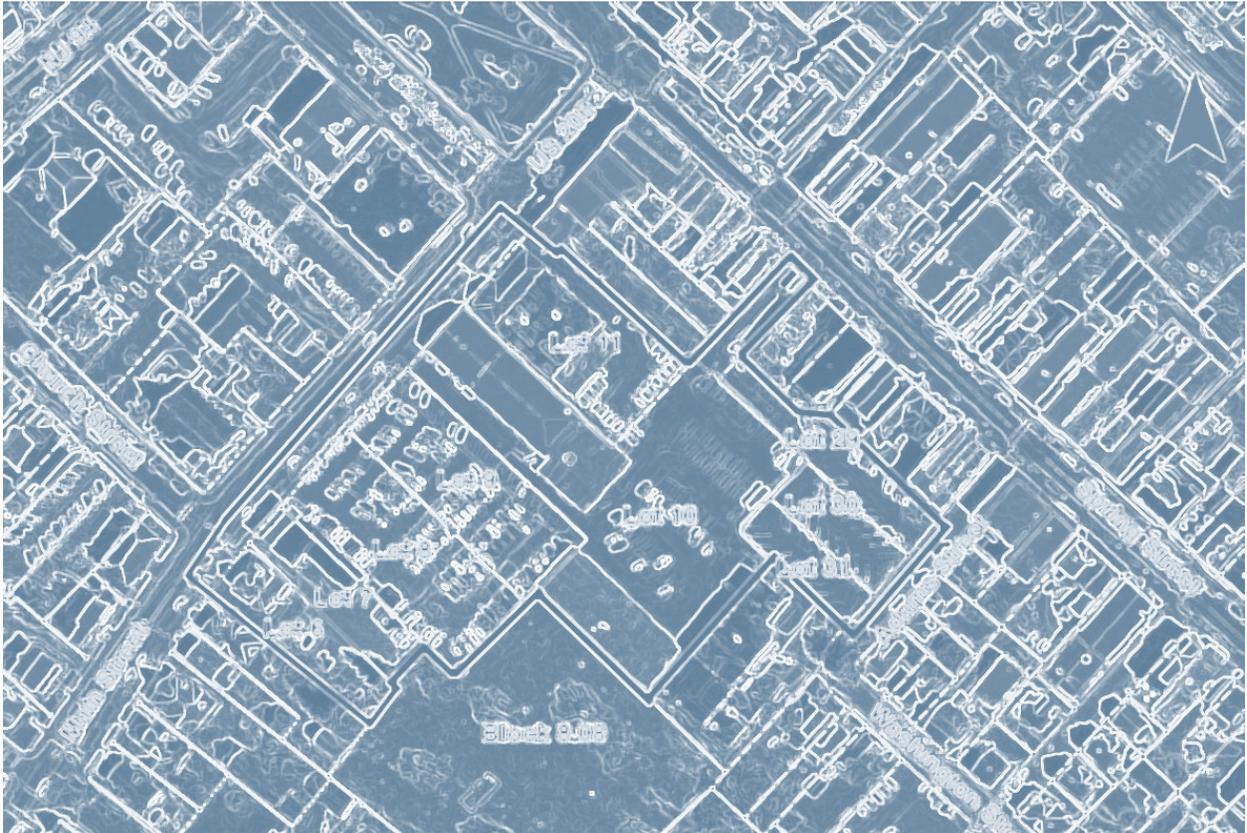
2.5 WATER SUPPLY

The Redevelopment Area has access to the municipal water system. The Town's surface water supply is the Morris Lake Reservoir located in Sparta Township. This has been Newton's water source since 1895. Any new water hookups will require the approval of the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any required hookup fees and permits.

2.6 STORMWATER MANAGEMENT

Stormwater Detention Facilities, if necessary, are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take into consideration mitigation strategies such as green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities, if necessary, must be underground.

3.0 DEFINITIONS



Terms in this Redevelopment Plan shall be defined as listed below. If a term utilized in this Plan is not defined below, but defined in Section 320 of the Town's Form-Based Code, that definition shall apply. Where a term is defined in both this Plan and Section 320, the definition in this Plan shall apply.

Affordable Housing – Housing that meets the definition set forth by the New Jersey Council on Affordable Housing (COAH), or such successor body in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

Area – Shall mean the redevelopment area governed by this Plan (Redevelopment Area).

Buffer – A landscaped area used to physically separate or screen one property from another so as to visually shield or block noise, lights, or other nuisances.

Building Height – The vertical distance defined in terms of story height of the finished floors of the proposed building, or the building height in feet from the mean front elevation to the highest point of the roof. Chimneys, mechanical equipment and architectural features, serving no other functions except that of decoration, shall be excluded from the height calculation.

Context – The particular combination of elements that create a specific habitat. Context includes building use, density, height and setback, and other elements of the intended habitat, including those of the private lot and building, as well as those of the fronting public streetscape.

Curb – The edge of the vehicular pavement detailed as a raised curb or flush to a swale. The curb usually incorporates the drainage system.

Design Professional - A practicing Urban Planner or Designer, or architect that has experience with redevelopment plans and form-based zoning.

Elevation – The exterior walls of a building. An elevation drawing includes material, rendered window and door openings, height and façade details. See Façade.

Encroachment – The distance beyond the setback line into which certain building elements can protrude. The encroachment distance is typically expressed in feet. Typical encroachments may include porches, stoops, overhangs, bow and bay windows, etc.

Façade – Any vertical, exterior face or wall of a building, typically containing windows and doors.

Form-Based Code – A combination of text, diagrams and illustrations that set forth the location, form, character, architectural and site plan requirements of the Plan Area. A form-based code typically contains standards for the thoroughfares, pedestrian circulation, land and building uses, building regulating diagrams and standards, landscape and parking standards, architectural and site standards as well as design standards.

Frontage Build-Out – The percentage of the width of the of a lot along a street frontage that is required to be occupied by the building’s primary façade.

Gable - The triangle formed by a sloping roof. A building may be front-gabled or side-gabled.

Green Roof, Extensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An “extensive” green roof allows only for low level and low maintenance plantings and requires little to no additional structure.

Green Roof, Intensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An “intensive” green roof allows for major plantings such as grasses, bushes and trees. Because intensive green roofs allow for higher maintenance plantings, they require more structure and support than a standard roof.

Greywater - Non-industrial wastewater generated from domestic processes such as dish washing, laundry and bathing.

Internal Lane - A low-volume street to serve primarily as access to mid-block land uses for pedestrians and vehicles.

Landmarks - Architectural building features located at prominent locations in the streetscape or landscape.

Mandatory Standards – Sentences or phrases that include the following words: “must”, “will”, “shall”, “required” or “are specified.”

Mixed-Use - A building or structure which can accommodate two or more land-uses. Mixed-use buildings may contain ground floor commercial, retail or services with residential, offices, services and/or parking located on floors above.

Plan – Shall mean the McGuire Redevelopment Plan.

Principal Structure - A structure housing the main or principal use of the parcel on which the structure is situated.

Redevelopment (of a specific site or sites) – Means the re-planning, clearance, and construction of new buildings; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with the Redevelopment Plan.

Rehabilitation (of a specific site or sites) – Means an undertaking, by means of extensive repair, reconstruction, renovation or expansion of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate substandard conditions and arrest the deterioration of that area.

Right-of-Way (ROW) – Rights-of-way are publicly owned land that contains both the street and a strip of land on either side of the street that holds appurtenant facilities (sidewalks, sewers, storm drains, etc.).

Setback – An area extending the full width of the lot between the property lines, street right-of-way or any proposed future right-of-way and the required yard within which no buildings or parts of buildings may be erected.

Sidewalk – The paved layer of the public frontage dedicated exclusively to pedestrian activity.

Signage, Directory - Signage which indicates or lists the occupants, businesses and/or departments found in a building. Typically found on the front facade of a building adjacent to the main entrance or inside the main entrance.

Signage, Identification - Commercial signage that identifies a building, structure or business. Typically found on the front facade, either hanging from or mounted to the building, or as a free-standing or monument sign.

Signage, Way-finding/Directional - Signage that directs people to and around a locale, an area and/or place of business, or that helps people to orient themselves in a locale, area or place of business. Way-finding signage typically includes street signs and other directional signage.

Specific Plan – A Plan which illustrates the location of proposed buildings, sidewalks, parking areas, access ways and landscaping.

Stepback - The horizontal distance, at a given building story above the ground floor, that the building facade is stepped inward beyond the vertical plane of the ground floor facade. Stepbacks are used in order to allow buildings to have appropriate height while reducing the apparent bulk and obstruction of natural light onto the pedestrian realm. Stepbacks also provide outside space for uses on upper floors, for instance, outside patio space for residential units on upper floors.

Stormwater Detention/Retention - The management of stormwater to mitigate the effects of flooding and runoff primarily from impervious surfaces.

Stormwater Management Plan - Plan to mitigate the effects of stormwater runoff created by site development. Stormwater management should include both site-wide and parcel specific management practices to mitigate runoff. Management practices may include detention and retention facilities, infiltration facilities, as well as capture and re-use of stormwater.

Story - That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Street – A thoroughway that has emphasis on both vehicular and pedestrian movements.

Streetscape - A design term referring to all the elements that constitute the physical makeup of a street and Merriam Gateway Redevelopment Plan that, as a group, define its character, including building frontage, street paving, textured strip, street furniture, landscaping and planting edge, including trees and other plantings, awnings and marquees, signs, and lighting.

Suggestive Standards – Sentences or phrases that include the following words: “recommended”, “may”, “suggests”, “should.”

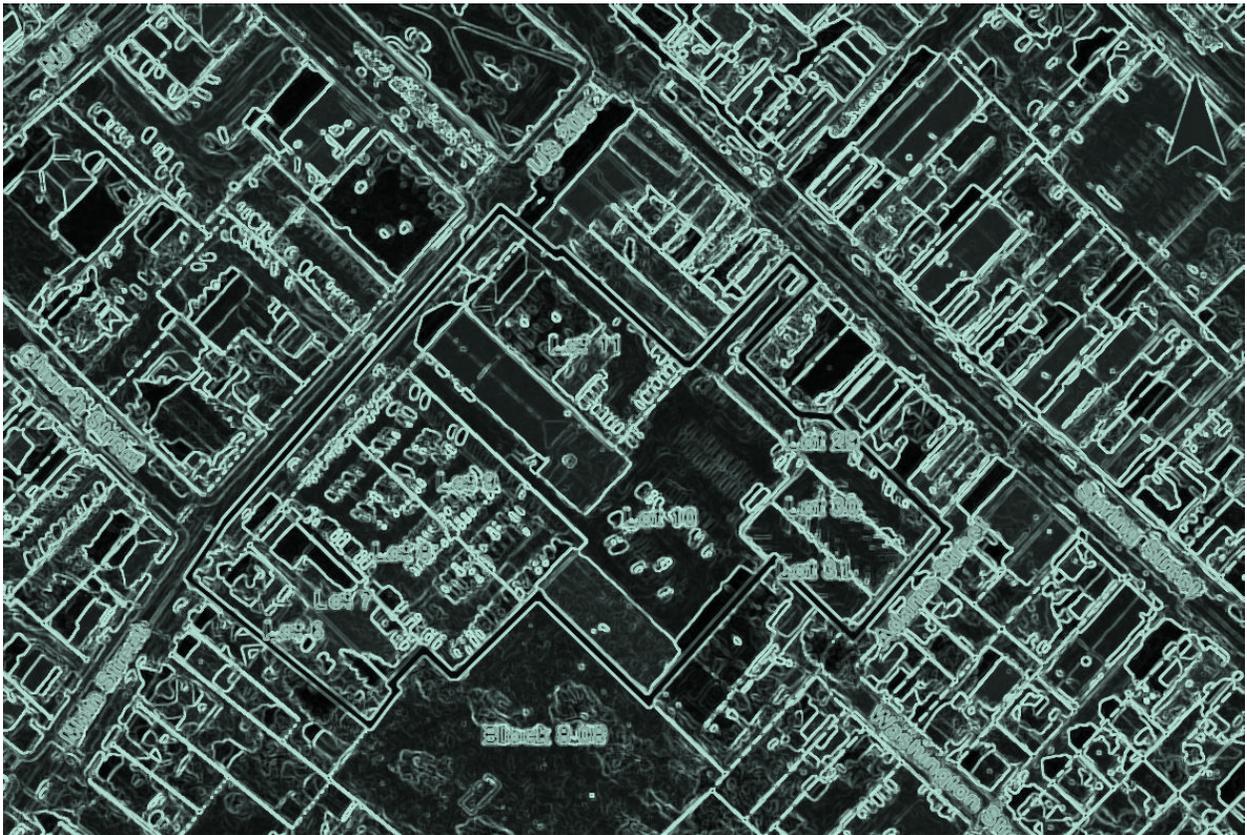
Textured Strip - The area between the curb and the sidewalk that is paved with a permeable material like cobblestone or brick that allows water to seep through.

Thoroughfares - Rights-of-way for vehicles and pedestrians including Boulevards, Avenues, Streets and Lanes.

Transect Zones - Establish a graduated level of density from the dense center core of the Town to the preserved and natural areas at the edges of the town. Transects are referenced from T6 (dense center core) to T1 (preserved and natural areas at the edges of the town). The 2008 Town of Newton Master Plan further describes each Transect Zone.

Void Area - windows and other openings in a building façade.

4.0 LAND USE



4.1 LAND USE REGULATIONS

This is the governing zone plan for the Redevelopment Area. In the event of any conflict or inconsistency between the provisions of this Plan and the provisions of the Town of Newton's Form-Based Code and/or Site Plan Regulations, this Plan shall govern.

Specific application of the land use and development requirements of this Plan, as they affect existing uses, will be as follows:

1. Existing uses that are nonconforming with the current zoning provisions will remain nonconforming unless they are expressly permitted in this Redevelopment Plan.
2. Existing principal or accessory uses of properties, permitted by the use provisions of the Land Use Regulations in effect for the Plan Area immediately prior to the effective date of this Plan, but which are not listed as permitted uses in this Plan, will become prior nonconforming uses at the time this Plan is effective. At that time and thereafter, any modification or expansion of these prior nonconforming uses that is not in conformance with the standards set forth in this Plan is prohibited and any new use, redevelopment or rehabilitation of such properties shall be subject to the provisions of this Plan.

4.2 PERMITTED USES

The permitted uses for the Redevelopment Area are listed below; however some restrictions apply as to how the uses may be proposed as follows:

- a) At least 50 percent of the building frontage on Main Street must be mixed-use, with the exception of the hotel use and development proposed on Lots 6 and 7, which may be single use office, commercial or residential.
 - b) Buildings fronting onto Adams Street may be mixed-use or single use and may have residential or office on the first floor.
 - c) A plaza is required to be provided in the approximate center of the frontage along US Route 206/Main Street. The plaza shall be a minimum of 15,000 square feet.
 - d) The overall redevelopment area must at a minimum include mixed-use, a hotel and a parking garage.
1. Mixed-Use, Commercial and Office Uses: Ground floor commercial, retail services or government/civic/institutional uses, with office, commercial services and/or residential located on floors above. Bulk shall be limited as per the Building Regulating Plan found later in this Plan. Second floor commercial uses are permitted in mixed-use buildings. Offices, with the exception of the Post Office, are not permitted on the first floor of mixed-use buildings, except as noted above. Mixed-use, commercial and office uses are listed in the table below, for residential uses see item 3 below.

Permitted Government/Civic/Institutional Uses
Institutional Use
Emergency services
Cultural uses (museum/gallery/library)
House of worship
All public buildings and uses
Judicial/ law enforcement
Permitted Commercial Retail Services Uses
Antique Stores
Appliance Stores
Arts and Crafts Stores
Bakeries
Banks
Beauty Salons, spas and barber shops
Bed and breakfasts
Book Stores (excluding adult book stores)
Camera and photographic supply stores
Candy and Ice Cream Shops
Clothing apparel and shoe stores
Child care centers
Coffee shops
Computer supplies and software stores
Cosmetic stores, beauty supply stores and perfumeries
Delicatessens
Department stores
Diners, cafes and restaurants
Drug stores
Electronics, audio and cell phone stores
Farmers' Market
Florists

Permitted Commercial Retail Services Uses Continued
Food (health) and supplement stores
Furniture stores
Garden supply stores
Grocery stores, meat markets and specialty food stores
Hobby, toy and game stores
Home goods, furnishings and accessories stores
Hotels (excluding extended stay/efficiencies/single room occupancies)
Jewelers and watch stores (excluding pawn shops)
Luggage and leather goods
Musical instruments and supplies stores
Optical goods stores
Package goods stores/ liquor stores
Paint, wallpaper, and/or hardware stores
Pet grooming, pet shops and pet supplies
Pharmacies
Photographers and picture framers
Recreational facilities, i.e. gym, bowling alley
Souvenir shops
Sports and recreation stores (excluding gun stores)
Stationery, office supply and card stores
Taverns and bars
Permitted Business/Office/Professional Uses
General and professional offices
Business services
Office (dental, medical, veterinary, administrative)
Photo or art studios
Home occupations
Permitted Light Industrial Uses
Artisanal workshop
Food and Beverage Production

2. Hotels and associated accessory uses including restaurants, conference and/or banquet facilities, fitness facilities, spas, delicatessens, gift shops and other amenities determined by the Planning Board to be customary accessory uses to hotel facilities.
3. Residential: Includes premises available for long-term human habitation by means of ownership or rental; excludes all boarding houses and rooming houses. Residential uses allowed include residential condominiums, lofts or apartments and live/work units. All residential uses shall be provided in a mixed-use building and shall not be permitted on the ground floor, except along the Adams Street frontage and Main street frontage of Lots 6, 7 and 8. The lobby and associated amenities for the residential uses may be located on the ground floor.

Permitted Residential Uses
Residential over commercial
Flats or Lofts
Group Care (elder-care, extended care, special care)
Live/work

4. Mixed-Use Parking Garages: Parking garages with liner buildings that provide for a variety of uses.
5. Parks and Plazas: Open spaces which may be utilized by the public; however they need not be deeded to the public. Parks and plazas may include public art, fountains, landscape planters, informational kiosks, pedestrian and bike amenities including pedestrian-scaled lighting, benches, trash receptacles (wild-life proof), sidewalks, bicycle racks and paths.

4.3 ACCESSORY USES

The following accessory uses are permitted incidental to the permitted principal uses:

Permitted Accessory Uses
Outdoor markets and events
Parking Garages
Outdoor dining areas
Engineered green roofing systems
Off-Street surface parking/loading areas
Kiosks, signs and awnings
Decks and balconies
Fences and walls
Photo-voltaic (solar – energy) panels
Gazebos, trellises and planters

Permitted Accessory Uses Continued
Fountains and public art
Roof – top amenities including gardens, dining and catering facilities, swimming pools, etc.
Trash/Recycling enclosures
Lampposts, flagpoles, access drives, paths, bicycle racks and sidewalks.
Other uses deemed by the Planning Board to be customary and incidental to the principal uses permitted.

4.4 LAND USE PLAN

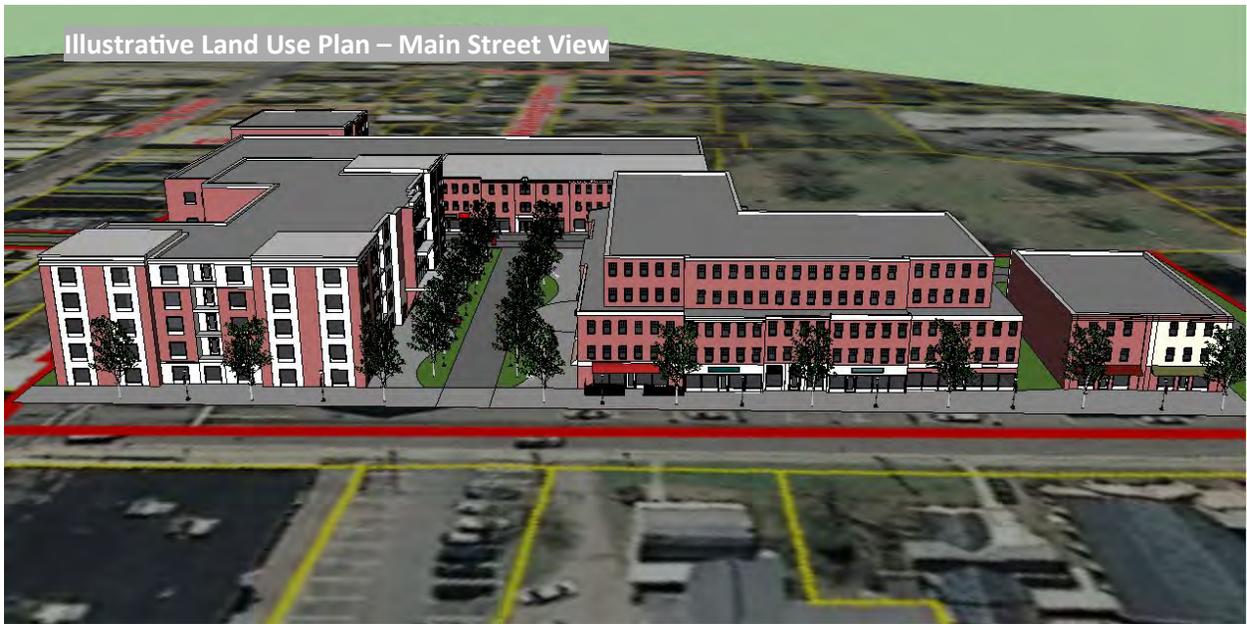
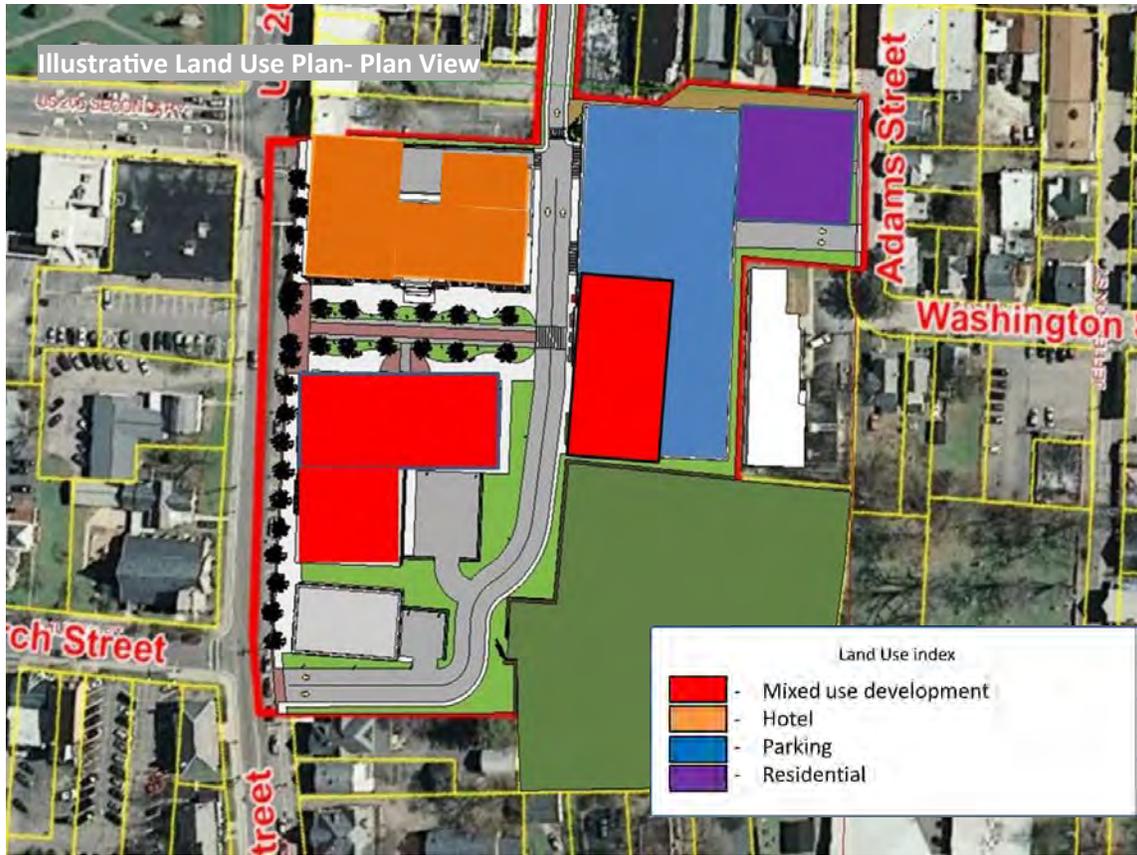
The Land Use Plan shown visually below represents a conceptual layout of the permitted land uses within the Redevelopment Area. The intent of this Redevelopment Plan is to increase retail, office and residential uses in the downtown. The intent of the permitted hotel use is to increase the pedestrian population of the downtown and provide a needed amenity to bring visitors to the Town. The design of the buildings in the Redevelopment Area should reflect the historic context of the surrounding area; however innovation of design is encouraged.

The Redevelopment Area is approximately 4.17 acres. The predominant land uses permitted by this Plan are mixed-use commercial, residential apartments, offices, hotels and government uses. The development indicated on the Land Use Plan in red is mixed-use development. The hotel use is shown in orange and the parking garage is shown in blue. The Residential building is purple. The building shown in gray may be any of the permitted uses. Mixed-use buildings shall have ground floor retail or services with other uses such as residential or office space located on the floors above.

The size and shape of the McGuire Redevelopment Area poses unique challenges to pedestrian oriented development and site maximization; requiring alternative approaches to development. Buildings are required to be in close proximity to streets in order to create a continuous street frontage. Concentrating all development on the frontage along Main Street in the McGuire Redevelopment Area would leave a large portion of the deep lot underutilized. Therefore, a plaza is required in a central location within the redevelopment area. The plaza will allow for a greater amount of building frontage within the site to maximize development potential within the area. The plaza also provides crucial pedestrian linkages and creates an amenity for the area.

While the Land Use Plan is flexible, there are some required elements within this Plan:

- a) At least 50 percent of the building frontage on Main Street must be mixed-use, with the exception of the hotel use and the gray building shown below.
- b) Buildings fronting onto Adams Street may be any of the permitted uses, residential is shown below.
- c) A plaza is required to be provided in the approximate center of the frontage along US Route 206/Main Street. The plaza shall be a minimum of 15,000 square feet.
- d) Mixed-use, a hotel and parking garage are required uses in the Plan.



4.5 NEWTON CEMETERY

The Newton Cemetery is an important vestige of Newton's past and should be protected during the redevelopment process. The oldest portions of the cemetery date back to 1762 and its beautiful stone wall was constructed in 1837. Today the cemetery is an underutilized resource. The stone wall that surrounds it is in a state of disrepair. The area immediately outside of the cemetery has been used by squatters. The redevelopment of this site will bring development into close proximity with the western edge of the cemetery. Buffers in the form of fencing or repair/replacement of the stone wall should be provided adjacent to the cemetery property. Trees and landscaping should also be provided, where space is available.

A deeded access to the cemetery is located between Lots 6 and 7 in Block 8.08. A USGS survey marker is also located along the access. The conceptual plan in this Plan shows the access to the cemetery in a different location than exists today. Moving the access easement is subject to approval of relevant owners or entities. The USGS survey marker located along the access will need to be reset pursuant to National Geodetic Survey benchmark reset guidelines.

5.0 PARKING & CIRCULATION



5.1 CIRCULATION PLAN

There are three applicable roadway types shown in the circulation plan. The roadway types are primarily shown for their streetscape and sidewalk design. New public roads will not be constructed as part of this plan. This Plan encourages improvement of existing streetscapes where possible. The primary circulation pattern for the development for vehicles will be internal lanes. An example of what an internal lane can look like is provided.

Internal lanes will be two-way internal access drives except for the portion of the internal lane that connects Spring Street to the development through an established alleyway – that section of road will be one way and will most likely lead out of the development. Where possible, internal lanes exiting onto improved roadways should be oriented to create perpendicular intersections with existing cross streets.

Two way internal lanes will be a minimum of 24 feet wide developed cartway. A sidewalk on at least one side of the lane shall be provided to allow pedestrian traffic. Sidewalks shall be a minimum of 4 feet wide. Crosswalks, which must be constructed with different textures and patterns from sidewalks and roadways, are required at each intersection with sidewalk access. A pedestrian only alley or path should be created connecting Adams Street to the main internal street or the central plaza.



ILLUSTRATIVE CONCEPT OF INTERNAL LANE



PEDESTRIAN CONNECTION BETWEEN ADAMS STREET AND MAIN STREET

5.2 PARKING PLAN

MINIMUM PARKING REQUIREMENTS

The parking standards in this section are designed to provide adequate parking for the permitted uses in the Redevelopment Area without overbuilding parking. Parking standards are minimized due to the downtown location and ability to use other modes of transit, including walking, biking and bus service. A parking structure will be required to provide sufficient parking for the permitted uses and density in the Redevelopment Area. Parking structures add a great deal of cost to a project; as a result, parking standards are also minimized to reduce cost. Additionally, shared parking is permitted to maximize the use of parking spaces provided within the development.

Parking Requirements and Shared Parking Factors

Use	Required Parking	Shared Parking Factor
RESIDENTIAL	1.0 / dwelling*	Lodging: 1.1 Office: 1.4 Retail: 1.2
LODGING	1.0 / bedroom	Residential: 1.1 Office: 1.7 Retail: 1.3
OFFICE	2.0 / 1,000 sq. ft.	Residential: 1.4 Lodging: 1.7 Retail: 1.2
RETAIL	3.0 / 1,000 sq. ft.	Residential: 1.2 Lodging: 1.3 Office: 1.2
RESTAURANT	1.0 / 4.0 seats	N/A

*This standard is lower than RSIS; however, the Planning Board shall consider requests by any Redeveloper for a deMinimus waiver of standards from RSIS.

SHARED PARKING

The shared parking factors in the table on the previous page are calculated by adding together the parking requirement for each function then dividing it by the shared factor. For example, if a residential use requires 10 spaces and a retail use requires 10 spaces, the total number of 20 spaces is divided by the shared parking factor of 1.2, yielding a requirement of 17 spaces. When three functions share parking, the lowest factor should be used to assure enough parking is provided.

SURFACE PARKING

Surface parking is generally discouraged in the Redevelopment Area; however some minimal amounts of surface parking may be necessary based on final design of the parking structure and for specific uses such as the post office.

1. Surface parking areas shall generally be located to the side or rear of uses and screened when visible from streets or sidewalks by a minimum 3.5 foot screening wall or vegetative buffer. Up to 15 percent of the required parking for the site may be provided along Main Street/US Route 206 or the internal drive. Any surface parking fronting on Main Street/US Route 206 shall be screened by a year-round vegetative buffer a minimum of 3.5 feet tall.
2. Surface parking lots shall be screened from adjacent residential lots or the Newton Cemetery via wood board-on-board privacy fencing, or other fencing as deemed appropriate by the Planning Board, at least six (6) feet in height and not exceeding eight (8) feet in height. If surface parking abuts Adams Street, a screening wall or vegetative buffer, a minimum of 3.5 feet in height shall be provided.



3. Parking lot layout shall take into consideration pedestrian movement and pedestrian crossings shall be installed at appropriate locations, as approved by the Planning Board.
4. Temporary or short-term parking may be provided in front of the hotel use along US Route 206 to provide for loading and unloading of hotel guests.

STRUCTURED PARKING

Multi-levelled structured parking shall be provided for the bulk of the required on-site parking. Design of the parking structure shall taking into consideration the following:

1. Structured parking shall utilize the architectural vocabulary of surrounding building facades where visible from adjacent rights-of-way.
2. Structures shall utilize design elements such as arcades, awnings, landscaping, colonnades and/or street furniture to incorporate the building into the surrounding area.
3. Parking entrances shall be identified through increased massing, architectural elements and/or signage to ensure the entrance is easily and safely visible from the access drive or street. Access shall be from Adams Street, access drives and/ or alleys.

GENERAL PARKING AREA DESIGN STANDARDS

1. All parking and loading areas shall be buffered where such areas are adjacent to exterior property lines with landscaping and/or fencing.
2. All surface parking shall include landscaping around the perimeter of the lot, no less than three (3) feet in width.
3. Dimensions of parking spaces shall measure at least nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives and aisles. Hairpin striping shall be required. End-to-end parking spaces shall measure not less than eight (8) feet in width by twenty-three (23) feet in length. Twenty percent of required parking spaces may be compact spaces measuring eight and one-half (8.5) feet in width by fifteen (15) feet in length.
4. Width of aisles. The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90 degrees. Parking aisles widths must meet NFPA fire code standards and are subject to review and approval by the Town Fire Sub-Code Official.

Parking Angle (degrees)	Aisle Width (feet)
0 (end-to-end parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	24

5. There shall be adequate provisions for safe and convenient ingress and egress to all parking areas.
6. Every parking area shall have direct access to a street or alley. Driveways shall have a minimum width of 12 feet for one-way traffic and 24 feet for two-way traffic.

7. All off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work, service or storage of new or used motor vehicles, materials or merchandise of any kind shall be conducted on such parking area

OFF-STREET LOADING

1. All loading areas shall be located only in a side or rear yard. Such areas shall not encroach upon any required open space, access ways, off-street parking areas or public rights-of-way. Where located adjacent to any residential uses, there shall be a setback minimum of five feet from such property line.
2. All required off-street loading areas shall provide sufficient turning areas and access.
3. A minimum of one (1) loading zone per commercial, retail, hotel, or mixed use building shall be provided. Loading zones for each building must be available for use and access by all commercial tenants. This item may be waived by the Planning Board if the Board finds that a loading zone is not necessary or practical.
4. Each loading space shall be at least twelve (12) feet in width, thirty (30) feet in length and have a fourteen (14) foot clearance above grade, provided, however, that the Planning Board may reduce the required length depending on the vehicles using said space.

PARKING LOCATION, OWNERSHIP AND OPERATION

1. The convenience and accessibility of parking is integral to the success of the Redevelopment Area and the revitalization of the greater downtown area. The primary preference is that the required parking for the project being developed will be within the Redevelopment Area. If that is not possible or practical, then the required parking for the site being developed shall be provided within 600 feet of the Redevelopment Area.
2. If all or part of the required parking for the project being developed is not on the property being developed and creating the parking demand then the applicant shall provide a lease or other contractual arrangement which demonstrates a permanent parking plan for the project. Any such lease or other contractual arrangement shall be subject to the approval of the Town of Newton Planning Board and shall at the least be of sufficient length and contain acceptable terms and conditions that will ensure the parking will be consistently available. Additionally, parking facilities whether on-site or off-site may be operated by a third party provided that the lease requirements of the foregoing paragraph are satisfied. The owner of the property being developed and creating the parking demand shall consult with the Town of Newton Parking Authority regarding the location, size and operation of any parking facility.

6.0 BUILDING REGULATING PLAN



6.1 INTRODUCTION

Well-designed buildings set the stage for great places. This section of the Plan provides guidelines for permitted building types as well as inspirations for building design. This section is not intended to limit creativity but rather to provide for images of quality design to inspire buildings that fit into the fabric of the existing downtown. In this section, bulk standards, architectural styles, façade regulations and signage standards are provided to promote excellence in design in the Redevelopment Area.

6.2 BULK STANDARDS

The bulk standards for the Redevelopment Area are as follows:

Setbacks are from the periphery property lines of the Redevelopment Area, not internal property lines. The property has two “front yards”, one on Main Street/US Route 206 and one on Adams Street. The other two sides are considered side yards. For the purposes of this Plan, there is no designated rear yard for setback purposes.

Front Yard Setback (measured from edge of Right of Way):

Main Street/US Route 206: 0’ minimum

Adams Street: 15’ minimum

Frontage Build-Out

Main Street/US Route 206: 50 percent

Adams Street: No minimum

Side Yard Setback:

10’ minimum

Lot Coverage:

No Maximum (stormwater management requirements must be met)

Height:

Buildings Fronting on Main St/US Route 206:

8 stories/ 100 feet

Buildings constructed within 15 feet of Main Street/US Route 206 shall utilize step backs above the 4th floor. Step backs may be utilized above ground, 2nd or 3rd floors.

Buildings Fronting on Adams St:

4 Stories/ 50 feet

Buildings abutting Adams Street will have a maximum height of 50 feet or 4 stories.

Buildings Internal to the Area (not fronting on any public street):

8 stories/100 feet (stepbacks not required)

Mix of Uses:

The uses shall be mixed in the Redevelopment Area. Any proposed site plan must include at least three principal permitted use categories, i.e. commercial, residential and hotel. Rehabilitation of pre-existing structures or redevelopment of single lots under one (1) acre are not subject to this requirement.

Central Plaza Space:

A plaza must be provided in a central location at a minimum of 15,000 square feet, as illustrated by the Land Use Plan map.

6.3 ARCHITECTURAL STYLE GUIDELINES

This section is meant to ensure that new development blends into and enhances existing architectural styles, materials, colors and finishes found along Main Street and Spring Street. New buildings are encouraged to incorporate architectural ornamentation and building massing currently found in the area.

1. Façade Materials: The primary façade materials shall be stone/masonry, stucco, brick and/or glass. Street facades must include brick and/or stone. Interior facades may be concrete block, EIFS, or of a similar material, although minimal use of EIFS is preferred.
2. Accents such as projecting, bow, bay and boxed windows should be in metal. Metal used on any façade shall only include aluminum, coated steel, copper, zinc and painted wrought iron.
3. Façade Colors: It is recommended that a color palette be developed for the Site Plan which coordinates facade and complementary accent colors.
4. Accent Colors: A color palette should be developed for accent and trim colors for the Plan. Accent colors must be based on and complement the primary facade colors.
5. Soffit Emphasis: In buildings with a soffit, the underside of the overhang is often more visible than the roof and should be articulated. The soffit should therefore receive a greater emphasis and budget than is typically afforded.
6. Soffits: All building soffits and overhangs shall be designed to provide shade in the summer and allow sunlight to enter the building in the winter. As such, it is recommended that southern and western exposures feature exaggerated (wider) soffits.
7. Mechanical structures shall be fully integrated with the architectural and structural design of all buildings in order to minimize the negative aesthetic impact upon the viewer, both from street level and as may be viewed from adjacent properties. All parts and components of cellular phone

antennae¹, satellite dishes, television and radio antennae shall be designed to be in harmony with the architectural context and shall not be visible from the street or sidewalk.

8. Utilities: All utilities shall be underground. Machinery and the mechanical controls for same, including but not limited to transformers, junction boxes, electrical meters and condensers shall be located to the side or rear of buildings and/or otherwise screened from frontages by building elements in a manner consistent with the design of the building.
9. Night security gates, grids or any other security covering of windows are prohibited.
10. Any ground level commercial facades must be of at least 60% void area (windows and other openings).

6.4 FAÇADE GUIDELINES

1. For any building greater than four (4) stories in height which fronts along Main Street /US Route 206, floors above four (4) stories in height shall step back from the lower floor facade to provide a continuous pedestrian scale. Step backs may occur either above the first, second, third and/or fourth floors. Step backs may be staggered along the building facade and where utilized must step back a minimum of 5 feet from the lower floor facade.
2. All residential windows shall be operable windows to ensure natural ventilation and air circulation. However, a permitted exception to this rule is clerestory, transom, side light, and skylights, which may be non-operable, as well as windows which must remain inoperable for safety and/or security reasons.
3. Windows should be vertical in orientation, being longer in height than in width.
4. The ground floor windows may be taller than the upper story windows on any street façade. Ground floor window sills should be a minimum three feet above the ground plane of the front facade of sidewalk.
5. Window mullions and muntins, if used, should be colors that complement the primary facades. Tinting of window glass is not permitted unless energy efficient coatings that tint glass are used, in which case the coating closest to clear must be chosen which still meets energy criteria. Mirrored finishes and colored glass shall not be permitted for window glass. Stained glass windows are permitted.
6. Window sills and headers should be emphasized.
7. Roofs may be either 1) pitched roofs, 2) flat roofs or 3) pitched or flat, green engineered roofing systems. Pitched roofs should comprise shingles, synthetic slate or standing seam metal.

¹ Cellular antennae require approval from the Planning Board pursuant to Section 320-20 Wireless Communications.

8. Flat and/or green engineered roofs shall have parapets or approved decorative barriers or fencing, at a minimum of 3' 6" high and maximum of 4' high, to form protective walls/parapets. The use of trellises or other forms of permeable roofing, to form a shade-protected area is encouraged. Parapets and other approved protective walls shall not be included in the measured building height.
9. Decorative trim shall be used to articulate all windows and frame edges.
10. Architectural Scale:
 - Cohesion with exiting built environment: architectural styles and design features of nearby historic buildings on Main Street and Spring Street should be used to inspire new design decisions.
 - Buildings fronting onto Main Street should be horizontally modulated into at least 2 distinct features: lower and upper levels. This typically includes a distinct ground floor with appropriate ornamentation, consistent design across the middle floors and a distinctive upper floor and roof line.
 - All buildings must include a distinctive roofline.
 - All buildings, except the parking garage structure, have to incorporate vertical modulation at intervals no greater than 50 feet and no more than 5 feet in depth. This rule will apply only to facades facing Main St, the central plaza, and Adams St.
 - Buildings Fronting onto Adams Street must include a covered entryway or porch at all entrances.
 - Facades not facing public streets or internal access drives may have lesser architectural treatment.

6.5 MIXED-USE BUILDING DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any mixed-use building proposed in the Redevelopment Area. Step backs should be utilized to provide continuity of pedestrian experience along Main Street. Step backs offer opportunities for terraces and rooftop gardens. Brick and stone are preferred exterior materials. The use of awnings and horizontal variations along the building also add interest.



6.6 HOTEL BUILDING DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any hotel building proposed in the Redevelopment Area. Step backs should be utilized to provide continuity of pedestrian experience along Main Street. If the building is setback more than 20 feet from Main Street, step backs are not required. Brick and stone are preferred exterior materials. The use of awnings and horizontal variations along the building also add interest.



6.7 PARKING GARAGE DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any parking garage proposed in the Redevelopment Area.



6.8 SIGNAGE REQUIREMENTS

The following signage requirements for the Redevelopment Area are designed to promote signs which are compatible with the character of the Redevelopment Area’s architectural design and other signs within the downtown area. These standards encourage efficient use of signage and minimization of visual clutter. Creativity and unique designs are encouraged that develop distinctive images using high quality craftsmanship and materials.

NUMBER OF SIGNS PERMITTED BY TYPE

Sign Type	# of Signs if Permitted
Ground Mounted	1 per site plan
Awning/Canopy/Façade/ Wall/ Projecting/ Blade/ Hanging	Choose any 2 per business
Directional	As needed for wayfinding
Menu Board	1 per business
Portable/Sandwich Board	1 per business
Professional /Tenant Identification	1 per building
Real Estate	1 per building or business when unit is available for sale or lease
Window	1 per business
Temporary Sign/Banner	1 per business for max. of 30 days
Quick Response Code (QR)	1 per business
Decorative or Open Flags	1 per business

MAXIMUM SIGN SIZE BY TYPE

Sign Type	Max. Size
Ground Mounted	40 square feet
Awning/Canopy	4 square feet
Façade/ Wall	1 sq. ft. per lineal foot of façade
Projecting/Blade/ Hanging	8 square feet
Directional	4 square feet
Portable/Sandwich Board	8 square feet
Professional /Tenant Identification	12 square feet total
Real Estate	16 square feet
Window	6 square feet
Temporary Sign/Banner	24 square feet
Quick Response Code (QR)/ TAG Code or other similar technology code sign	1 square foot
Decorative or Open Flags	1 square foot

WAYFINDING/DIRECTIONAL SIGNAGE

For any proposed site plan in the Redevelopment Area, a comprehensive wayfinding sign package must be submitted to the Planning Board for approval that shows the following:

1. Ingress/egress signage.
2. Directional signage for drivers to parking and buildings on the site.
3. Pedestrian wayfinding signs to and from parking.
4. Directory signage for each building.
5. An informational sign showing map of the area, location of businesses, parking, amenities, etc.

SIGN AREA MEASUREMENT

1. The areas of any sign face shall be measured as the product of the horizontal width and the largest vertical width of the lettering, illustration, display or background. Where there is no geometric frame to the sign, the sign size shall be determined by creating a four-sided box around the largest illustration or lettering in the sign.
2. The sign area measurement shall not include framing, trim, molding or supporting/hanging structure used to secure sign to the building.
3. For double faced signs, only one side is considered into the measurement.
4. For sign faces that are not parallel (i.e. v-shaped signs) both faces shall be considered into the computing of sign area.

CONSTRUCTION SIGNAGE

During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, realtor or sales contact, and/or public agency officials (as applicable and appropriate). Construction signage must not exceed 25 square feet. Construction signage must be removed as soon as 50 percent of the project has obtained a Certificate of Occupancy.

PROHIBITED SIGNAGE

1. Fluorescent-lit signage or signage with glowing paint and flashing signs.
2. Feather flags.

6.9 GREEN BUILDING STANDARDS

LEED certified buildings are encouraged to promote the construction of buildings that are energy efficient, place less demand on local utilities and are more cost efficient to operate over time. If a building is not proposed to be LEED certified, at a minimum, four (4) of the following green building standards shall be incorporated into any proposed building in the Redevelopment Area:

1. Use of water efficient fixtures.
2. Re-use of greywater and/or process water.
3. Energy star rated appliances.
4. Energy efficient light fixtures.
5. Use of natural light where it can be shown that it minimizes the need for artificial lighting.
6. Use of green roofs to minimize stormwater run-off.
7. Use of light colored roofing materials (flat roofs only).
8. Use of alternative energy production, i.e. solar/wind subject to the Town's solar/wind ordinance.
9. Use of energy efficient heating/cooling systems.
10. Satisfaction of any credit category that would achieve points under the LEED Rating System may qualify for one or more of the required Green Building elements, as approved by the Planning Board.

7.0 LANDSCAPE PLAN



7.1 INTRODUCTION

Landscaping, hardscapes and streetscapes greatly impact the quality of a place. The purpose and intent of this Section is to provide landscaping, hardscapes, streetscapes and buffering requirements in order to maintain and improve the pedestrian realm within the Redevelopment Area and on its frontages. The goal is to enhance the appearance of the development, protect the aesthetic assets of the community, reduce erosion and storm water run-off, reduce the urban heat island effect, and provide screening where necessary.

7.2 GENERAL LANDSCAPE REQUIREMENTS

All redevelopment proposals for the Redevelopment Area must include a Landscape Plan. The Landscape Plan shall be subject to approval by the Planning Board as part of the site plan approval process. The Landscape Plan shall conform to the following requirements and guidelines:

1. A detailed Landscape Plan, which includes proposed hardscapes and pedestrian amenities, shall be prepared by a certified landscape architect for all Site Plan proposals.
2. The Landscape Plan shall include quality materials and, at a minimum, specify type and color of pavers and other hardscape materials, type and quality of decorative lighting fixtures, specific color and material of decorative site furnishings, as well as, locations and quantities of each. The Landscape Plan shall also include species, sizes, and planting plans for all vegetation.
3. All street tree types shall be recommended by a Landscape Architect acceptable to the Planning Board and shall be a type suitable for the Redevelopment Area's environment. A list of suitable trees is provided.
4. Native plants should be used before other alternatives. A list of examples is provided at the end of this section.
5. All landscape materials planted by the developer must have a two year maintenance guarantee. If any planting materials die within two (2) years of planting, they must be replaced during the following planting season.
6. Within an overall Landscape Plan, a Hardscape and Streetscape Plan shall be required. The Hardscape and Streetscape Plan shall be submitted to the Newton Planning Board for its review and approval in conjunction with the project Site Plan application and implemented contemporaneously with the construction of the redevelopment project. The Streetscape Plan shall include all street frontages, existing and proposed.
7. Sidewalks should enhance the pedestrian experience. Toward that end, the following must be included within the landscaping plan:
 - a. Barrier-free access to all pedestrian space
 - b. Use of pedestrian-scaled lighting
 - c. Use of pedestrian-scaled signage
8. All open areas not covered by buildings, paving, and sidewalks shall be graded and landscaped.

9. An open space park or plaza, as shown on the landscape plan, shall be developed to be publically accessible open space.
10. Buildings fronting onto Adams Street shall have raised planting beds on both sides of each entrance. Raised beds should be planted with a mix of weather appropriate indigenous plants.



VIEW FROM ADAMS STREET

11. Street trees shall be planted along the Main Street frontage as shown below.
12. Raised planter beds shall be constructed along the curb of Main Street and distributed among the required street trees.

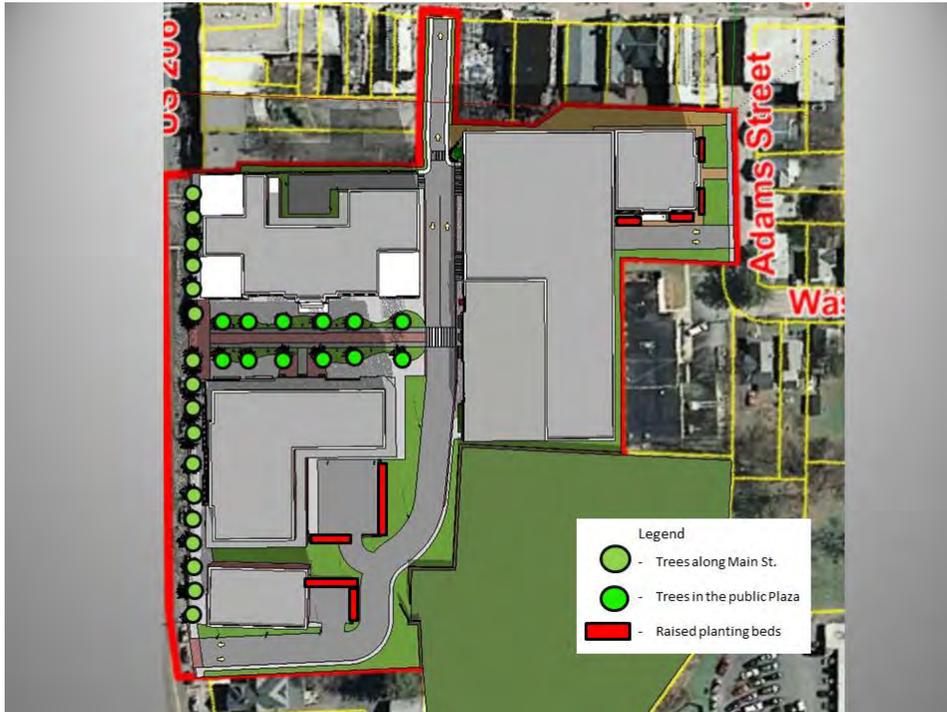


VIEW DOWN MAIN STREET

13. Irrigation shall be integrated into the site design.

14. All landscaped areas must be well-maintained, weeded, trimmed and pruned to provide a positive visual appearance.

A general conceptual Landscape Plan is shown below:



7.3 SPECIAL PEDESTRIAN ONLY AREA REQUIREMENTS

A 15,000 square foot space shall be created in a centrally located area within the site. This space will be a focal point for the development and area for people to gather, hold events, recreate, etc. To further enhance pedestrian connectivity through the site, Adams Street should be connected to either the internal drive or the plaza via a pedestrian walkway.

Areas accessible to the public have to abide by all general requirements regarding types of trees and lighting.

Additional requirements listed here are specific to pedestrian spaces.

- Adequate exterior lighting shall be provided for safety.
- A sufficient number of trees should be planted in public areas to provide shade during the day and help create a pleasant pedestrian environment.
- Flowering trees and shrubs are encouraged in the plaza.

7.4 STREETScape AND HARDScape REQUIREMENTS

The standards set forth in this section describe the hardscape and streetscape requirements for the Redevelopment Area. The Planning Board, in consultation with the Town Planner and Town Engineer, shall determine the exact construction material and sections to be utilized. Any work within the Town right-of-way shall be subject to approval by the Town Engineer.

Hardscape Requirements for pedestrian Spaces/ Plazas

1. Barrier-free access to all pedestrian space is required.
2. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used in all open space areas either alone or in combination with concrete.



3. Public art and/or fountains shall be utilized in combination with landscape planters and/or street trees to provide visual interest. Interactive art installations are encouraged.
4. All public open spaces shall contain pedestrian/bicycle amenities such as benches, seating areas, trash receptacles and bicycle racks. At least 50 percent of seating areas must be shaded from the sun.
5. Amenities shall be grouped so as to create pockets of interest within the plaza. Open space areas within the Plaza should be flexible to provide space for outdoor markets and other events.

Hardscape Requirements for Streetscape

1. All streetscape treatments applied along Main Street/US Route 206 shall match existing streetscape treatments. If possible, existing streetscape shall be preserved. Streetscape along Adams Street should match existing.
2. Barrier-free access to all pedestrian spaces is required.
3. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used on all crosswalks, to act as a traffic-calming device, and on internal lanes where feasible.
4. All curbing should be granite, or a poured, brushed concrete. Asphalt curbing is expressly forbidden. Curbs shall be 6 inches in height from the final top height of the pavement.
5. Sidewalks shall be constructed of scored concrete with brick edges and dividers or textured paving materials. The paver strip along the curb edge must be brick, synthetic brick or another approved paver. The strip shall be a minimum of 2' wide; the concrete sidewalk must be a minimum of 6" wide.
6. Street trees shall be located on the outside of the sidewalk, between the sidewalk and ROW edge. Street trees shall be located in tree grates.
7. Sidewalk areas shall be continuous across any access drive, including any decorative paving elements.

Planting Requirements for Streetscape

1. All trees shall be a minimum of 3 inches in caliper measured at 6 inches from ground level and have a minimum branch height of 6 feet at time of planting for yard trees, 10 feet minimum branch height for street trees.
2. Raised planters shall be interspersed on Main St. (Rt. 206) amongst street trees along the curb. Planters should be a large enough to accommodate a variety of different plants and to act as buffers between pedestrians and vehicles on Rt. 206.
3. Street trees shall be spaced every 30' on center along streets and park edges.
4. Trees shall be planted in tree grates.
5. Trees should only be planted during appropriate spring and fall planting seasons to the highest arboricultural industry standards; appropriate root barriers shall be installed at the time of planting.
6. Street trees shall not be planted within the clear sight triangle of any intersection.

Lighting Requirements for Streetscape, Walkways & Plaza Areas

1. Streetscape lighting and pole mounted lighting in public open space areas shall be specified as Spring City “Edgewater” cast iron post with a Spring City “William and Mary” luminaire or an approved equivalent on the lighting plan. Final approval of the fixture, pole type, and location will be made by the Planning Board. Parking areas, backs of buildings and areas not visible from public open space or right-of-ways may utilize an alternative lighting fixture. The final lighting plan is subject to approval by the Planning Board.
2. All streets shall have decorative, pole-mounted lamps that are 12-14 feet in height, spaced a maximum of 40 feet on center, or as needed to provide adequate lighting, and located within the textured strip between the curb and sidewalk.
3. All street lighting and exterior building lighting shall have downward shields to minimize illumination of the night sky and to minimize or reduce glare as seen from neighboring properties.
4. Metal Halide (or comparable light quality) lamps are suggested for their efficiency and light quality. Mercury Vapor and high pressure sodium lighting shall not be allowed.
5. A comprehensive Lighting Plan must be provided with sufficient detail to illustrate that proper illumination is provided. The plan should illustrate all streets, alleys, pedestrian areas and parking areas, all pole mounted and attached building lights, types of fixtures, lighting intensities, lighting patterns, filament type, shape of lens, and direction of illumination.
6. All street lights shall have illumination and uniformity ratios which do not exceed the recommendations of the Illuminating Engineering Society of North America (IESNA). All sidewalks adjacent to roadways shall maintain a minimum 0.5 footcandle coverage.
7. Public walkways and the Plaza shall incorporate in-ground lighting and/or small landscape lights to add interest and light in pedestrian areas.

7.5 STREETScape, HARDScape AND PLAZA DESIGN INSPIRATIONS



Newton Streetscape along Spring Street



Landscape Planters & Outdoor Seating



Public Plaza with Market & Interactive Fountain



Public Art as Benches in Plaza



Plaza with Fountain and Moveable Seating



Plaza with Interactive Fountain and Outdoor Seating

7.6 STORMWATER MANAGEMENT REQUIREMENTS

Any site plan submitted for redevelopment of the Redevelopment Area shall meet the Town of Newton and New Jersey Department of Environmental Protection stormwater management requirements. Mitigation of stormwater run-off through innovative techniques is encouraged but not required.

Stormwater Detention Facilities, if necessary, are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take into consideration mitigation strategies such as green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities, if necessary, must be underground.

7.7 GENERAL UTILITIES REQUIREMENTS

1. Water supply: shall be obtained from the Newton Water Utility in accordance with NJDEP and Town of Newton Regulations, as applicable. Water use on the site should be minimized through the use of low flow fixtures and other water saving measures.
2. Sanitary sewers: shall be obtained from the Newton Sewer Utility in accordance with NJDEP and Town of Newton Regulations as applicable. Sewer usage should be minimized through the use of low flow fixtures.
3. Storm water management: shall be provided in accordance with NJDEP and Town of Newton Regulations as applicable, except where pre-developed site conditions such as impervious coverage allow for an offset in stormwater management requirements. If green roofs and/or roof-top gardens are utilized, they may be factored into the stormwater management program.
4. Lighting: Non-corrosive ornamental lighting shall be provided and shielded to direct illumination downward for streets, parking areas, alleys, public open spaces and sidewalks, sufficient to ensure safe and convenient evening use.
5. Recycling and solid waste removal: Solid waste and recycling facilities shall be provided for the collection and removal of recyclables and solid waste. The solid waste and recyclables shall be picked up at designated locations in the rear of the buildings. Solid waste and recycling facilities shall be provided internally to the buildings or in screening enclosures constructed of materials consistent with the adjacent building architecture.
6. Electric, phone, internet and cable service: All electric, phone, internet and cable services provided shall be underground.
7. Utility Location: Location of all underground utilities shall be subject to approval from the relevant regulatory agency. All utilities shall be provided in utility easements accessible for repair.

7.8 SUGGESTED PLANT LIST

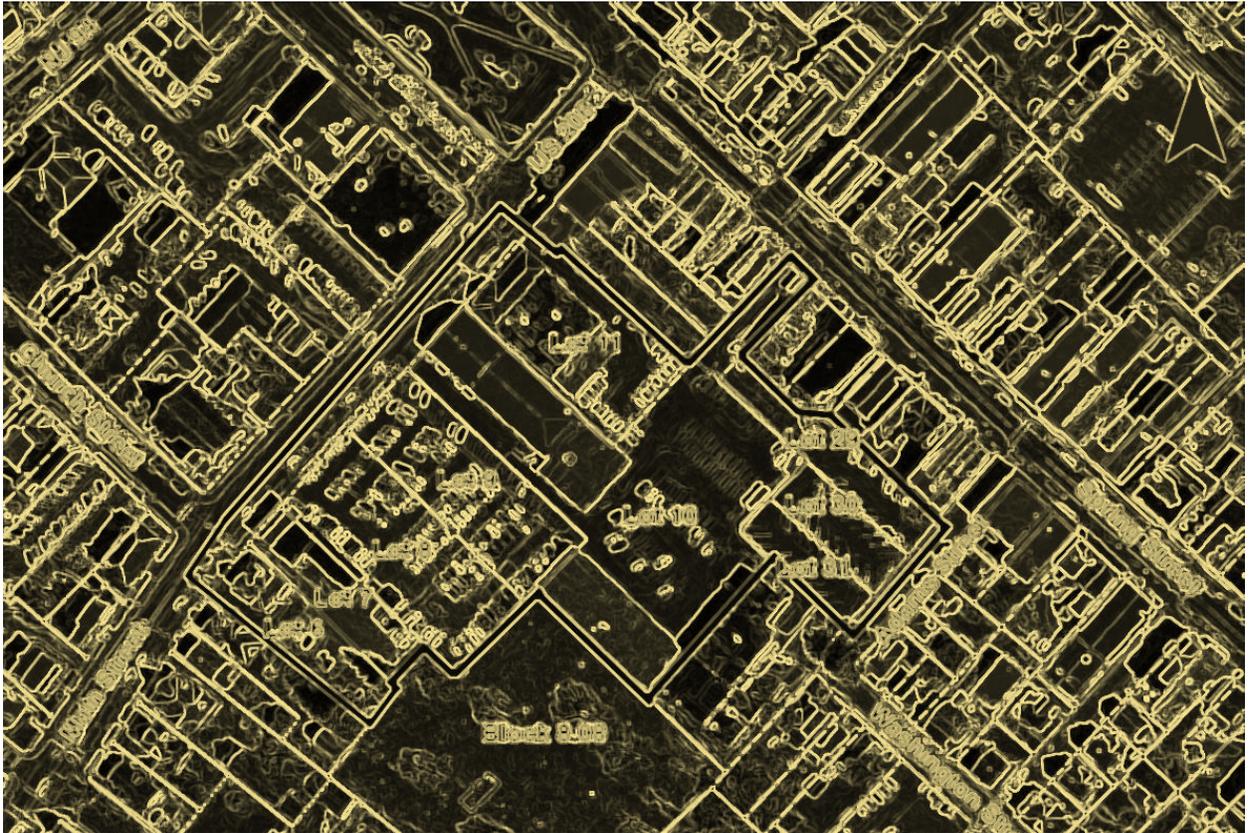
Shade and Flowering Trees

1. *Fraxinus pennsylvanica*, Green Ash
2. *Betula nigra*, River Birch
3. *Carpinus caroliniana*, American Hornbeam
4. *Acer rubrum*, Red Maple
5. *Celtis occidentalis*, Hackberry
6. *Amelanchier canadensis*, Serviceberry
7. *Cercis canadensis*, Eastern Red Bud
8. *Cornus florida*, Flowering Dogwood'

Shrubs and Grasses

1. *Viburnum trilobum*, Cranberry Bush
2. *Viburnum acerifolium*, Maple Leaf Viburnum
3. *Viburnum nudem*, Possumhaw Viburnum
4. *Viburnum prunifolium*, Black Haw
5. *Illex opaca*, American Holly
6. *Calamagrostis canadensis*, Blue Joint Grass
7. *Schizachyrium scoparium*, Little Blue Stem Grass
8. *Panicum virgatum*, Switch Grass
9. *Spiraea tomentosa*, Steeplebush
10. *Gaultheria procumbens*, Wintergreen
11. *Ilex verticillata*, Winter Berry
12. *Aronia melanocarpa*, Black Chokeberry

8.0 LEGAL PROVISIONS



8.1 LEGAL REQUIREMENTS

If any section, subsection, paragraph, division, subdivision, clause or provision of this Plan shall be deemed by a court of competent jurisdiction to be invalid, such adjudication shall only apply to the particular section, subsection, paragraph, division, subdivision, clause or provision in question, and the balance of the Plan shall be adjudged valid and effective.

8.2 ZONING PROVISIONS

Upon final adoption of this Redevelopment Plan by the Town Council, this Redevelopment Plan shall supersede all provisions of the Newton Zoning Ordinance for the Redevelopment Area, and all underlying zoning shall be voided. Any zoning-related issue that is not addressed herein shall refer to the Newton Zoning Ordinance for guidance. No variance from the requirements herein shall be cognizable by the Planning Board acting as the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein.

Standards from the following ordinance sections are hereby incorporated by reference:

§240-3: Subdivision and Site Plan Procedures

§258: Stormwater Control

§320-30: Wireless Communication Facilities

§320-31: Administration and Enforcement

§320-32: Wind and Solar Energy Systems

8.3 AMENDMENTS TO THIS PLAN

The McGuire Redevelopment Plan may be amended from time to time in compliance with the requirements of the Local Redevelopment & Housing Law.

As development occurs within the Redevelopment Area, development priorities and market demands may change. This Plan should have the adaptability 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.

8.4 VARIATIONS IN SITE PLAN DESIGN

Modifications from standards which are expressly stated to be “mandatory” under the Land Use Regulations of this Plan may be approved by the Planning Board only by formal grant of a deviation as provided.

8.5 DEVIATIONS

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for

site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

No deviations may be granted which will result in permitting:

1. A use or principal structure in a district restricted against such use or principal structure.
2. An expansion of a non-conforming use.
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district.

In addition, no deviations shall be granted which have any one of the following effects:

1. Exceeding the maximum development capacity of either square footage or dwelling units, as required according to this Redevelopment Plan.
2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
3. Increasing or decreasing story height from that which is specifically permitted in the Section 6 - Building Regulating Plan.
4. Varying in any way from the permitted and prohibited uses as set forth in this Plan.
5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

Any party seeking a deviation from this Plan which cannot be granted by the Planning Board as set forth above, may apply to the Governing Body to request an amendment to this Plan.

8.7 PLAN CONSISTENCY REVIEW

In accordance with N.J.S.A. 40A:12A-7, entitled "Adoption of Redevelopment Plan", this Plan will include any significant relationship of the Redevelopment Plan to (a) the Master Plans of contiguous municipalities, (b) the Master Plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52.18A-196 et al).

In accordance with N.J.S.A. 40:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as the "Local Redevelopment and Housing Law", the following statements are made:

A. The Plan herein has delineated a definite relationship to local objectives as to the appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements using general regulations and the specific form based codes required in this Plan.

B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of the Plan.

C. The Plan has set forth proposed parking and circulation standards, land uses and building requirements for the Redevelopment Plan.

8.8 RELATIONSHIP TO THE TOWN OF NEWTON MASTER PLAN

The most recent Newton Master Plan Update was adopted by the Newton Planning Board in August 2008. This area is recognized in the Master Plan as a combination of T-5 and T- 6 Zoning in the Land Use Plan. The Master Plan identifies the land uses in the Redevelopment Area as a mixed-use Town Core and Town Core support areas. The proposed zone plan in the Master Plan is consistent with this Plan. The Master Plan also identifies the Redevelopment Area as an area that should be studied to determine if it is Need of Redevelopment pursuant to Redevelopment Law. This Plan is consistent with this recommendation of the Master Plan as well.

The Historic Preservation Element identifies the Redevelopment Area as in both the Newton Historic District as well as the Town Plot District. As noted in the Historic Designation review, this Plan permits for a development pattern that could result in the demolition of one or more buildings. As with any redevelopment proposal, the benefits and detriments of refurbishing existing structures must be weighed. In the case of these structures, a variety of issues come into play, including vacancy, dilapidation and underutilization of the properties. When weighing the historic nature of the buildings against the dilapidation, vacancy and underutilization of a large area in the Town’s downtown, the need to redevelop this area outweighs the benefits of preserving the historic structures. To the extent that redevelopment of a lot or lots in the Redevelopment Area in accordance with this Plan shall constitute an encroachment under the Historic Places Act, N.J.S.A. 13:1B-15.128 et seq., or shall otherwise require historic preservation review and/or approvals, the applicable redeveloper shall be responsible for obtaining any and all necessary historic preservation review and/or approvals, including, if applicable, approval of the State Historic Preservation Office (“SHPO”). Based on the above and other reviews, the Plan is consistent with the Newton Master Plan.

8.9 CONSISTENCY WITH THE STATE PLAN

On March, 2001, the State Planning Commission (“SPC”) adopted the new State Development and Redevelopment Plan (“SDRP”). The SDRP establishes a proposed statewide planning framework that is designed to maintain and revitalize existing cities and towns and organizing new growth in “Centers” – compact, mixed-use communities that provide a variety of choices in housing, employment opportunities, entertainment, services, transportation and social interaction. The Town of Newton is divided into the Rural/Environmentally Sensitive Planning Area (PA4B) and Environmentally Sensitive Planning Area (PA5). However, the entirety of Newton is within the Regional Center boundary as designated by the SDRP. According to the State Plan, the intent of the PA4B and PA5 Planning Areas is to:

- Guide development and redevelopment into designated Centers;
- Provide for a full range of housing choices (primarily in Centers);
- Promote economic activities within Centers that complement and support rural communities; and
- Minimize potential conflicts between development, agricultural practices and sensitive environmental resources.

The State Plan recommends adopting the principles of Smart Growth and maximizing sustainability. The Redevelopment Plan is consistent with the intent of the Metropolitan Planning Area as enunciated in the SDRP. The Redevelopment Plan will advance the SDRP's objectives for physical and economic redevelopment, environmental sensitivity and improved quality of life. Therefore, the Redevelopment Plan is consistent with the goals and objectives of the SDRP.

8.10 RELATIONSHIP TO ZONING ORDINANCE

Under the Form-Based Code, the Redevelopment Area is located both in the T-5 – Neighborhood Core District and the T-6 – Town Core Zone. The majority of the Redevelopment Area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone. The T-6 and T-5 Zones are similar in density and permitted uses to the proposed density and permitted uses in this Plan.

8.11 CONSISTENCY WITH ZONING IN ADJACENT MUNICIPALITIES

No conflict is determined to exist between this Redevelopment Plan and the Master Plans of Andover Township, Fredon Township or Hampton Township.

8.12 SITE PLAN REVIEW

All redevelopers shall submit a Site Plan Application to the Planning Board identifying their specific project area within the overall Redevelopment Plan. The site plan submission for review and approval must identify bulk distribution, open spaces and public areas, access and sidewalk improvements, building elevations, typical floor plans, parking and proposed uses. Utility location and capacity, stormwater detention, and landscape plans must also be presented. The Planning Board must be satisfied that the project meets the requirements and the goals and objectives of this Plan and the specific form-based standards, providing for a satisfactory diversity of type, size and use, height of buildings, designated landscape features and other amenities and the projected timing of same.

8.13 REDEVELOPMENT PLAN IMPLEMENTATION

In accordance with the provisions of a Redevelopment Plan adopted pursuant to N.J.S.A. 40A:12A-7, a Municipality or Redevelopment Entity may proceed with clearance, re-planning, conservation, development, redevelopment and rehabilitation of an Area in Need of Rehabilitation. If applicable, to the extent reasonably feasible, replacement housing of any existing housing shall be provided within or in close proximity to the Redevelopment Area. The municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.). There are no residential units that will be displaced in connection with the implementation of this Redevelopment Plan.

8.14 REDEVELOPMENT AGREEMENT

No project shall be undertaken within the Redevelopment Area except pursuant to a Redevelopment Agreement approved by the Redevelopment Entity. The Agreements will be undertaken on a project by project basis. This requirement may be waived at the Redevelopment Entity's discretion for minor projects. The Town may, in its discretion, designate one master redeveloper for the Area in accordance

with a master redevelopment agreement. In such an occurrence, properties that will be developed by subsequent redevelopers rather than by the master redeveloper shall require redevelopment agreements in the form of a subsequent developer agreement with the Town, the master developer and the subsequent developer.

8.15 DEVELOPMENT REVIEW PROCESS

Preliminary Design Review

All projects in the Redevelopment Area shall be submitted to the Town Manager for a preliminary design review by his designees prior to submission of an application to the Planning Board. Applicants may also be required to attend a Technical Review Committee meeting with the Planning Board's designated Technical Review Committee. The meeting(s) will be used to determine if the proposed redevelopment project is consistent with the Redevelopment Plan and conforms to the core design concepts, building requirements, and architectural design guidelines of the Redevelopment Plan and to provide an opportunity for comment and recommendations on the proposed project by the Redevelopment Entity and its professionals. Preliminary design review shall focus on how the proposed project relates to and coordinates other elements and phases of the Redevelopment Plan and how the open spaces, building uses and typologies are integrated with and contribute to the quality and function of the layout and design as presented in the Redevelopment Plan. Prior to the approval of all or a portion of the redevelopment project by the Planning Board, the Town Planner and any other Design Review Professionals designated by the Planning Board shall provide recommendations to the Planning Board regarding the extent to which the proposed project is consistent with the Redevelopment Plan and adequately addresses the design guidelines contained in the Plan.

Planning Board Review

Pursuant to N.J.S.A. 40A12A-13, all applications for development of sites governed by the Redevelopment Plan shall be submitted to the Planning Board of Newton for review and approval. The following provisions shall govern review of any proposed redevelopment and rehabilitation projects for these sites:

1. Prior to the commencement of: (a) any new construction; (b) reconstruction; (c) rehabilitation; or (d) any change in the use of any structure or parcel, a site plan for such shall be submitted to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with (a). through (d). above, without site plan review and approval of such work by the Planning Board.
2. The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq., the Town's Land Development Ordinance, and this Redevelopment Plan.
3. As part of the site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees for on-tract street improvements and appurtenant utility improvements pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the Town of Newton and the Town Engineer shall determine the amount of any performance guarantees.
4. Any subdivision of lots or parcels of land within the Redevelopment Plan shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the Local Redevelopment and Housing Law (LRHL) and N.J.S.A. 40:55D-1 et seq.
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. 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 structure has been “destroyed.”

6. No variances, deviations, or waivers may be granted by the Planning Board which will result in permitting a use prohibited or not expressly permitted within this Redevelopment Plan.

7. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyance between the redeveloper and municipality pursuant to Local Redevelopment and Housing Law.

8. Any and all definitions contained within the Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Town’s Land Development Ordinance shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12- 3 shall be invalid, and the statutory definitions shall control.

9. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Town’s Land Development Ordinance and New Jersey law. Additionally, a redeveloper shall be required to pay for their proportional share of the cost of any studies, plans, reports, or analysis prepared by the Town or its design professionals as part of the Redevelopment Plan review. Any such payments are required to reimburse the Town or the Redevelopment Entity.

10. The cost of infrastructure improvements generated by the project, including any related off-tract improvements, shall be borne by the project, either through a direct payment from the redeveloper, or through payments in lieu of tax generated by the project.

All Site Plans will be provided by the developer to the Sussex County Planning Board for their information. Pursuant to N.J.S.A. 40:27-6.2, any subdivision application relating to this Redevelopment Plan shall be provided by the developer to the Sussex County Planning Board for its review and comment.

8.16 SCHEDULE FOR IMPLEMENTATION

Any site plan executed for purposes of implementing this Redevelopment Plan shall contain a schedule for performance for the construction of the improvements. In addition to a schedule for commencement of improvements, such plans shall include a schedule that indicates the approximate time period for property acquisition, development approvals, construction permits, relocation, etc. required prior to construction as well as a projected date for project completion. The plan shall also set forth the interim uses for the property and the duration of the period during which such interim uses will be in place. The U.S. Post Office use is proposed to remain in the Redevelopment Area and any construction schedule shall take into account the ability for the U.S. Post Office to continue operating during construction

8.17 DURATION OF THE PLAN

The duration of the Redevelopment Plan shall be perpetual until the last certificate of occupancy is issued and until hereafter amended, rescinded or superseded by a duly adopted ordinance of the Mayor and Town Council.

8.18 PHASING

The Planning Board shall have the discretion to require a suitable mechanism to insure a balanced development of planned open space, commercial services and infrastructure to service the Redevelopment Area.

A. Phasing Plan:

Any applicant(s) seeking to develop within this Area shall be required to provide a Phasing Plan for review and approval by the Newton Planning Board, which shall establish the parameters under which public improvements which are the subject of the application for site plan approval shall be constructed in conjunction with each phase of development. "Public Improvement" includes, but is not necessarily limited to, any and all of the following: 1) the mandatory improvements identified in Landscape Plan; and 2) the mandatory improvements identified in the Mobility Plan. The Plan shall set a schedule for completion of Public Improvements within the property owned or controlled by the applicant in which the percentage of completion of public improvements is approximately equal to or greater than the percentage of completion of all other development on property owned or controlled by the applicant.

B. Additional Requirements:

The open space improvements shall be constructed simultaneously with any development of the surrounding blocks. It is also recommended that a building to house the U.S. Post Office be constructed first in order to provide for seamless operation of the U.S. Post Office.

8.19 NON-DISCRIMINATION PROVISION

No covenant, lease, conveyance or other instrument shall be effected or executed by the Town Council of the Town of Newton or by a developer or any of its successors or assigns, whereby land within the Redevelopment Area is restricted by the Town Council of the Town of Newton, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. There shall be no restrictions of occupancy or use if any part of the Redevelopment Area on the basis of race, creed, color or national origin.

8.20 AFFORDABLE HOUSING

There are no residential units that will be displaced in connection with the implementation of the Redevelopment Plan. To the extent that the redevelopment of the area creates an affordable housing obligation under the Fair Housing Act and/or State regulations as they may exist at the time of the redevelopment, the Town has identified a number of inclusionary zones in the housing element of its master plan that may be well suited for development as an option to locating affordable housing on site.

In addition, a plan must be prepared for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit if present in the Redevelopment Area, that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Any displaced residents of existing housing units within the Redevelopment Area, provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing

Act,” P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the “Fair Housing Act,” P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation.

8.21 ENVIRONMENTAL STANDARDS

The site must meet all current New Jersey Department of Environmental Protection standards as are related to this Redevelopment Area at the time of site plan application.

8.22 PROJECT SIGNS AND ADVERTISING

In order to facilitate the overall redevelopment of the Redevelopment Area, and to encourage further investment in the surrounding area and the Town of Newton in general, all advertising, signage, renderings and other promotion of the development and redevelopment of the Redevelopment Area shall contain references to the proposed project’s location in Newton, so as to promote the positive aspects of the project, the Redevelopment Plan and the Town of Newton.

8.23 ACQUISITION PLAN

The following parcels, and any and all real estate interests herein, are hereby identified as parcels to be acquired in connection with the implementation of this Redevelopment Plan:

Block 8.08, Lots 6, 7, 8, 9 and 10.

To the extent that any of the properties identified for acquisition shall be acquired by eminent domain, the Town shall develop a Workable Relocation Assistance Plan pursuant to the Relocation Assistance Act, N.J.S.A. 20:4-1 et seq.

EXHIBIT B

PROPOSED REVISIONS



MCGUIRE REDEVELOPMENT PLAN

BLOCK 8.08, LOTS 6, 7, 8, 9, 10, 11, 29, 30 & 31

TOWN OF NEWTON
Sussex County, New Jersey

FEBRUARY 19, 2015

MCGUIRE REDEVELOPMENT PLAN

TOWN COUNCIL

E. Kevin Elvidge, Mayor
Daniel G. Flynn, Deputy Mayor
Kristen S. Becker, Council Member
Sandra Lee Diglio, Council Member
Wayne F. Levante, Council Member

PLANNING BOARD

Gregory Le Frois, Chair
Gary Marion, Vice Chair
E. Kevin Elvidge, Mayor
Daniel G. Flynn, Deputy Mayor
Thomas S. Russo, Jr., Town Manager
Neil Flaherty
Kent Hardmeyer
[Helen Le Frois](#)
[Joseph Ricciardo](#)

Professional Staff

Thomas S. Russo, Jr., Town Manager
Debra J. Millikin, Deputy Town Manager
Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. G.A., Town Planner

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. – G.A.

New Jersey Professional Planner #5944

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1.0 DESCRIPTION OF THE PLAN



1.1 INTRODUCTION

The McGuire Redevelopment Plan is the regulating plan for the McGuire Redevelopment Area. This Redevelopment Area, as defined below, is a key component of the downtown revitalization effort in the Town of Newton. The redevelopment designation of the McGuire Redevelopment Area stemmed from a Strategic Vision Plan that focused on downtown Newton and uncovered underutilized and vacant parcels.

The 2013 Town of Newton Strategic Vision Plan included an extensive public involvement component comprised of one on one interviews with multiple stakeholders in the community. During that process, it was revealed that the McGuire Chevrolet dealership was planning on moving to a new location on US Route 206 in Hampton Township. The relatively large size of the soon to be vacant dealership property, and the impact of such a significant vacancy on the downtown area, prompted a recommendation in the Strategic Vision Plan to analyze parcels in the downtown, including the McGuire dealership parcels and surrounding parcels, to determine if an area in need of redevelopment designation was merited under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”).

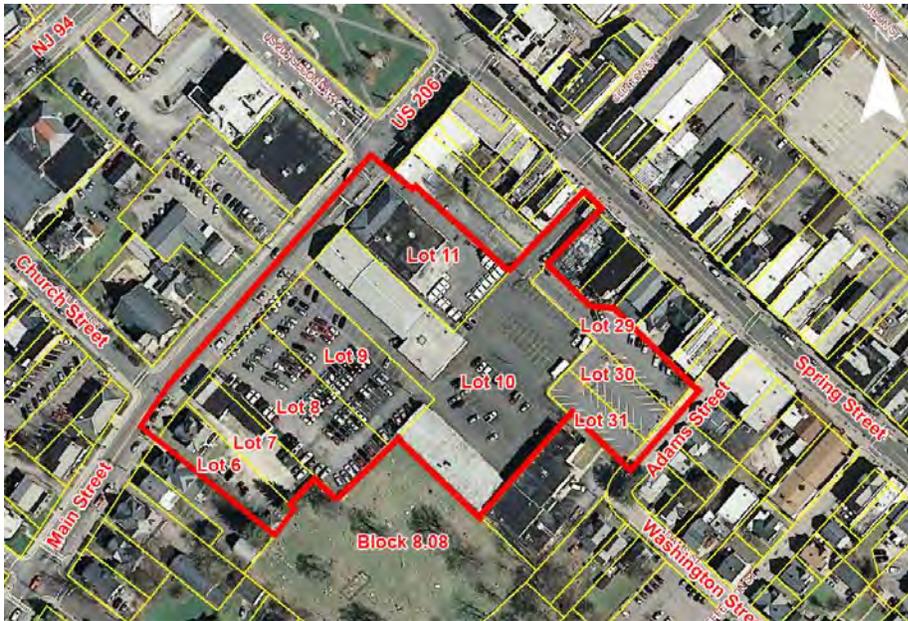
As a result, the Town Council of the Town of Newton directed the Planning Board, by resolution, to conduct a study of Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 (the “Redevelopment Area”) pursuant to the Redevelopment Law to determine if the area was in need of redevelopment. A planning report evaluating the statutory criteria and a map of the area were prepared. The Planning Board held a hearing on October 23, 2013 and recommended to the Town Council that the area should be deemed an Area in Need of Redevelopment pursuant to Redevelopment Law. On October 28, 2013, the Town Council adopted a resolution deeming the area an Area in Need of Redevelopment. Notice of the designation was sent to the property owners on November 5, 2013.

The Redevelopment Area is located along Main Street/US Route 206, Spring Street and Adams Street in Newton’s downtown. The downtown is generally mixed-use with retail, commercial, office and residential uses. Spring Street is the Town’s historic retail shopping district, while Main Street is historically home to a broader mix of office, public and residential uses. The Redevelopment Area includes the former McGuire Dealership parcels, the U.S. Post Office, two commercial structures and the Town of Newton Public Parking Lot #1. The Redevelopment Area is relatively large for the downtown area, covering approximately 4.17 acres. With frontage on Main Street/US Route 206, access frontage on Spring Street and the public parking lot to provide parking, the Redevelopment Area presents a historic opportunity to infuse new life into this promising downtown.

The Strategic Vision Plan focused on the downtown area and the community’s perception of the downtown and resulted in a focused plan to improve the area. The Strategic Vision Plan found that, in addition to filling current vacancies, the downtown needed more retail, restaurants and amenities to create a bigger “draw” to Newton’s downtown. Existing vacancies are undersized for many types of retail uses and the potential to provide space to attract national retailers was identified as a way to draw more visitors to the downtown. The Redevelopment Area presents this opportunity to create new mixed-use retail, office and residential opportunities in the downtown. The extensive planning and market research conducted during the Strategic Vision Plan process, forms the basis for the permitted uses and proposed density for this Redevelopment Plan. The vision for the Redevelopment Area builds on the Town of Newton’s vision for the downtown area, to be “Sussex County’s Downtown: a charming, unique place to live and visit that is compact, attractive and offers arts, entertainment, dining, shopping and activities for all ages.”

1.2 LOCAL CONTEXT MAP

The Redevelopment Area is a total of 4.17± acres in size and located in the center of downtown Newton. The downtown is an historic main street district hosting a mix of commercial and residential uses. The Newton Green, a County Park, is the centerpiece of the downtown and is located just one block to the north of the redevelopment area. County offices surround the Newton Green, with the Sussex County Administration Building to the northeast and the historic County Courthouse, new County Courthouse and County Jail to the northwest of the Green. To the southeast of the Newton Green is Spring Street, which is the Town's downtown shopping district. Due to the proximity of the new County Courthouse and County Jail, several legal offices are located around the proximity of the Newton Green. The area surrounding the Newton Green is the confluence of several arterials and is a very high traffic area for the County.



Aerial Photo with the Redevelopment Area Shown in Red

1.3 HISTORIC DISTRICT

The entire Redevelopment Area is located within the Town's Local Historic District. The properties fronting on Main Street/US Route 206, with the exception of Lot 6, are located within the Town Plot Historic District, which is on the State and National Registers of Historic Places. To the extent that redevelopment of a lot or lots in the Redevelopment Area in accordance with this Plan may constitute an encroachment under the Historic Places Act, N.J.S.A. 13:1B-15.128 et seq., or may otherwise require historic preservation review and/or approvals, the applicable redeveloper shall be responsible for obtaining any and all necessary historic preservation review and/or approvals, including, if applicable, approval of the State Historic Preservation Office ("SHPO"). Following are descriptions of the properties located within the Historic District.

The commercial building at 79 Main Street (Lot 6) was built in 1900 as a residence and was converted to a commercial structure for offices in the mid-1980s. This lot is located within the local Historic District. The structure was built in the Folk Victorian Style with a covered porch along its entire front with a shed roof, decorative spindle railing and a decorative gold pediment. There are a number of bay windows along the front of the structure, a front gable, a high-pitched pyramid-shaped roof and decorative trim and clapboard. The building has been vacant and increasingly dilapidated since the late 1980s.

The commercial building at 75 Main Street (Lot 7) was constructed in 1802 and served as the Newton Academy from 1802 to 1829. The original front section of the structure was constructed in the Georgian style. The front section is two and a half stories tall, with a slate roof gabled across its length, a brick chimney at the left ridge and dentils along the soffits. In 1831, the building was renovated to accommodate a mercantile store and residence. The original building was sided with clapboard, which was covered in stucco in 1928. Later, the building was converted into eight apartment units. The building was converted to a commercial use in the mid-1980s. The building has been vacant and growing increasingly dilapidated since at least the early 1990s.

The main McGuire Chevrolet building (Lots 8, 9 and 10) was built in the early 20th century, replacing residential uses from the late 1800s. In 1915, the J.R. Roof Company began operating a garage and filling station at the site. Later, J.R. Roof Company also began selling cars at the site. Since then, the site has remained a car dealership, first under the J.R. Roof name and later as McGuire Chevrolet. The original façade of the structure was altered from the Mission Revival style façade to the hip and gable roof façade of today. The former car lot (Lots 8 & 9) was home to the old Inslee Mansion, which housed the Town's Young Women's Christian Association (Y.W.C.A.) until 1966, when it was demolished to provide parking for J.R. Roof Company's car dealership. The dealership building was vacated in October 2013.

The site where the U.S. Post Office now stands (Lot 11) was originally George M. Ryerson's drugstore in the mid 1800's. The original drugstore was replaced with Library Hall, which was constructed to house the Town Library. Library Hall was completed in 1871 and housed several uses. The first floor of the structure contained the post office and offices of the New Jersey Herald. The second floor housed the Town library and the third floor was originally a meeting hall. The third floor was later renovated to become the Town's Opera House. The library moved to its current location at the Dennis Library on Main Street and Elm Street in the early 1940s. Library Hall was demolished in 1958 to make way for the new post office building. The current building was built in 1959 and the post office use there continues today with little or no change to the original structure.

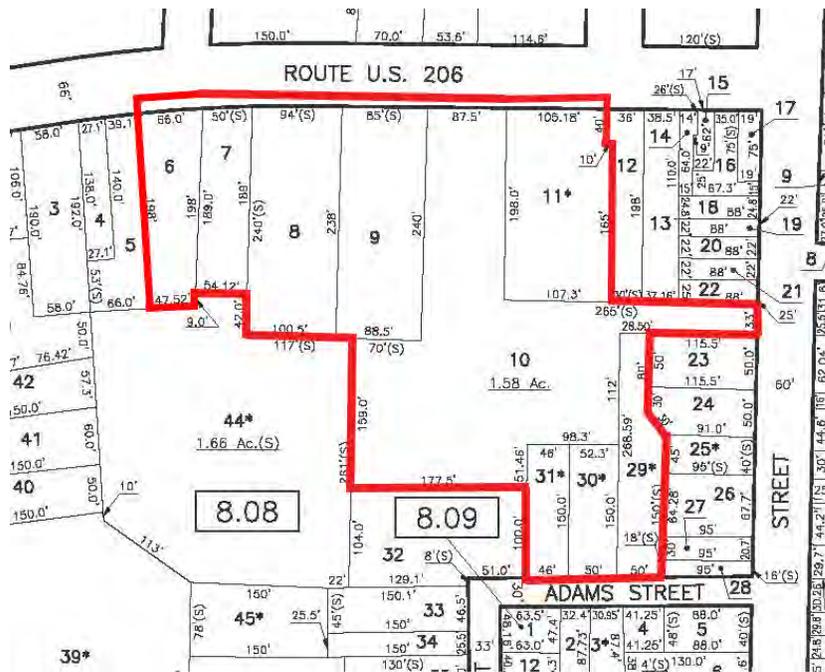
Lots 29, 30 and 31 contain the Town of Newton Public Parking Lot #1. Sanborn Fire Insurance Maps from 1916 show two single family dwellings, a furniture store, paint shop, three ice houses, sheds and a carriage house on the properties. These structures were demolished at some point and the area is now a parking lot.

McGuire Redevelopment Area



1.4 BLOCK AND LOT MAP

The Redevelopment Area consists of nine (9) parcels, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 in Block 8.08. The total size of the Redevelopment Area is 4.17± acres with frontage along Main Street/US Route 206, Spring Street and Adams Street. Lots 6 and 7 in Block 8.08 are improved with two free standing buildings, which were most recently commercial office structures but have been vacant for decades. Lots 8, 9 and 10 in Block 8.08 make up the former McGuire Chevrolet Dealership, which is also vacant. Lot 11 in Block 8.08 is the U.S. Post Office for Newton and the surrounding area within the 07860 zip code. Lots 29, 30 and 31 in Block 8.08 comprise Newton Public Parking Lot #1, which is owned and operated by the Town of Newton Parking Authority.



Newton Tax Map Sheet 8 with the Redevelopment Area Shown in Red

1.5 STATUTORY BASIS OF THE PLAN

The McGuire Redevelopment Plan was prepared pursuant to the Town Council of the Town of Newton's determination on October 28, 2013 by Council Resolution #190-2013 that the area meets the statutory criteria for designation as an Area in Need of Redevelopment, pursuant to Redevelopment Law.

1.6 STATUTORY REQUIREMENTS

The McGuire Redevelopment Plan provides regulations for the Redevelopment Area that implement the Town's vision for the revitalization of the downtown. The Plan employs a form-based code to guide development within the Redevelopment Area according to the Town's vision.

- A. This Plan addresses the following issues as required pursuant to the Redevelopment Law:
 - 1. The Plan's relationship to definite local objectives regarding land uses, population density, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
 - 2. The proposed land uses and building requirements in the area;
 - 3. The plan for temporary and permanent relocation of any displaced businesses and/or residences, if any;
 - 4. The plan for replacement of affordable housing, if any, to be removed as a result of the implementation of this Plan;
 - 5. The identification of any property that may be acquired in accordance with the Plan;
 - 6. Any significant relationship of the Plan to (a) the Master Plans of contiguous municipalities, (b) the Strategic Growth Plan of Sussex County and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 185, c. 398 (C.52:18A-196 et al); and
 - 7. The Plan's relationship to the development regulations of the municipality.
- B. This Plan also contains:
 - 1. Standards for redevelopment of the Redevelopment Area as a mixed-use retail, commercial, office, government and residential use area;
 - 2. Provisions for the enforcement of codes and ordinances;
 - 3. Controls and requirements related to affordable housing if constructed as part of the redevelopment;
 - 4. Procedures and standards for amending this Plan; and
 - 5. A form-based code containing building and architectural, parking and circulation regulations for the redevelopment of the Redevelopment Area.

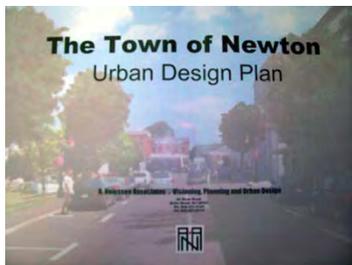
1.7 PURPOSE OF THE PLAN

The purpose of this Plan is to set forth the terms and conditions under which the Redevelopment Area may be redeveloped.

The illustrations in this Plan showing potential site layout and development options are conceptual in nature and intended to provide guidance to a future redeveloper. The form-based code provides the standards that shall be utilized to redevelop the Redevelopment Area. The form-based code assures the Town of a redevelopment which fits into the context of the surrounding area, is constructed according to high standards of quality and character, and will have a long term positive economic and aesthetic impact on the Town of Newton.

1.8 OVERVIEW OF THE PLAN

The McGuire Redevelopment Plan is part of a planning framework in the Town of Newton that began in 2005 when the Town conducted its first visioning process. The resulting vision plan, known as the Urban Design Plan, formed the backbone for future planning in the Town. The Urban Design Plan prompted designation of several redevelopment areas, a master plan update and a complete revision of the Town's Ordinances into a Form-Based Code. In 2013, the Town revisited the vision plan and developed a Strategic Vision Plan, which focused on the downtown, town core area, and made several recommendations for downtown revitalization including studying the McGuire site and surrounding area to determine if it was in need of redevelopment. This Redevelopment Plan takes the next step and establishes a form-based code for the McGuire Redevelopment Area. Following are brief descriptions of the plans and ordinances of the Town that form the groundwork for this Redevelopment Plan.



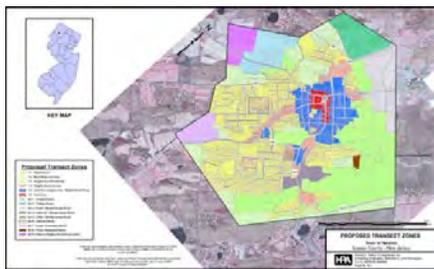
The Urban Design Plan was developed through a vision process conducted in 2005. The plan outlined a community consensus on the type of development desired, identified potential areas for redevelopment and framed a general Transect Zone scheme for the Town. While the Urban Design Plan presented potential Transect Zoning for the entire Town, the focus was along US Route 206 and Sparta Avenue, the areas known as the "spine" of the Town.

The Urban Design Plan prompted the designation of several redevelopment areas and a portion of the Town was also declared an area in need of rehabilitation. The Urban Design Plan resulted in an updated Master Plan that outlined Transect Zoning for the entire town as well as a Form-Based Code that replaced the traditional zoning for the Town.

The Urban Design Plan described the vision for the future of the Town as "a holistic vision of a place where the people of Newton want to live, work and feel connected to; a pedestrian friendly place, which can be translated into feasible development opportunities to provide the opportunity for urban living for a variety of households, with additional services and amenities for the entire community."

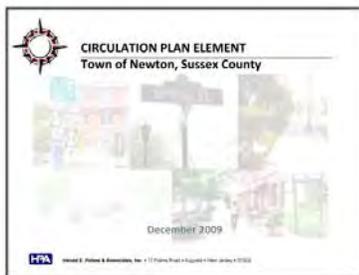
As a result of the Urban Design Plan, the Town identified 116 acres, primarily along the "spine" of the Town, as having the potential to be in need of redevelopment. The Town also identified an area covering 1,009 acres as being in need of rehabilitation. The Town initiated redevelopment studies in phases. Six areas have been designated in need of redevelopment: 56 Sparta Avenue, Mason Avenue, Hicks Avenue, Paterson Avenue, the Armory/Shoprite Area and the McGuire Redevelopment Area. A study was started for the Railroad District Area but was not completed. Redevelopment plans were also

completed for three of the areas: 56 Sparta Avenue, Hicks Avenue and Paterson Avenue. Ultimately, the 56 Sparta Avenue area was redeveloped by ThorLabs, Inc. as their main corporate office and manufacturing facility. The Paterson Avenue Plan was amended to permit the existing industrial uses on the site to continue in addition to the proposed small lot single family development. The Hicks Avenue Redevelopment Plan was also recently amended to modify the requirements for a townhouse and mixed-use development on the site. In the rehabilitation area, a redevelopment plan for an area known as Merriam Gateway was adopted that proposed mixed-use buildings with retail on the ground floors and apartments on the upper floors.



In 2006, the Town of Newton began an update to its Master Plan. As part of the process, [it was recommended that Transect Zoning be applied to the entire Town](#). The Master Plan was ultimately adopted in August 2008. The Transect Zoning in the 2008 Master Plan further refined recommendations from the Urban Design Plan and established the basis for the Town to adopt a Form-Based Code. The 2008 Master Plan also included an updated Historic Preservation Element. The focus of the Transect Zoning was to implement the Urban Design Plan for the Town as well as simplify the

development and redevelopment processes in the Town. The Master Plan provided the foundation for the development of the Town's Form-Based Code and integrated the Redevelopment Plans that had been completed by the Town into the Land Use Plan for the Town. The Master Plan also focused on the Town as a State Planning Commission designated Regional Center.



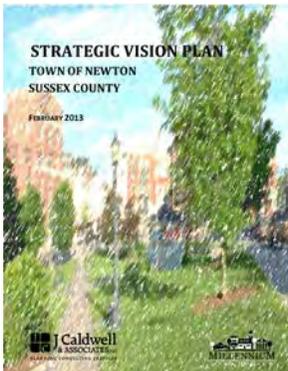
In 2009, the Town of Newton received a grant from the Office of Smart Growth to develop an expanded Circulation Element of the Town's Master Plan. This was developed based on the 2008 Master Plan Transect Zones as well as the Urban Design Plan. Traffic counts were taken at key locations and proposals for a variety of improvements to the Town's circulation system were proposed. Many of the recommendations were focused on the Spring Street area and other commercial areas. The Circulation Plan Element was adopted in December 2009. The plan included a recommendations matrix which is being implemented annually through the Town's budget process.

Wayfinding signage, parking area improvements, bike racks in the downtown, streetscape improvements and planting of street trees along US Route 206 have been completed to date. Lighting in alleyways and parking lots, along with new parking meters, were also installed as recommended by the Plan.

Town of Newton
 CHAPTER 240
 LAND SUBDIVISION
 & SITE PLAN
 CHAPTER 320
 FORM-BASED
 CODE
 CHAPTER 139
 HISTORIC
 PRESERVATION
 Newton
 Land Development
 Ordinances
 Effective May 2, 2012
 Updated June 2012



In late 2010, the Town began the process of revising its ordinances to implement the recommendations of the 2008 Master Plan and the 2009 Circulation Element. This included a complete revision of the Town’s Site Plan and Subdivision Ordinance, a complete revision of the Zoning Code to replace it with a Form-Based Code and a revised version of the Historic Preservation Ordinance. The Form-Based Code focuses on illustrative examples to communicate ordinance requirements and emphasizes building form as the guiding principal for development. The ordinance update became effective on May 2, 2012. The Form-Based Code is implementing the “form” and design of buildings recommended in the Urban Design Plan as well as the Transect Zoning outlined in the Urban Design Plan. The Site Plan and Subdivision code revisions brought those standards up to date and in line with the Form-Base Code. The Historic Preservation Ordinance revision added a list of pre-approved materials for use on historic structures that are modern and low maintenance but provide the same look as historic materials.



The Strategic Vision Plan, adopted in February 2013, built on the existing vision of the Town from the Urban Design Plan. It described the Town as a compact “urban” Town which has a unique sense of place that attracts people not just to visit, but to live and work as well. The community envisioned by the Urban Design plan is a tight knit mixed-use Town with the potential to encompass a wide variety of residential and commercial uses. The Strategic Vision plan focused on the center of the Town, as the heart of the Town that provides life and vibrancy to the Town as a whole. When the center of the Town is struggling, the whole Town is impacted. The Strategic Vision for the Town envisioned what the downtown can be: “Sussex County’s Downtown: a charming, unique place to live and visit that is compact, attractive and offers arts, entertainment, dining, shopping and activities for all ages.”

The community’s perception of the Town is based on the vitality of Spring Street. The overall health, economic strength and sense of place of the Town also hinges on Spring Street. As a result, the Strategic Vision Plan laid out a vision for a safe, vibrant and attractive downtown that will breathe life and vitality into the Town as a whole. One of the key recommendations from the Strategic Vision Plan was to review portions of the downtown, including the McGuire site and surrounding parcels to determine if they were in need of redevelopment. This Redevelopment Plan is a product of that effort, which led to an Area in Need of Redevelopment designation for the Redevelopment Area in October 2013.

1.9 GOALS OF THE PLAN

The Town of Newton Master Plan was updated in August 2008 to incorporate smart growth principles, which included a proposal for Transect Zoning and introduction of the concept of a form-based code. In March of 2012, the Town of Newton adopted revised Town Ordinances using a form-based code. The Town is designated as a Regional Center by the State Planning Commission and the Town of Newton received Plan Endorsement from the State Planning Commission in May 2013. Plan Endorsement from the State Planning Commission recognizes that the Master Plan and Ordinances of the Town of Newton are consistent with the State Plan and smart growth principles. The following goals from the Town's Master Plan are relevant to this Plan:

Overall Goal: To enhance and strengthen Newton's position as a Regional Center in Sussex County in such a way that it will fulfill the social, commercial, medical and service needs of a growing County within the constraints of the Town's existing resources.

a) Municipal Goals:

- To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
- To encourage the coordination of the various public and private procedures and activities shaping land development.
- Encourage further improvement and consolidation of Main Street and Spring Street commercial areas as the effective Central Business District (CBD) of Newton.

b) Land Use Goals:

- To provide for sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Newton.
- Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.
- Promote adequacy, variety and convenience of shopping for local residents.

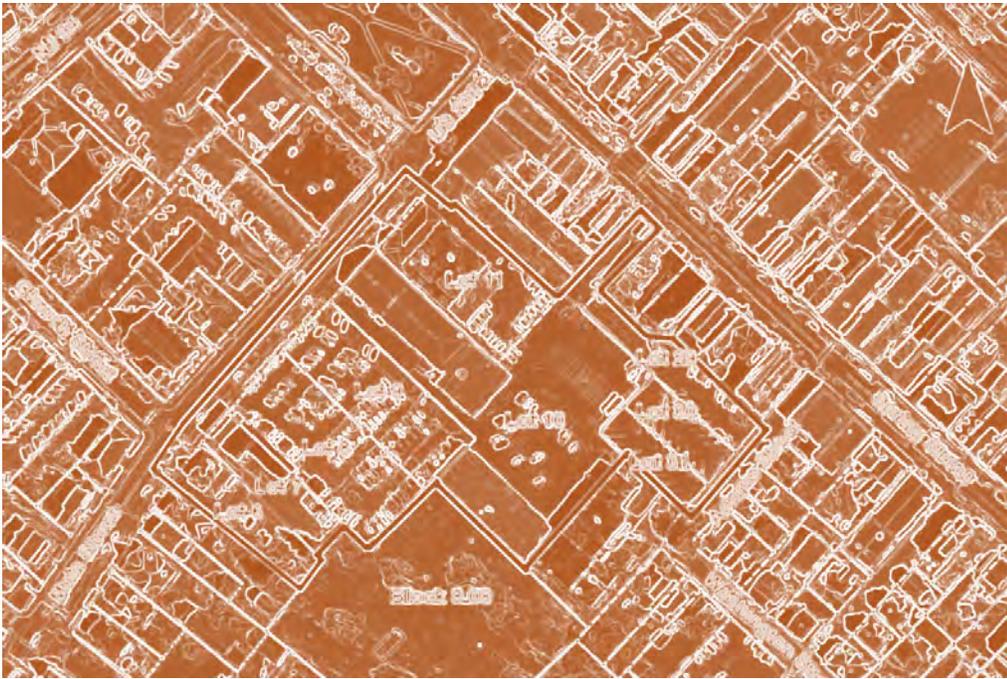
c) Circulation Goals:

- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.
- Promote safe pedestrian use of the redevelopment area as well as provide pedestrian connections throughout Newton's Downtown Business District: Main St. and Spring St.

d) Neighborhood Aesthetics and Preservation Goals:

- Prevent deterioration of individual structures including historic resources or inadequate maintenance of premises from exerting a deleterious effect on their surroundings by adopting reasonable rules and regulations controlling maintenance standards.
- Maintain and develop an appropriate and harmonious physical and visual setting for historic landmarks and architecturally significant buildings, structures, site objects, and districts within Newton.
- Encourage architectural design that complements historic buildings in the Town.
- Develop a strategy for the placement of streetscape amenities in appropriate business areas to include such items as benches, sitting areas, landscaped courtyards, bike racks and other pedestrian amenities in various combinations to create community focal points for residents and workers in designated Historic Districts.
- Preserve and protect existing street trees and promote planting of additional street trees and replacement of dying and diseased trees, utilizing properly sized trees in appropriate locations.

2.0 EXISTING CONDITIONS



2.1 EXISTING ZONING

In March 2012, the Town of Newton adopted a revision to its ordinances to incorporate the use of a Form-Based Code, which became effective on May 2, 2012. The Form-Based Code focuses on physical form as the organizing principle of planning rather than the more customary separation of uses utilized by most traditional zoning ordinances. The Town of Newton's Form-Based Code is based on Transect Zoning which provides for graduated density and intensity of uses from the center of Town to the surrounding areas. Both Form-Based coding and Transect Zoning are utilized as tools by planners to implement Smart Growth Principles. The Special Districts in the Form-Based Code identify areas that fall outside of the Transect concept.

Under the Form-Based Code, the Redevelopment Area is located both in the T-5 – Neighborhood Core District and the T-6 – Town Core Zone. As can be seen in the Zoning Map below, most of the Redevelopment Area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone.



The Redevelopment Area is located in both the T-5 and T-6 Zones

2.2 ENVIRONMENTAL CONDITIONS AND CONSTRAINTS

The Redevelopment Area is not encumbered by New Jersey Department of Environmental Protection (NJDEP) designated wetlands, riparian zones or category one streams as shown on the NJDEP i-map GIS Environmental Data (NJDEP Database). According to the NJDEP Database, there are no threatened and endangered species in or around the Redevelopment Area. This Redevelopment Area is also located outside of the New Jersey Highlands Planning and Preservation Areas.

The Town has not had access to any environmental reports regarding the Redevelopment Area. Given the historic use of the dealership site as an auto repair shop, contamination may have occurred over the years and there may be underground storage tanks that require removal and remediation of contaminated soils. It is the Town's understanding that the studies are ongoing. Any redeveloper will need to address environmental remediation, if needed, as part of the redevelopment.

2.3 CIRCULATION

The Redevelopment Area is located to the south of the Newton Green and has frontage along Main Street/ U.S. Route 206, Adams Street and alley access to Spring Street. U.S. Route 206 is an Urban Principal Arterial that generally runs north-south through the Town of Newton. It becomes one way as it circles the Newton Green just north of the Redevelopment Area and becomes a two-way street again when it meets NJ State Highway 94 north of the Green. Spring Street is designated as an Urban Minor Arterial that connects U.S. Route 206 at the square with Sparta Avenue (County Route 616), which is also an Urban Minor Arterial. Adams Street is a one-way single lane street coming off of Spring Street which connects to Washington Street (also one-way) then connects to Madison Street. There is an unnamed right-of-way connecting Block 8.08, Lot 10 to Spring Street through a one-way alley. This "exit" currently can be used by the municipal parking lots off of Adams Street and other commercial properties via a lease agreement between the Town of Newton and the owners of the McGuire Property.

The Town is currently working on a plan to change the circulation on Spring Street from two way traffic to one way with traffic traveling south to north on the street. The change, which will provide additional on-street parking along Spring Street, is proposed to be implemented in 2015.

There is a large amount of pedestrian activity within the vicinity of the study area. The Spring Street area is considered the pedestrian heart of the Town of Newton. The area has sidewalks on both sides of Main Street and Spring Street. The Town's 2009 Circulation Plan Element outlined potential improvements to make Spring Street as pedestrian friendly as possible. Street trees, benches and bike racks, colored crosswalks and wayfinding signage were installed as a result. Some possible future improvements include: bike lanes, sidewalk buffers, planters and public art.

2.4 SEWER SUPPLY

The Redevelopment Area has access to the municipal sewer system. The Wastewater Treatment Plant has a capacity to treat 1.4 million gallons of wastewater flow per day while it currently processes an average of 0.910 million gallons of wastewater flow each day. There are four municipal sewer pump stations and over 20 miles of sewer collection lines. Any new sewer hookups require approval by the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any required hookup fees and permits.

2.5 WATER SUPPLY

The Redevelopment Area has access to the municipal water system. The Town's surface water supply is the Morris Lake Reservoir located in Sparta Township. This has been Newton's water source since 1895. Any new water hookups will require the approval of the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any required hookup fees and permits.

2.6 STORMWATER MANAGEMENT

Stormwater Detention Facilities, if necessary, are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take into consideration mitigation strategies such as green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities, if necessary, must be underground.

Terms in this Redevelopment Plan shall be defined as listed below. If a term utilized in this Plan is not defined below, but defined in Section 320 of the Town’s Form-Based Code, that definition shall apply. Where a term is defined in both this Plan and Section 320, the definition in this Plan shall apply.

Affordable Housing – Housing that meets the definition set forth by the New Jersey Council on Affordable Housing (COAH), or such successor body in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

Area – Shall mean the redevelopment area governed by this Plan (Redevelopment Area).

Buffer – A landscaped area used to physically separate or screen one property from another so as to visually shield or block noise, lights, or other ~~nuisances~~disturbances.

Building Height – The vertical distance defined in terms of story height of the finished floors of the proposed building, or the building height in feet from the mean front elevation to the highest point of the roof. Chimneys, mechanical equipment and architectural features, serving no other functions except that of decoration, shall be excluded from the height calculation.

Context – The particular combination of elements that create a specific habitat. Context includes building use, density, height and setback, and other elements of the intended habitat, including those of the private lot and building, as well as those of the fronting public streetscape.

Curb – The edge of the vehicular pavement detailed as a raised curb or flush to a swale. The curb usually incorporates the drainage system.

Design Professional - A practicing Urban Planner or Designer, or architect that has experience with redevelopment plans and form-based zoning.

Elevation – The exterior walls of a building. An elevation drawing includes material, rendered window and door openings, height and façade details. See Façade.

Encroachment – The distance beyond the setback line into which certain building elements can protrude. The encroachment distance is typically expressed in feet. Typical encroachments may include porches, stoops, overhangs, bow and bay windows, etc.

Façade – Any vertical, exterior face or wall of a building, typically containing windows and doors.

Form-Based Code – A combination of text, diagrams and illustrations that set forth the location, form, character, architectural and site plan requirements of the Plan Area. A form-based code typically contains standards for the thoroughfares, pedestrian circulation, land and building uses, building regulating diagrams and standards, landscape and parking standards, architectural and site standards as well as design standards.

Frontage Build-Out – The percentage of the width ~~of the~~ of a lot along a street frontage that is required to be occupied by the building’s primary façade.

Gable - The triangle formed by a sloping roof. A building may be front-gabled or side-gabled.

~~Green Roof, Extensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An “extensive” green roof allows only for low level and low maintenance plantings and requires little to no additional structure.~~

~~Green Roof, Intensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An “intensive” green roof allows for major plantings such as grasses, bushes and trees. Because intensive green roofs allow for higher maintenance plantings, they require more structure and support than a standard roof.~~

Greywater - Non-industrial wastewater generated from domestic processes such as dish washing, laundry and bathing.

Hardscape – Nonliving components of landscape design, such as walls, sculpture, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Internal Lane - A low-volume street to serve primarily as access to mid-block land uses for pedestrians and vehicles.

Landmarks - Architectural building features located at prominent locations in the streetscape or landscape.

Mandatory Standards – Sentences or phrases that include the following words: “must”, “will”, “shall”, “required” or “are specified.”

Mixed-Use - A building or structure which can accommodate two or more land-uses. Mixed-use buildings may contain ground floor commercial, retail or services with residential, offices, services and/or parking located on floors above.

Plan – Shall mean the McGuire Redevelopment Plan.

Principal Structure - A structure housing the main or principal use of the parcel on which the structure is situated.

Redevelopment (of a specific site or sites) – Means the re-planning, clearance, and construction of new buildings; the conservation and rehabilitation of any structure or improvement; the construction and provision for construction of residential, commercial, industrial, public or other structures; and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with the Redevelopment Plan.

Rehabilitation (of a specific site or sites) – Means an undertaking, by means of extensive repair, reconstruction, renovation or expansion of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate substandard conditions and arrest the deterioration of that area.

Right-of-Way (ROW) – Rights-of-way are publicly owned land that contains both the street and a strip of land on either side of the street that holds appurtenant facilities (sidewalks, sewers, storm drains, etc.).

Setback – An area extending the full width of the lot between the property lines, street right-of-way or any proposed future right-of-way and the required yard within which no buildings or parts of buildings may be erected.

Sidewalk – The paved layer of the public frontage dedicated exclusively to pedestrian activity.

Signage, Directory - Signage which indicates or lists the occupants, businesses and/or departments found in a building. Typically found on the front facade of a building adjacent to the main entrance or inside the main entrance.

Signage, Identification - Commercial signage that identifies a building, structure or business. Typically found on the front facade, either hanging from or mounted to the building, or as a free-standing or monument sign.

Signage, Way-finding/Directional - Signage that directs people to and around a locale, an area and/or place of business, or that helps people to orient themselves in a locale, area or place of business. Way-finding signage typically includes street signs and other directional signage.

Specific Plan – A Plan which illustrates the location of proposed buildings, sidewalks, parking areas, access ways and landscaping.

Stepback - The horizontal distance, at a given building story above the ground floor, that the building facade is stepped inward beyond the vertical plane of the ground floor facade. Stepbacks are used in order to allow buildings to have appropriate height while reducing the apparent bulk and obstruction of natural light onto the pedestrian realm. Stepbacks also provide outside space for uses on upper floors, for instance, outside patio space for residential units on upper floors.

Stormwater Detention/Retention - The management of stormwater to mitigate the effects of flooding and runoff primarily from impervious surfaces.

Stormwater Management Plan - Plan to mitigate the effects of stormwater runoff created by site development. Stormwater management should include both site-wide and parcel specific management practices to mitigate runoff. Management practices may include detention and retention facilities, infiltration facilities, as well as capture and re-use of stormwater.

Story - That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it ~~and including those basements used for the principal use.~~

Street – A thoroughway that has emphasis on both vehicular and pedestrian movements.

Streetscape - A design term referring to all the elements that constitute the physical makeup of a street ~~within the and McGuire Redevelopment Plan-Merriam Gateway Redevelopment Plan~~ that, as a group, define its character, including building frontage, street paving, textured strip, street furniture, landscaping and planting edge, including trees and other plantings, awnings and marquees, signs, and lighting.

Suggestive Standards – Sentences or phrases that include the following words: “recommended”, “may”, “suggests”, “should.”

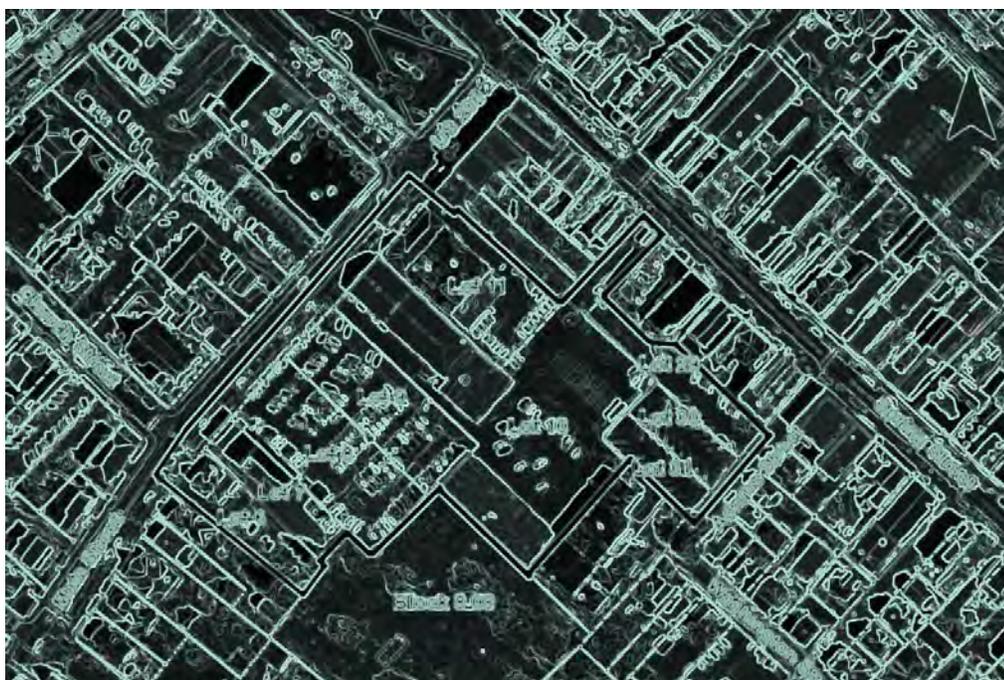
Textured Strip - The area between the curb and the sidewalk that is paved with a permeable material like cobblestone or brick that allows water to seep through.

Thoroughfares - Rights-of-way for vehicles and pedestrians including Boulevards, Avenues, Streets and Lanes.

Transect Zones - Establish a graduated level of density from the dense center core of the Town to the preserved and natural areas at the edges of the town. Transects are referenced from T6 (dense center core) to T1 (preserved and natural areas at the edges of the town). The [Town of Newton Form – Based Code 2008 Town of Newton Master Plan](#) further describes each Transect Zone.

Void Area - windows and other openings in a building façade.

4.0 LAND USE



4.1 LAND USE REGULATIONS

This is the governing zone plan for the Redevelopment Area. In the event of any conflict or inconsistency between the provisions of this Plan and the provisions of the Town of Newton's Form-Based Code and/or Site Plan Regulations, this Plan shall govern.

Specific application of the land use and development requirements of this Plan, as they affect existing uses, will be as follows:

1. Existing uses that are nonconforming with the current zoning provisions will remain nonconforming unless they are expressly permitted in this Redevelopment Plan.
2. Existing principal or accessory uses of properties, permitted by the use provisions of the Land Use Regulations in effect for the Plan Area immediately prior to the effective date of this Plan, but which are not listed as permitted uses in this Plan, will become prior nonconforming uses at the time this Plan is effective. At that time and thereafter, any modification or expansion of these prior nonconforming uses that is not in conformance with the standards set forth in this Plan is prohibited and any new use, redevelopment or rehabilitation of such properties shall be subject to the provisions of this Plan.

4.2 PERMITTED USES

The permitted uses for the Redevelopment Area are listed at Item 1 and following below; however in implementing these uses there are some recommendations restrictions apply as to how the uses may be integrated into a development proposed as follows:

- a) At least 50 percent of the building frontage on Main Street must-should be mixed-use, with the exception of the hotel use and with the exception of development proposed on Lots 6 and 7; which may be single use office, commercial or residential.
 - b) Buildings fronting onto Adams Street may be mixed-use or single use and may have residential or office on the first floor.
 - c) A plaza is strongly recommended required to be provided in the approximate center of the frontage along US Route 206/Main Street. The plaza should shall be a minimum of 15,000 square feet.
 - d) The overall redevelopment area should must-at-a minimum include mixed-use, a hotel and a parking garage.
1. Mixed-Use, Commercial and Office Uses: Ground floor commercial, retail services or government/civic/institutional uses, with office, commercial services and/or residential located on floors above. Bulk shall be limited as per the Building Regulating Plan found later in this Plan. Second floor commercial uses are permitted in mixed-use buildings. Offices, with the exception of the Post Office, are not permitted on the first floor of mixed-use buildings, except as noted above. Mixed-use, commercial and office uses are listed in the table below, for residential uses see item 3 below.

Permitted Government/Civic/Institutional Uses
Institutional Use
Emergency services
Cultural uses (museum/gallery/library)
House of worship
All public buildings and uses
Judicial/ law enforcement
Permitted Commercial Retail Services Uses
Antique Stores
Appliance Stores
Arts and Crafts Stores
Bakeries
Banks
Beauty Salons, spas and barber shops
Bed and breakfasts
Book Stores (excluding adult book stores)
Camera and photographic supply stores
Candy and Ice Cream Shops
Clothing apparel and shoe stores
Child care centers
Coffee shops
Computer supplies and software stores
Cosmetic stores, beauty supply stores and perfumeries
Delicatessens
Department stores
Diners, cafes and restaurants
Drug stores
Electronics, audio and cell phone stores
Farmers' Market
Florists

Permitted Commercial Retail Services Uses Continued
Food (health) and supplement stores
Furniture stores
Garden supply stores
Grocery stores, meat markets and specialty food stores
Hobby, toy and game stores
Home goods, furnishings and accessories stores
Hotels (excluding extended stay/efficiencies/single room occupancies)
Jewelers and watch stores (excluding pawn shops)
Luggage and leather goods
Musical instruments and supplies stores
Optical goods stores
Package goods stores/ liquor stores
Paint, wallpaper, and/or hardware stores
Pet grooming, pet shops and pet supplies
Pharmacies
Photographers and picture framers
Recreational facilities, i.e. gym, bowling alley
Souvenir shops
Sports and recreation stores (excluding gun stores)
Stationery, office supply and card stores
Taverns and bars
Permitted Business/Office/Professional Uses
General and professional offices
Business services
Office (dental, medical, veterinary, administrative)
Photo or art studios
Home occupations
Permitted Light Industrial Uses
Artisanal workshop
Food and Beverage Production

2. Hotels and associated accessory uses including restaurants, conference and/or banquet facilities, fitness facilities, spas, delicatessens, gift shops and other amenities determined by the Planning Board to be customary accessory uses to hotel facilities.
3. Residential: Includes premises available for long-term human habitation by means of ownership or rental; excludes all boarding houses and rooming houses. Residential uses allowed include residential condominiums, lofts or apartments and live/work units. It is strongly recommended that ~~All~~ residential uses ~~shall~~ be provided in a mixed-use building and ~~should shall~~ not be permitted on the ground floor, except along the Adams Street frontage and Main street frontage of Lots 6, 7 and 8. ~~The lobby and associated amenities for the residential uses may be located on the ground floor. Any residential or mixed-use building with residential on upper floors may have a lobby and areas for tenant amenities on the ground floor.~~

Permitted Residential Uses
Residential over commercial
Flats or Lofts
Group Care (elder-care, extended care, special care)
Live/work

4. Mixed-Use Parking Garages: Parking garages with liner buildings that provide for a variety of uses.
5. Parks and Plazas: Open spaces which may be utilized by the public; however they need not be deeded to the public. Parks and plazas may include public art, fountains, landscape planters, informational kiosks, pedestrian and bike amenities including pedestrian-scaled lighting, benches, trash receptacles (wild-life proof), sidewalks, bicycle racks and paths.

4.3 ACCESSORY USES AND STRUCTURES

The following accessory uses are permitted incidental to the permitted principal uses:

Permitted Accessory Uses <u>and Structures</u>
Outdoor markets and events
Parking Garages
Outdoor dining areas
Engineered green roofing systems
Off-Street surface parking/loading areas
Kiosks, signs and awnings
Decks and balconies
Fences and walls
Photo-voltaic (solar – energy) panels

Permitted Accessory Uses and Structures Continued
Gazebos, trellises and planters
Fountains and public art
Roof – top amenities including gardens, dining and catering facilities, swimming pools, etc.
Trash/Recycling enclosures
Lampposts, flagpoles, access drives, paths, bicycle racks and sidewalks.
Other uses deemed by the Planning Board to be customary and incidental to the principal uses permitted.

4.4 LAND USE PLAN

The Land Use Plan shown visually below represents a conceptual layout of the permitted land uses within the Redevelopment Area. The intent of this Redevelopment Plan is to increase retail, office and residential uses in the downtown. The intent of the permitted hotel use is to increase the pedestrian population of the downtown and provide a needed amenity to bring visitors to the Town. The design of the buildings in the Redevelopment Area should reflect the historic context of the surrounding area; however innovation of design is encouraged. [Please refer to Section 6, Building Regulating Plan, for architectural and façade guidelines.](#)

The Redevelopment Area is approximately 4.17 acres. The predominant land uses permitted by this Plan are mixed-use commercial, residential apartments, offices, hotels and government uses. The development indicated on the Land Use Plan in red is [intended as](#) mixed-use development. The hotel use is shown in orange and the parking garage is shown in blue. The Residential building is purple. The building shown in gray may be any of the permitted uses. Mixed-use buildings shall have ground floor retail or services with other uses such as residential or office space located on the floors above.

The size and shape of the McGuire Redevelopment Area poses unique challenges to pedestrian oriented development and site maximization; requiring alternative approaches to development. Buildings are required to be in close proximity to streets in order to create a continuous street frontage. Concentrating all development on the frontage along Main Street in the McGuire Redevelopment Area would leave a large portion of the deep lot underutilized. Therefore, a plaza is [strongly encouraged required](#) in a central location within the redevelopment area. The plaza will allow for a greater amount of building frontage within the site to maximize development potential within the area. The plaza also provides crucial pedestrian linkages and creates an amenity for the area.

[The Land Use Plan is flexible and as such the following specific elements are strongly encouraged:](#)

- a) -At least 50 percent of the building frontage on Main Street [should must](#) be mixed-use, with the exception of the hotel use and the gray building shown below.
- b) Buildings fronting onto Adams Street may be any of the permitted uses, residential is shown below.
- c) A plaza is [strongly recommended required](#) to be provided in the approximate center of the frontage along US Route 206/Main Street. The plaza shall be a minimum of 15,000 square feet.
- d) Mixed-use, a hotel and parking garage are [strongly encouraged required](#) uses in the Plan.

Illustrative Land Use Plan- Plan View



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Illustrative Land Use Plan – Main Street View

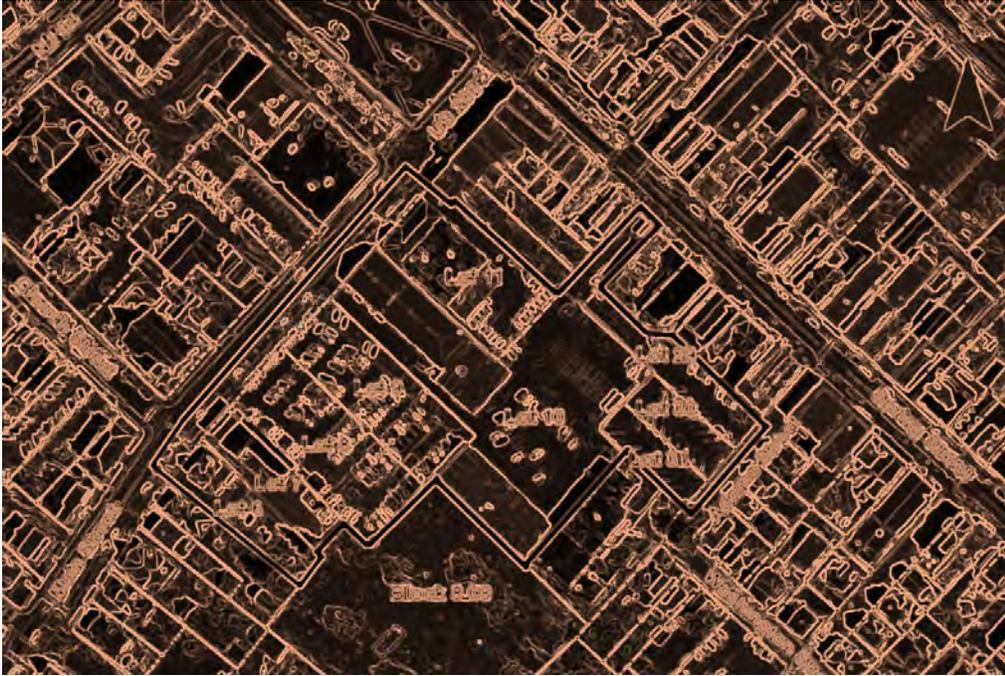


4.5 NEWTON CEMETERY

The Newton Cemetery is an important vestige of Newton's past and should be protected during the redevelopment process. The oldest portions of the cemetery date back to 1762 and its beautiful stone wall was constructed in 1837. Today the cemetery is an underutilized resource. The stone wall that surrounds it is in a state of disrepair. The area immediately outside of the cemetery has been used by squatters. The redevelopment of this site will bring development into close proximity with the western edge of the cemetery. Buffers in the form of fencing or repair/replacement of the stone wall should be provided adjacent to the cemetery property. Trees and landscaping should also be provided, where space is available.

A deeded access to the cemetery is located between Lots 6 and 7 in Block 8.08. A USGS survey marker is also located along the access. The conceptual plan in this Plan shows the access to the cemetery in a different location than exists today. Moving the access easement is subject to approval of relevant owners or entities. The USGS survey marker located along the access will need to be reset pursuant to National Geodetic Survey benchmark reset guidelines.

5.0 PARKING & CIRCULATION



5.1 CIRCULATION PLAN

There are three applicable roadway types shown in the circulation plan. The roadway types are primarily shown for their streetscape and sidewalk design. New public roads will not be constructed as part of this plan. This Plan encourages improvement of existing streetscapes where possible. The primary circulation pattern for the development for vehicles will be internal lanes. An example of what an internal lane can look like is provided.

Internal lanes will be two-way internal access drives except for the portion of the internal lane that connects Spring Street to the development through an established alleyway – that section of road will be one way and will most likely lead out of the development. Where possible, internal lanes exiting onto improved roadways should be oriented to create perpendicular intersections with existing cross streets.

Two way internal lanes will be a minimum of 24 feet wide developed cartway. A sidewalk on at least one side of the lane shall be provided to allow pedestrian traffic. Sidewalks shall be a minimum of 4 feet wide. Crosswalks, which must be constructed with different textures and patterns from sidewalks and roadways, are required at each intersection with sidewalk access. A pedestrian only alley or path should be created connecting Adams Street to the main internal street or the central plaza.



ILLUSTRATIVE CONCEPT OF INTERNAL LANE



PEDESTRIAN CONNECTION BETWEEN ADAMS STREET AND MAIN STREET

5.2 PARKING PLAN

MINIMUM PARKING REQUIREMENTS

The parking standards in this section are designed to provide adequate parking for the permitted uses in the Redevelopment Area without overbuilding parking. Parking standards are minimized due to the downtown location and ability to use other modes of transit, including walking, biking and bus service. A parking structure ~~is strongly recommended will be required in order~~ to provide sufficient parking for the permitted uses and density in the Redevelopment Area. Parking structures add a great deal of cost to a project; as a result, parking standards are also minimized to reduce cost. Additionally, shared parking is permitted to maximize the use of parking spaces provided within the development.

Parking Requirements and Shared Parking Factors

Use	Required Parking	Shared Parking Factor
RESIDENTIAL	1.0 / dwelling*	Lodging: 1.1 Office: 1.4 Retail: 1.2
LODGING	1.0 / bedroom	Residential: 1.1 Office: 1.7 Retail: 1.3
OFFICE	2.0 / 1,000 sq. ft.	Residential: 1.4 Lodging: 1.7 Retail: 1.2
RETAIL	3.0 / 1,000 sq. ft.	Residential: 1.2 Lodging: 1.3 Office: 1.2
RESTAURANT	1.0 / 4.0 seats	N/A

*This standard is lower than RSIS; however, the Planning Board shall consider requests by any Redeveloper for a deMinimus waiver of standards from RSIS.

SHARED PARKING

The shared parking factors in the table on the previous page are calculated by adding together the parking requirement for each function then dividing it by the shared factor. For example, if a residential use requires 10 spaces and a retail use requires 10 spaces, the total number of 20 spaces is divided by the shared parking factor of 1.2, yielding a requirement of 17 spaces. When three functions share parking, the lowest factor should be used to assure enough parking is provided.

SURFACE PARKING

Surface parking is generally discouraged in the Redevelopment Area; however some minimal amounts of surface parking may be necessary based on final design of the parking structure and for specific uses such as the post office.

1. Surface parking areas shall generally be located to the side or rear of uses and screened when visible from streets or sidewalks by a minimum 3.5 foot screening wall or vegetative buffer. Up to 15 percent of the required parking for the site may be provided along Main Street/US Route 206 or the internal drive. Any surface parking fronting on Main Street/US Route 206 shall be screened by a year-round vegetative buffer a minimum of 3.5 feet tall. Any screening is subject to review and approval by the Planning Board Engineer to ensure sight distance at intersections and driveways.
2. Surface parking lots shall be screened from adjacent residential lots or the Newton Cemetery via wood board-on-board privacy fencing, or other fencing as deemed appropriate by the Planning Board, at least six (6) feet in height and not exceeding eight (8) feet in height. If surface parking abuts Adams Street, a screening wall or vegetative buffer, a minimum of 3.5 feet in height shall be provided.



3. Parking lot layout shall take into consideration pedestrian movement and pedestrian crossings shall be installed at appropriate locations, as approved by the Planning Board.
4. Temporary or short-term parking may be provided in front of the hotel use along US Route 206 to provide for loading and unloading of hotel guests.

STRUCTURED PARKING

Multi-leveled structured parking ~~should~~ **shall** be provided for the bulk of the required on-site parking. Design of the parking structure shall taking into consideration the following:

1. Structured parking shall utilize the architectural vocabulary of surrounding building facades where visible from adjacent rights-of-way.
2. Structures shall utilize design elements such as arcades, awnings, landscaping, colonnades and/or street furniture to incorporate the building into the surrounding area.
3. Parking entrances shall be identified through increased massing, architectural elements and/or signage to ensure the entrance is easily and safely visible from the access drive or street. Access shall be from Adams Street, access drives and/ or alleys.

GENERAL PARKING AREA DESIGN STANDARDS

1. All parking and loading areas shall be buffered where such areas are adjacent to exterior property lines with landscaping and/or fencing.
2. All surface parking shall include landscaping around the perimeter of the lot, no less than three (3) feet in width.
3. Dimensions of parking spaces shall measure at least nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives and aisles. Hairpin striping shall be required. End-to-end parking spaces shall measure not less than eight (8) feet in width by twenty-three (23) feet in length. Twenty percent of required parking spaces may be compact spaces measuring eight and one-half (8.5) feet in width by fifteen (15) feet in length.
4. Width of aisles. The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90 degrees. Parking aisles widths must meet NFPA fire code standards and are subject to review and approval by the Town Fire Sub-Code Official.

Parking Angle (degrees)	Aisle Width (feet)
0 (end-to-end parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	24

5. There shall be adequate provisions for safe and convenient ingress and egress to all parking areas.
6. Every parking area shall have direct access to a street or alley. Driveways shall have a minimum width of 12 feet for one-way traffic and 24 feet for two-way traffic.

7. All off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work, service or storage of new or used motor vehicles, materials or merchandise of any kind shall be conducted on such parking area

OFF-STREET LOADING

1. All loading areas shall be located only in a side or rear yard. Such areas shall not encroach upon any required open space, access ways, off-street parking areas or public rights-of-way. Where located adjacent to any residential uses, there shall be a setback minimum of five feet from such property line.
2. All required off-street loading areas shall provide sufficient turning areas and access.
3. A minimum of one (1) loading zone per commercial, retail, hotel, or mixed use building shall be provided. Loading zones for each building must be available for use and access by all commercial tenants. This item may be waived by the Planning Board if the Board finds that a loading zone is not necessary or practical.
4. Each loading space shall be at least twelve (12) feet in width, thirty (30) feet in length and have a fourteen (14) foot clearance above grade, provided, however, that the Planning Board may reduce the required length depending on the vehicles using said space.

PARKING LOCATION, OWNERSHIP AND OPERATION

1. The convenience and accessibility of parking is integral to the success of the Redevelopment Area and the revitalization of the greater downtown area. The primary preference is that the required parking for the project being developed will be within the Redevelopment Area. If that is not possible or practical, then the required parking for the site being developed shall be provided within 600 feet of the Redevelopment Area.
2. If all or part of the required parking for the project being developed is not on the property being developed and creating the parking demand then the applicant shall provide a lease or other contractual arrangement which demonstrates a permanent parking plan for the project. Any such lease or other contractual arrangement shall be subject to the approval of the Town of Newton Planning Board and shall at the least be of sufficient length and contain acceptable terms and conditions that will ensure the parking will be consistently available. Additionally, parking facilities whether on-site or off-site may be operated by a third party provided that the lease requirements of the foregoing paragraph are satisfied. The owner of the property being developed and creating the parking demand shall consult with the Town of Newton Parking Authority regarding the location, size and operation of any parking facility.

6.0 BUILDING REGULATING PLAN



6.1 INTRODUCTION

Well-designed buildings set the stage for great places. This section of the Plan provides guidelines for permitted building types as well as inspirations for building design. This section is not intended to limit creativity but rather to provide for images of quality design to inspire buildings that fit into the fabric of the existing downtown. In this section, bulk standards, architectural styles, façade regulations and signage standards are provided to promote excellence in design in the Redevelopment Area.

6.2 BULK STANDARDS

The bulk standards for the Redevelopment Area are as follows:

Setbacks are from the periphery property lines of the Redevelopment Area, not internal property lines. The property has two “front yards”, one on Main Street/US Route 206 and one on Adams Street. The other two sides are considered side yards. For the purposes of this Plan, there is no designated rear yard for setback purposes.

Front Yard Setback (measured from edge of Right of Way):

Main Street/US Route 206: 0’ minimum

Adams Street: 15’ minimum

Frontage Build-Out

Main Street/US Route 206: 50 percent **minimum**

Adams Street: No minimum

Side Yard Setback:

10’ minimum

Lot Coverage:

No Maximum (stormwater management requirements must be met)

Height:

Buildings Fronting on Main St/US Route 206:

8 stories/ 100 feet

Buildings constructed within 15 feet of Main Street/US Route 206 shall utilize step backs above the 4th floor. Step backs may be utilized above ground, 2nd or 3rd floors.

Buildings Fronting on Adams St:

4 Stories/ 50 feet

Buildings abutting Adams Street will have a maximum height of 50 feet ~~or~~ 4 stories.

Buildings Internal to the Area (not fronting on any public street):

8 stories/100 feet (stepbacks not required)

Mix of Uses:

There should be a mix of uses. The uses shall be mixed in the Redevelopment Area. The overall redevelopment area should ~~Any proposed site plan must~~ include at least three principal permitted use categories, *i.e.* commercial, residential and hotel. ~~Rehabilitation of pre-existing structures or redevelopment of single lots under one (1) acre are not subject to this requirement.~~ If the area is developed in phases, each site should include at least three principal permitted use categories or show that construction of the additional uses is not hindered by the proposed development.

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Central Plaza Space:

A plaza ~~should~~ must be provided in a central location at a minimum of 15,000 square feet, as illustrated by the Land Use Plan map.

6.3 ARCHITECTURAL STYLE GUIDELINES

This section is meant to ensure that new development blends into and enhances existing architectural styles, materials, colors and finishes found along Main Street and Spring Street. New buildings are encouraged to incorporate architectural ornamentation and building massing currently found in the area.

1. Façade Materials: The primary façade materials shall be stone/masonry, stucco, brick and/or glass. Street facades must include brick and/or stone. Interior facades may be concrete block, EIFS, or of a similar material, although minimal use of EIFS is preferred.
2. Accents such as projecting, bow, bay and boxed windows should be in metal. Metal used on any façade shall only include aluminum, coated steel, copper, zinc and painted wrought iron.
3. Façade Colors: It is recommended that a color palette be developed for the Site Plan which coordinates facade and complementary accent colors.
4. Accent Colors: A color palette should be developed for accent and trim colors for the Plan. Accent colors must be based on and complement the primary facade colors.
5. Soffit Emphasis: In buildings with a soffit, the underside of the overhang is often more visible than the roof and should be articulated. The soffit should therefore receive a greater emphasis and budget than is typically afforded.
6. Soffits: All building soffits and overhangs shall be designed to provide shade in the summer and allow sunlight to enter the building in the winter. As such, it is recommended that southern and western exposures feature exaggerated (wider) soffits.
7. Mechanical structures shall be fully integrated with the architectural and structural design of all buildings in order to minimize the negative aesthetic impact upon the viewer, both from street level

and as may be viewed from adjacent properties. All parts and components of cellular phone antennae¹, satellite dishes, television and radio antennae shall be designed to be in harmony with the architectural context and shall not be visible from the street or sidewalk.

8. Utilities: All utilities shall be underground. Machinery and the mechanical controls for same, including but not limited to transformers, junction boxes, electrical meters and condensers shall be located to the side or rear of buildings and/or otherwise screened from frontages by building elements in a manner consistent with the design of the building. [Generators shall adhere to the relevant regulations of the Town of Newton.](#)
9. Night security gates, grids or any other security covering of windows are prohibited.
10. Any ground level commercial facades must be of at least 60% void area (windows and other openings).

6.4 FAÇADE GUIDELINES

1. For any building greater than four (4) stories in height which fronts along Main Street /US Route 206, floors above four (4) stories in height shall step back from the lower floor facade to provide a continuous pedestrian scale. Step backs may occur either above the first, second, third and/or fourth floors. Step backs may be staggered along the building facade and where utilized must step back a minimum of 5 feet from the lower floor facade.
2. All residential windows shall be operable windows to ensure natural ventilation and air circulation. However, a permitted exception to this rule is clerestory, transom, side light, and skylights, which may be non-operable, as well as windows which must remain inoperable for safety and/or security reasons.
3. Windows should be vertical in orientation, being longer in height than in width.
4. The ground floor windows may be taller than the upper story windows on any street façade. Ground floor window sills should be a minimum three feet above the ground plane of the front facade of sidewalk.
5. Window mullions and muntins, if used, should be colors that complement the primary facades. Tinting of window glass is not permitted unless energy efficient coatings that tint glass are used, in which case the coating closest to clear must be chosen which still meets energy criteria. Mirrored finishes and colored glass shall not be permitted for window glass. Stained glass windows are permitted.
6. Window sills and headers should be emphasized.

¹ Cellular antennae require approval from the Planning Board pursuant to Section 320-20 Wireless Communications.

7. Roofs may be either 1) pitched roofs, 2) flat roofs or 3) pitched or flat, green engineered roofing systems. Pitched roofs should comprise shingles, synthetic slate or standing seam metal.
8. Flat and/or green engineered roofs shall have parapets or approved decorative barriers or fencing, at a minimum of 3' 6" high and maximum of 4' high, to form protective walls/parapets. The use of trellises or other forms of permeable roofing, to form a shade-protected area is encouraged. Parapets and other approved protective walls shall not be included in the measured building height.
9. Decorative trim shall be used to articulate all windows and frame edges.
10. Architectural Scale:
 - Cohesion with exiting built environment: architectural styles and design features of nearby historic buildings on Main Street and Spring Street should be used to inspire new design decisions.
 - Buildings fronting onto Main Street should be horizontally modulated into at least 2 distinct features: lower and upper levels. This typically includes a distinct ground floor with appropriate ornamentation, consistent design across the middle floors and a distinctive upper floor and roof line.
 - All buildings must include a distinctive roofline.
 - All buildings, except the parking garage structure, have to incorporate vertical modulation at intervals no greater than 50 feet and no more than 5 feet in depth. This rule will apply only to facades facing Main St, the central plaza, and Adams St.
 - Buildings Fronting onto Adams Street must include a covered entryway or porch at all entrances.
 - Facades not facing public streets or internal access drives may have lesser architectural treatment.

6.5 MIXED-USE BUILDING DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any mixed-use building proposed in the Redevelopment Area. Step backs should be utilized to provide continuity of pedestrian experience along Main Street. Step backs offer opportunities for terraces and rooftop gardens. Brick and stone are preferred exterior materials. The use of awnings and horizontal variations along the building also add interest.



6.6 HOTEL BUILDING DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any hotel building proposed in the Redevelopment Area. Step backs should be utilized to provide continuity of pedestrian experience along Main Street. If the building is setback more than 20 feet from Main Street, step backs are not required. Brick and stone are preferred exterior materials. The use of awnings and horizontal variations along the building also add interest.



6.7 PARKING GARAGE DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any parking garage proposed in the Redevelopment Area.



6.8 SIGNAGE REQUIREMENTS

The following signage requirements for the Redevelopment Area are designed to promote signs which are compatible with the character of the Redevelopment Area’s architectural design and other signs within the downtown area. These standards encourage efficient use of signage and minimization of visual clutter. Creativity and unique designs are encouraged that develop distinctive images using high quality craftsmanship and materials.

NUMBER OF SIGNS PERMITTED BY TYPE

Sign Type	# of Signs if Permitted
Ground Mounted	1 per site plan
Awning/Canopy/Façade/ Wall/ Projecting/ Blade/ Hanging	Choose any 2 per business
Directional	As needed for wayfinding
Menu Board	1 per business
Portable/Sandwich Board	1 per business
Professional /Tenant Identification	1 per building
Real Estate	1 per building or business when unit is available for sale or lease
Window	1 per business
Temporary Sign/Banner	1 per business for max. of 30 days
Quick Response Code (QR)	1 per business
Decorative or Open Flags	1 per business

MAXIMUM SIGN SIZE BY TYPE

Sign Type	Max. Size
Ground Mounted	40 square feet
Awning/Canopy	4 square feet
Façade/ Wall	1 sq. ft. per lineal foot of façade
Projecting/Blade/ Hanging	8 square feet
Directional	4 square feet
Portable/Sandwich Board	8 square feet
Professional /Tenant Identification	12 square feet total
Real Estate	16 square feet
Window	6 square feet
Temporary Sign/Banner	24 square feet
Quick Response Code (QR)/ TAG Code or other similar technology code sign	1 square foot
Decorative or Open Flags	1 square foot

WAYFINDING/DIRECTIONAL SIGNAGE

For any proposed site plan in the Redevelopment Area, a comprehensive wayfinding sign package must be submitted to the Planning Board for approval that shows the following:

1. Ingress/egress signage.
2. Directional signage for drivers to parking and buildings on the site.
3. Pedestrian wayfinding signs to and from parking.
4. Directory signage for each building.
5. An informational sign showing map of the area, location of businesses, parking, amenities, etc.

SIGN AREA MEASUREMENT

1. The areas of any sign face shall be measured as the product of the horizontal width and the largest vertical width of the lettering, illustration, display or background. Where there is no geometric frame to the sign, the sign size shall be determined by creating a four-sided box around the largest illustration or lettering in the sign.
2. The sign area measurement shall not include framing, trim, molding or supporting/hanging structure used to secure sign to the building.
3. For double faced signs, only one side is considered into the measurement.
4. For sign faces that are not parallel (i.e. v-shaped signs) both faces shall be considered into the computing of sign area.

CONSTRUCTION SIGNAGE

During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, realtor or sales contact, and/or public agency officials (as applicable and appropriate). Construction signage must not exceed 25 square feet. Construction signage must be removed as soon as 50 percent of the project has obtained a Certificate of Occupancy.

PROHIBITED SIGNAGE

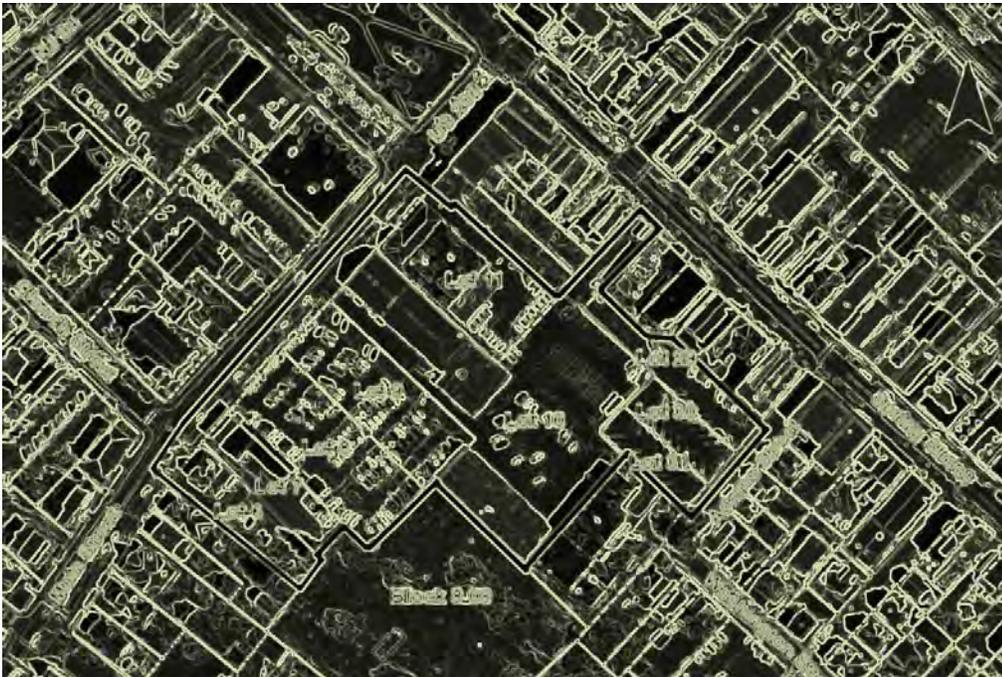
1. Fluorescent-lit signage or signage with glowing paint and flashing signs [and digital signs](#).
2. Feather flags.

6.9 GREEN BUILDING STANDARDS

LEED certified buildings are encouraged to promote the construction of buildings that are energy efficient, place less demand on local utilities and are more cost efficient to operate over time. If a building is not proposed to be LEED certified, at a minimum, four (4) of the following green building standards shall be incorporated into any proposed building in the Redevelopment Area:

1. Use of water efficient fixtures.
2. Re-use of greywater and/or process water.
3. Energy star rated appliances.
4. Energy efficient light fixtures.
5. Use of natural light where it can be shown that it minimizes the need for artificial lighting.
6. Use of green roofs to minimize stormwater run-off.
7. Use of light colored roofing materials (flat roofs only).
8. Use of alternative energy production, i.e. solar/wind subject to the Town's solar/wind ordinance.
9. Use of energy efficient heating/cooling systems.
10. Satisfaction of any credit category that would achieve points under the LEED Rating System may qualify for one or more of the required Green Building elements, as approved by the Planning Board.

7.0 LANDSCAPE PLAN



7.1 INTRODUCTION

Landscaping, hardscapes and streetscapes greatly impact the quality of a place. The purpose and intent of this Section is to provide landscaping, hardscapes, streetscapes and buffering requirements in order to maintain and improve the pedestrian realm within the Redevelopment Area and on its frontages. The goal is to enhance the appearance of the development, protect the aesthetic assets of the community, reduce erosion and storm water run-off, reduce the urban heat island effect, and provide screening where necessary.

7.2 GENERAL LANDSCAPE REQUIREMENTS

All redevelopment proposals for the Redevelopment Area must include a Landscape Plan. The Landscape Plan shall be subject to approval by the Planning Board as part of the site plan approval process. The Landscape Plan shall conform to the following requirements and guidelines:

1. A detailed Landscape Plan, which includes proposed hardscapes and pedestrian amenities, shall be prepared by a certified landscape architect for all Site Plan proposals.
2. The Landscape Plan shall include quality materials and, at a minimum, specify type and color of pavers and other hardscape materials, type and quality of decorative lighting fixtures, specific color and material of decorative site furnishings, as well as, locations and quantities of each. The Landscape Plan shall also include species, sizes, and planting plans for all vegetation.
3. All street tree types shall be recommended by a Landscape Architect and be acceptable to the Planning Board and shall be a type suitable for the Redevelopment Area's environment. A list of suitable trees is provided.
4. Native plants should be used before other alternatives. A list of examples is provided at the end of this section.
5. All landscape materials planted by the developer must have a two year maintenance guarantee. If any planting materials die within two (2) years of planting, they must be replaced during the following planting season.
6. Within an overall Landscape Plan, a Hardscape and Streetscape Plan shall be required. The Hardscape and Streetscape Plan shall be submitted to the Newton Planning Board for its review and approval in conjunction with the project Site Plan application and implemented contemporaneously with the construction of the redevelopment project. The Streetscape Plan shall include all street frontages, existing and proposed.
7. Sidewalks should enhance the pedestrian experience. Toward that end, the following must be included within the landscaping plan:
 - a. Barrier-free access to all pedestrian space
 - b. Use of pedestrian-scaled lighting
 - c. Use of pedestrian-scaled signage
8. All open areas not covered by buildings, paving, and sidewalks shall be graded and landscaped.

- 9. An open space park or plaza, as shown on the landscape plan, shall be developed to be publically accessible open space.
- 10. Buildings fronting onto Adams Street shall have raised planting beds on both sides of each entrance. Raised beds should be planted with a mix of weather appropriate indigenous plants.



VIEW FROM ADAMS STREET

- 11. Street trees shall be planted along the Main Street frontage as shown below.
- 12. Raised planter beds shall be constructed along the curb of Main Street and distributed among the required street trees.



VIEW DOWN MAIN STREET

13. Irrigation shall be integrated into the site design.

14. All landscaped areas must be well-maintained, weeded, trimmed and pruned to provide a positive visual appearance.

A general conceptual Landscape Plan is shown below:



7.3 SPECIAL PEDESTRIAN ONLY AREA REQUIREMENTS

An up to 15,000 square foot space should shall be created in a centrally located area within the site. This space will be a focal point for the development and an area for people to gather, hold events, recreate, etc. To further enhance pedestrian connectivity through the site, Adams Street should be connected to either the internal drive or the plaza via a pedestrian walkway.

Areas accessible to the public have to abide by all general requirements regarding types of trees and lighting.

Additional requirements listed here are specific to pedestrian spaces.

- Adequate exterior lighting shall be provided for safety.
- A sufficient number of trees should be planted in public areas to provide shade during the day and help create a pleasant pedestrian environment.
- Flowering trees and shrubs are encouraged in the plaza.

7.4 STREETScape AND HARDScape REQUIREMENTS

The standards set forth in this section describe the hardscape and streetscape requirements for the Redevelopment Area. The Planning Board, in consultation with the Town Planner and Town Engineer,

shall determine the exact construction material and sections to be utilized. Any work within the Town right-of-way shall be subject to approval by the Town Engineer.

Hardscape Requirements for Pedestrian Spaces/ Plazas

1. Barrier-free access to all pedestrian space is required.
2. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used in all open space areas either alone or in combination with concrete.



3. Public art and/or fountains shall be utilized in combination with landscape planters and/or street trees to provide visual interest. Interactive art installations are encouraged.
4. All public open spaces shall contain pedestrian/bicycle amenities such as benches, seating areas, trash receptacles and bicycle racks. At least 50 percent of seating areas must be shaded from the sun.
5. Amenities shall be grouped so as to create pockets of interest within the plaza. Open space areas within the Plaza should be flexible to provide space for outdoor markets and other events.

Hardscape Requirements for Streetscape

1. All streetscape treatments applied along Main Street/US Route 206 shall match existing streetscape treatments. If possible, existing streetscape shall be preserved. Streetscape along Adams Street should match existing.
2. Barrier-free access to all pedestrian spaces is required.
3. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used on all crosswalks, to act as a traffic-calming device, and on internal lanes where feasible.
4. All curbing should be granite, or a poured, brushed concrete. Asphalt curbing is expressly forbidden. Curbs shall be 6 inches in height from the final top height of the pavement.
5. Sidewalks shall be constructed of scored concrete with brick edges and dividers or textured paving materials. The paver strip along the curb edge must be brick, synthetic brick or another approved paver. The strip shall be a minimum of 2 feet' wide; the concrete sidewalk must be a minimum of 6 feet" wide.
6. Street trees shall be located on the outside of the sidewalk, between the sidewalk and ROW edge. Street trees shall be located in tree grates.
7. Sidewalk areas shall be continuous across any access drive, including any decorative paving elements.

Planting Requirements for Streetscape

1. All trees shall be a minimum of 3 inches in caliper measured at 6 inches from ground level and have a minimum branch height of 6 feet at time of planting for yard trees, 10 feet minimum branch height for street trees.
2. Raised planters shall be interspersed on Main St. (Rt. 206) amongst street trees along the curb. Planters should be a large enough to accommodate a variety of different plants and to act as buffers between pedestrians and vehicles on Rt. 206.
3. Street trees shall be spaced every 30 feet' on center along streets and park edges.
4. Trees shall be planted in tree grates.
5. Trees should only be planted during appropriate spring and fall planting seasons to the highest arboricultural industry standards; appropriate root barriers shall be installed at the time of planting.
6. Street trees shall not be planted within the clear sight triangle of any intersection.

Lighting Requirements for Streetscape, Walkways & Plaza Areas

1. Streetscape lighting and pole mounted lighting in public open space areas shall be specified as Spring City "Edgewater" cast iron post with a Spring City "William and Mary" luminaire or an approved equivalent on the lighting plan. Final approval of the fixture, pole type, and location will be made by the Planning Board. Parking areas, backs of buildings and areas not visible from public open space or right-of-ways may utilize an alternative lighting fixture. The final lighting plan is subject to approval by the Planning Board.
2. All streets shall have decorative, pole-mounted lamps that are 12-14 feet in height, spaced a maximum of 40 feet on center, or as needed to provide adequate lighting, and located within the textured strip between the curb and sidewalk.
3. All street lighting and exterior building lighting shall have downward shields to minimize illumination of the night sky and to minimize or reduce glare as seen from neighboring properties.
4. Metal Halide (or comparable light quality) lamps are suggested for their efficiency and light quality. Mercury Vapor and high pressure sodium lighting shall not be allowed.
5. A comprehensive Lighting Plan must be provided with sufficient detail to illustrate that proper illumination is provided. The plan should illustrate all streets, alleys, pedestrian areas and parking areas, all pole mounted and attached building lights, types of fixtures, lighting intensities, lighting patterns, filament type, shape of lens, and direction of illumination.
6. All street lights shall have illumination and uniformity ratios which do not exceed the recommendations of the Illuminating Engineering Society of North America (IESNA). All sidewalks adjacent to roadways shall maintain a minimum 0.5 footcandle coverage.
7. Public walkways and the Plaza shall incorporate in-ground lighting and/or small landscape lights to add interest and light in pedestrian areas.

7.5 STREETScape, HARDScape AND PLAZA DESIGN INSPIRATIONS



Newton Streetscape along Spring Street



Landscape Planters & Outdoor Seating



Public Plaza with Market & Interactive Fountain



Public Art as Benches in Plaza



Plaza with Fountain and Moveable Seating



Plaza with Interactive Fountain and Outdoor Seating

7.6 STORMWATER MANAGEMENT REQUIREMENTS

Any site plan submitted for redevelopment of the Redevelopment Area shall meet the Town of Newton and New Jersey Department of Environmental Protection stormwater management requirements. Mitigation of stormwater run-off through innovative techniques is encouraged but not required.

Stormwater Detention Facilities, if necessary, are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take into consideration mitigation strategies such as green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities, if necessary, must be underground.

7.7 GENERAL UTILITIES REQUIREMENTS

1. Water supply: shall be obtained from the Newton Water Utility in accordance with NJDEP and Town of Newton Regulations, as applicable. Water use on the site should be minimized through the use of low flow fixtures and other water saving measures.
2. Sanitary sewers: shall be obtained from the Newton Sewer Utility in accordance with NJDEP and Town of Newton Regulations as applicable. Sewer usage should be minimized through the use of low flow fixtures.
3. Storm water management: shall be provided in accordance with NJDEP and Town of Newton Regulations as applicable, except where pre-developed site conditions such as impervious coverage allow for an offset in stormwater management requirements. If green roofs and/or roof-top gardens are utilized, they may be factored into the stormwater management program.
4. Lighting: Non-corrosive ornamental lighting shall be provided and shielded to direct illumination downward for streets, parking areas, alleys, public open spaces and sidewalks, sufficient to ensure safe and convenient evening use.
5. Recycling and solid waste removal: Solid waste and recycling facilities shall be provided for the collection and removal of recyclables and solid waste. The solid waste and recyclables shall be picked up at designated locations in the rear of the buildings. Solid waste and recycling facilities shall be provided internally to the buildings or in screening enclosures constructed of materials consistent with the adjacent building architecture.
6. Electric, phone, internet and cable service: All electric, phone, internet and cable services provided shall be underground.
7. Utility Location: Location of all underground utilities shall be subject to approval from the relevant regulatory agency. All utilities shall be provided in utility easements accessible for repair.

7.8 SUGGESTED PLANT LIST

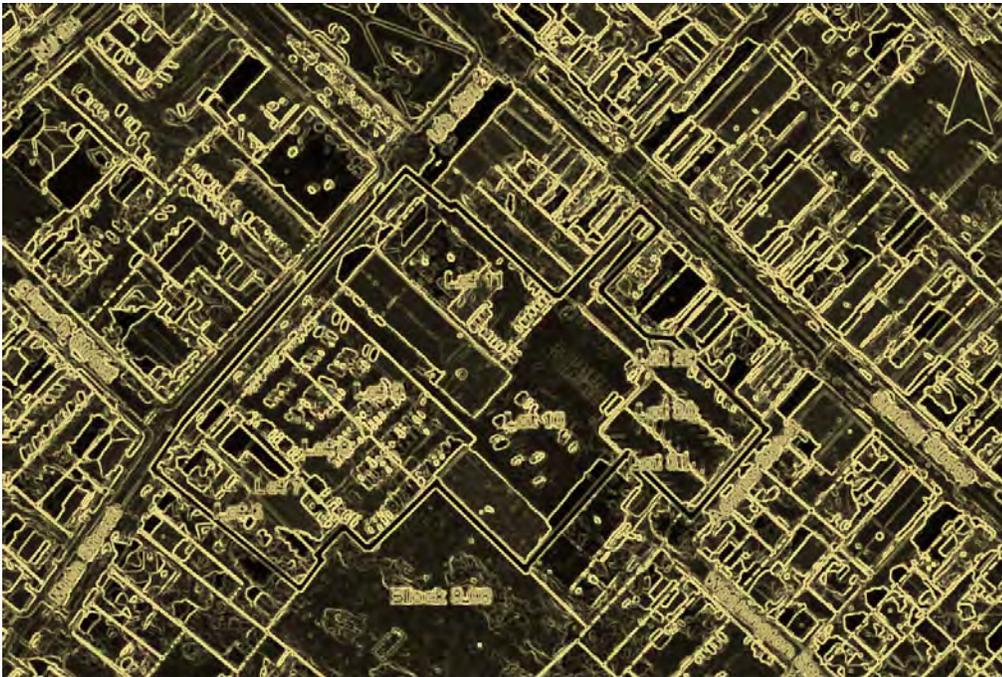
Shade and Flowering Trees

1. *Fraxinus pennsylvanica*, Green Ash
2. *Betula nigra*, River Birch
3. *Carpinus caroliniana*, American Hornbeam
4. *Acer rubrum*, Red Maple
5. *Celtis occidentalis*, Hackberry
6. *Amelanchier canadensis*, Serviceberry
7. *Cercis canadensis*, Eastern Red Bud
8. *Cornus florida*, Flowering Dogwood'

Shrubs and Grasses

1. *Viburnum trilobum*, Cranberry Bush
2. *Viburnum acerifolium*, Maple Leaf Viburnum
3. *Viburnum nudem*, Possumhaw Viburnum
4. *Viburnum prunifolium*, Black Haw
5. *Illex opaca*, American Holly
6. *Calamagrostis canadensis*, Blue Joint Grass
7. *Schizachyrium scoparium*, Little Blue Stem Grass
8. *Panicum virgatum*, Switch Grass
9. *Spiraea tomentosa*, Steeplebush
10. *Gaultheria procumbens*, Wintergreen
11. *Ilex verticillata*, Winter Berry
12. *Aronia melanocarpa*, Black Chokeberry

8.0 LEGAL PROVISIONS



8.1 LEGAL REQUIREMENTS

If any section, subsection, paragraph, division, subdivision, clause or provision of this Plan shall be deemed by a court of competent jurisdiction to be invalid, such adjudication shall only apply to the particular section, subsection, paragraph, division, subdivision, clause or provision in question, and the balance of the Plan shall be adjudged valid and effective.

8.2 ZONING PROVISIONS

Upon final adoption of this Redevelopment Plan by the Town Council, this Redevelopment Plan shall supersede all provisions of the Newton Zoning Ordinance for the Redevelopment Area, and all underlying zoning shall be voided. The Newton Zoning Ordinance shall control for any zoning-related issue that is not addressed herein, except that Any zoning-related issue that is not addressed herein shall refer to the Newton Zoning Ordinance for guidance. No variance from the requirements herein shall be cognizable by the Planning Board acting as the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein.

Standards from the following ordinance sections are hereby incorporated by reference:

- §240-3: Subdivision and Site Plan Procedures
- §258: Stormwater Control
- §320-30: Wireless Communication Facilities
- §320-31: Administration and Enforcement
- §320-32: Wind and Solar Energy Systems

8.3 AMENDMENTS TO THIS PLAN

The McGuire Redevelopment Plan may be amended from time to time in compliance with the requirements of the Local Redevelopment and Housing Law.

As development occurs within the Redevelopment Area, development priorities and market demands may change. This Plan should have the adaptability 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.

As no variance from the requirements herein shall be cognizable by the Planning Board sitting as the Zoning Board of Adjustment, applicants seeking such variances shall instead apply to the governing body for a plan amendment to allow such relief. The application to the governing body should identify: the provisions of the plan from which relief is sought; the alternative proposed by the applicant; an explanation as to why the change is requested; and an explanation as to how the enactment of the proposed plan amendment would not be detrimental to the public good and would not substantially impair the intent and purpose of the redevelopment plan. The governing body, after review of the application, will vote as to whether or not such plan amendment should be referred to the Planning Board for its review and comment in accordance with the Redevelopment Law.

8.4 VARIATIONS IN SITE PLAN DESIGN

Modifications from standards which are expressly stated to be “mandatory” under the Land Use Regulations of this Plan may be approved by the Planning Board only by formal grant of a deviation as provided.

8.5 DEVIATIONS

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

No deviations may be granted which will result in permitting:

1. A use or principal structure in a district restricted against such use or principal structure.
2. An expansion of a non-conforming use.
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district.

In addition, no deviations shall be granted which have any one of the following effects:

1. Exceeding the maximum development capacity of either square footage or dwelling units, as required according to this Redevelopment Plan.
2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
3. Increasing or decreasing story height from that which is specifically permitted in the Section 6 - Building Regulating Plan.
4. Varying in any way from the permitted and prohibited uses as set forth in this Plan.
5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

Any party seeking a deviation from this Plan which cannot be granted by the Planning Board as set forth above, may apply to the Governing Body to request an amendment to this Plan.

8.7 PLAN CONSISTENCY REVIEW

In accordance with N.J.S.A. 40A:12A-7, entitled "Adoption of Redevelopment Plan", this Plan will include any significant relationship of the Redevelopment Plan to (a) the Master Plans of contiguous municipalities, (b) the Master Plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52.18A-196 et al).

In accordance with N.J.S.A. 40:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as the "Local Redevelopment and Housing Law", the following statements are made:

A. The Plan herein has delineated a definite relationship to local objectives as to the appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements using general regulations and the specific form based codes required in this Plan.

B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of the Plan.

C. The Plan has set forth proposed parking and circulation standards, land uses and building requirements for the Redevelopment Plan.

8.8 RELATIONSHIP TO THE TOWN OF NEWTON MASTER PLAN

The most recent Newton Master Plan Update was adopted by the Newton Planning Board in August 2008. This area is recognized in the Master Plan as a combination of T-5 and T- 6 Zoning in the Land Use Plan. The Master Plan identifies the land uses in the Redevelopment Area as a mixed-use Town Core and Town Core support areas. The proposed zone plan in the Master Plan is consistent with this Plan. The Master Plan also identifies the Redevelopment Area as an area that should be studied to determine if it is Need of Redevelopment pursuant to Redevelopment Law. This Plan is consistent with this recommendation of the Master Plan as well.

The Historic Preservation Element identifies the Redevelopment Area as in both the Newton Historic District as well as the Town Plot District. As noted in the Historic Designation review, this Plan permits for a development pattern that could result in the demolition of one or more buildings. As with any redevelopment proposal, the benefits and detriments of refurbishing existing structures must be weighed. In the case of these structures, a variety of issues come into play, including vacancy, dilapidation and underutilization of the properties. When weighing the historic nature of the buildings against the dilapidation, vacancy and underutilization of a large area in the Town's downtown, the need to redevelop this area outweighs the benefits of preserving the historic structures. To the extent that redevelopment of a lot or lots in the Redevelopment Area in accordance with this Plan shall constitute an encroachment under the Historic Places Act, N.J.S.A. 13:1B-15.128 et seq., or shall otherwise require historic preservation review and/or approvals, the applicable redeveloper shall be responsible for obtaining any and all necessary historic preservation review and/or approvals, including, if applicable, approval of the State Historic Preservation Office ("SHPO"). Based on the above and other reviews, the Plan is consistent with the Newton Master Plan.

8.9 CONSISTENCY WITH THE STATE PLAN

On March, 2001, the State Planning Commission (“SPC”) adopted the new State Development and Redevelopment Plan (“SDRP”). The SDRP establishes a proposed statewide planning framework that is designed to maintain and revitalize existing cities and towns and organizing new growth in “Centers” – compact, mixed-use communities that provide a variety of choices in housing, employment opportunities, entertainment, services, transportation and social interaction. The Town of Newton is divided into the Rural/Environmentally Sensitive Planning Area (PA4B) and Environmentally Sensitive Planning Area (PA5). However, the entirety of Newton is within the Regional Center boundary as designated by the SDRP. According to the State Plan, the intent of the PA4B and PA5 Planning Areas is to:

- Guide development and redevelopment into designated Centers;
- Provide for a full range of housing choices (primarily in Centers);
- Promote economic activities within Centers that complement and support rural communities; and
- Minimize potential conflicts between development, agricultural practices and sensitive environmental resources.

The State Plan recommends adopting the principles of Smart Growth and maximizing sustainability. The Redevelopment Plan is consistent with the intent of the Metropolitan Planning Area as enunciated in the SDRP. The Redevelopment Plan will advance the SDRP’s objectives for physical and economic redevelopment, environmental sensitivity and improved quality of life. Therefore, the Redevelopment Plan is consistent with the goals and objectives of the SDRP.

8.10 RELATIONSHIP TO ZONING ORDINANCE

Under the Form-Based Code, the Redevelopment Area is located both in the T-5 – Neighborhood Core District and the T-6 – Town Core Zone. The majority of the Redevelopment Area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone. The T-6 and T-5 Zones are similar in density and permitted uses to the proposed density and permitted uses in this Plan.

8.11 CONSISTENCY WITH ZONING IN ADJACENT MUNICIPALITIES

No [significant relationship conflict](#) is determined to exist between this Redevelopment Plan and the Master Plans of Andover Township, Fredon Township or Hampton Township.

8.12 SITE PLAN REVIEW

All redevelopers shall submit a Site Plan Application to the Planning Board identifying their specific project area within the overall Redevelopment Plan. The site plan submission for review and approval must identify bulk distribution, open spaces and public areas, access and sidewalk improvements, building elevations, typical floor plans, parking and proposed uses. Utility location and capacity, stormwater detention, and landscape plans must also be presented. The Planning Board must be satisfied that the project meets the requirements and the goals and objectives of this Plan and the specific form-based standards, providing for a satisfactory diversity of type, size and use, height of buildings, designated landscape features and other amenities and the projected timing of same.

8.13 REDEVELOPMENT PLAN IMPLEMENTATION

In accordance with the provisions of a Redevelopment Plan adopted pursuant to N.J.S.A. 40A:12A-7, a Municipality or Redevelopment Entity may proceed with clearance, re-planning, conservation, development, redevelopment and rehabilitation of an Area in Need of Rehabilitation. If applicable, to the extent reasonably feasible, replacement housing of any existing housing shall be provided within or in close proximity to the Redevelopment Area. The municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.). There are no residential units that will be displaced in connection with the implementation of this Redevelopment Plan.

8.14 REDEVELOPMENT AGREEMENT

No project shall be undertaken within the Redevelopment Area except pursuant to a Redevelopment Agreement approved by the Redevelopment Entity, [which is either the municipal governing body or its designee](#). The Agreements will be undertaken on a project by project basis. This requirement may be waived at the Redevelopment Entity's discretion for minor projects. The Town may, in its discretion, designate one master redeveloper for the Area in accordance with a master redevelopment agreement. In such an occurrence, properties that will be developed by subsequent redevelopers rather than by the master redeveloper shall require redevelopment agreements in the form of a subsequent developer agreement with the Town, the master developer and the subsequent developer.

8.15 DEVELOPMENT REVIEW PROCESS

Preliminary Design Review

All projects in the Redevelopment Area shall be submitted to the Town Manager for a preliminary design review by his designees prior to submission of an application to the Planning Board. Applicants [shall may](#) also be required to attend a Technical Review Committee meeting with the Planning Board's designated Technical Review Committee [to determine completeness, among other items as follows](#). The meeting(s) will be used to determine if the proposed redevelopment project is consistent with the Redevelopment Plan and conforms to the core design concepts, building requirements, and architectural design guidelines of the Redevelopment Plan and to provide an opportunity for comment and recommendations on the proposed project by the Redevelopment Entity and its professionals. Preliminary design review shall focus on how the proposed project relates to and coordinates other elements and phases of the Redevelopment Plan and how the open spaces, building uses and typologies are integrated with and contribute to the quality and function of the layout and design as presented in the Redevelopment Plan. Prior to the approval of all or a portion of the redevelopment project by the Planning Board, the Town Planner and any other Design Review Professionals designated by the Planning Board shall provide recommendations to the Planning Board regarding the extent to which the proposed project is consistent with the Redevelopment Plan and adequately addresses the design guidelines contained in the Plan.

Planning Board Review

Pursuant to N.J.S.A. 40A12A-13, all applications for development of sites governed by the Redevelopment Plan shall be submitted to the Planning Board of Newton for review and approval. The following provisions shall govern review of any proposed redevelopment and rehabilitation projects for these sites:

1. Prior to the commencement of: (a) any new construction; (b) reconstruction; (c) rehabilitation; or (d) any change in the use of any structure or parcel, a site plan for such shall be submitted to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with (a). through (d). above, without site plan review and approval of such work by the Planning Board.

2. The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq., the Town's Land Development Ordinance, and this Redevelopment Plan.

3. As part of the site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees for on-tract street improvements and appurtenant utility improvements pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the Town of Newton and the Town Engineer shall determine the amount of any performance guarantees.

4. Any subdivision of lots or parcels of land within the Redevelopment Plan shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the Local Redevelopment and Housing Law (LRHL) and N.J.S.A. 40:55D-1 et seq.

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. 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 structure has been "destroyed."

6. No variances, deviations, or waivers may be granted by the Planning Board which will result in permitting a use prohibited or not expressly permitted within this Redevelopment Plan.

7. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyance between the redeveloper and municipality pursuant to [the](#) Local Redevelopment and Housing Law.

8. Any and all definitions contained within the Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Town's Land Development Ordinance, [Chapters 240 and 320 of the Town Code](#), shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12- 3 shall be invalid, and the statutory definitions shall control.

9. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Town's Land Development Ordinance and New Jersey law. Additionally, a redeveloper shall be required to pay for ~~their proportional share of~~ the cost of any studies, plans, reports, or analysis prepared by the Town or its design professionals as part of the [site plan Redevelopment Plan](#) review. Any such payments are required to reimburse the Town or the Redevelopment Entity.

10. The cost of infrastructure improvements generated by the project, including any related off-tract improvements, shall be borne by the project, either through a direct payment from the redeveloper, or through payments in lieu of tax generated by the project.

All Site Plans will be provided by the developer to the Sussex County Planning Board for their information. Pursuant to N.J.S.A. 40:27-6.2, any subdivision application relating to this Redevelopment Plan shall be provided by the developer to the Sussex County Planning Board for its review and comment.

8.16 SCHEDULE FOR IMPLEMENTATION

Any site plan executed for purposes of implementing this Redevelopment Plan shall contain a schedule for performance for the construction of the improvements. In addition to a schedule for commencement of improvements, such plans shall include a schedule that indicates the approximate time period for property acquisition, development approvals, construction permits, relocation, etc. required prior to construction as well as a projected date for project completion. The plan shall also set forth the interim uses for the property and the duration of the period during which such interim uses will be in place. The U.S. Post Office use is proposed to remain in the Redevelopment Area and any construction schedule shall take into account the ability for the U.S. Post Office to continue operating during construction

8.17 DURATION OF THE PLAN

The duration of the Redevelopment Plan shall be perpetual until the last certificate of occupancy is issued and until hereafter amended, rescinded or superseded by a duly adopted ordinance of the Mayor and Town Council.

8.18 PHASING

The Planning Board shall have the discretion to require a suitable mechanism to insure a balanced development of planned open space, commercial services and infrastructure to service the Redevelopment Area.

A. Phasing Plan:

Any applicant(s) seeking to develop within this Area shall be required to provide a Phasing Plan for review and approval by the Newton Planning Board, which shall establish the parameters under which public improvements which are the subject of the application for site plan approval shall be constructed in conjunction with each phase of development. "Public Improvement" includes, but is not necessarily limited to, any and all of the following: 1) the mandatory improvements identified in Landscape Plan; and 2) the mandatory improvements identified in the ~~Parking and Circulation Plan~~ ~~Mobility Plan~~. The Plan shall set a schedule for completion of Public Improvements within the property owned or controlled by the applicant in which the percentage of completion of public improvements is approximately equal to or greater than the percentage of completion of all other development on property owned or controlled by the applicant.

B. Additional Requirements:

The open space improvements shall be constructed simultaneously with any development of the surrounding blocks. It is also recommended that a building to house the U.S. Post Office be constructed first in order to provide for seamless operation of the U.S. Post Office.

8.19 NON-DISCRIMINATION PROVISION

No covenant, lease, conveyance or other instrument shall be effected or executed by the Town Council of the Town of Newton or by a developer or any of its successors or assigns, whereby land within the Redevelopment Area is restricted by the Town Council of the Town of Newton, or the developer, upon

the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. There shall be no restrictions of occupancy or use if any part of the Redevelopment Area on the basis of race, creed, color or national origin.

8.20 AFFORDABLE HOUSING

There are no residential units that will be displaced in connection with the implementation of the Redevelopment Plan. To the extent that the redevelopment of the area creates an affordable housing obligation under the Fair Housing Act and/or State regulations as they may exist at the time of the redevelopment, the Town has identified a number [of on](#) inclusionary zones in the housing element of its master plan that may be well suited for development as an option to locating affordable housing on site.

In addition, a plan must be prepared for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit if present in the Redevelopment Area, that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Any displaced residents of existing housing units within the Redevelopment Area, provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation.

8.21 ENVIRONMENTAL STANDARDS

The site must meet all current New Jersey Department of Environmental Protection standards as are related to this Redevelopment Area at the time of site plan application.

8.22 PROJECT SIGNS AND ADVERTISING

In order to facilitate the overall redevelopment of the Redevelopment Area, and to encourage further investment in the surrounding area and the Town of Newton in general, all advertising, signage, renderings and other promotion of the development and redevelopment of the Redevelopment Area shall contain references to the proposed project's location in Newton, so as to promote the positive aspects of the project, the Redevelopment Plan and the Town of Newton.

8.23 ACQUISITION PLAN

The following parcels, and any and all real estate interests herein, are hereby identified as parcels to be acquired in connection with the implementation of this Redevelopment Plan:

Block 8.08, Lots 6, 7, 8, 9 and 10.

To the extent that any of the properties identified for acquisition shall be acquired by eminent domain, the Town shall develop a Workable Relocation Assistance Plan pursuant to the Relocation Assistance Act, N.J.S.A. 20:4-1 et seq.

ORDINANCE 2015-9

EXHIBIT B

REDEVELOPMENT PLAN



MCGUIRE REDEVELOPMENT PLAN

BLOCK 8.08, LOTS 6, 7, 8, 9, 10, 11, 29, 30 & 31

TOWN OF NEWTON
Sussex County, New Jersey

FEBRUARY 19, 2015

MCGUIRE REDEVELOPMENT PLAN

TOWN COUNCIL

E. Kevin Elvidge, Mayor
Daniel G. Flynn, Deputy Mayor
Kristen S. Becker, Council Member
Sandra Lee Diglio, Council Member
Wayne F. Levante, Council Member

PLANNING BOARD

Gregory Le Frois, Chair
Gary Marion, Vice Chair
E. Kevin Elvidge, Mayor
Daniel G. Flynn, Deputy Mayor
Thomas S. Russo, Jr., Town Manager
Neil Flaherty
Kent Hardmeyer
[Helen Le Frois](#)
[Joseph Ricciardo](#)

Professional Staff

Thomas S. Russo, Jr., Town Manager
Debra J. Millikin, Deputy Town Manager
Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. G.A., Town Planner

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Jessica C. Caldwell, P.P., A.I.C.P., L.E.E.D. – G.A.

New Jersey Professional Planner #5944

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1.0 DESCRIPTION OF THE PLAN



1.1 INTRODUCTION

The McGuire Redevelopment Plan is the regulating plan for the McGuire Redevelopment Area. This Redevelopment Area, as defined below, is a key component of the downtown revitalization effort in the Town of Newton. The redevelopment designation of the McGuire Redevelopment Area stemmed from a Strategic Vision Plan that focused on downtown Newton and uncovered underutilized and vacant parcels.

The 2013 Town of Newton Strategic Vision Plan included an extensive public involvement component comprised of one on one interviews with multiple stakeholders in the community. During that process, it was revealed that the McGuire Chevrolet dealership was planning on moving to a new location on US Route 206 in Hampton Township. The relatively large size of the soon to be vacant dealership property, and the impact of such a significant vacancy on the downtown area, prompted a recommendation in the Strategic Vision Plan to analyze parcels in the downtown, including the McGuire dealership parcels and surrounding parcels, to determine if an area in need of redevelopment designation was merited under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law").

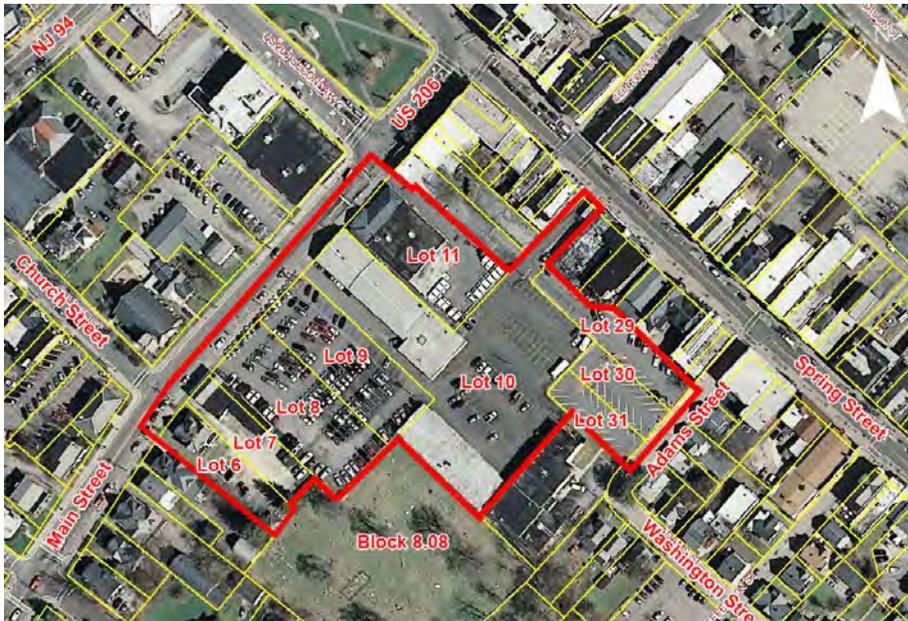
As a result, the Town Council of the Town of Newton directed the Planning Board, by resolution, to conduct a study of Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 (the "Redevelopment Area") pursuant to the Redevelopment Law to determine if the area was in need of redevelopment. A planning report evaluating the statutory criteria and a map of the area were prepared. The Planning Board held a hearing on October 23, 2013 and recommended to the Town Council that the area should be deemed an Area in Need of Redevelopment pursuant to Redevelopment Law. On October 28, 2013, the Town Council adopted a resolution deeming the area an Area in Need of Redevelopment. Notice of the designation was sent to the property owners on November 5, 2013.

The Redevelopment Area is located along Main Street/US Route 206, Spring Street and Adams Street in Newton's downtown. The downtown is generally mixed-use with retail, commercial, office and residential uses. Spring Street is the Town's historic retail shopping district, while Main Street is historically home to a broader mix of office, public and residential uses. The Redevelopment Area includes the former McGuire Dealership parcels, the U.S. Post Office, two commercial structures and the Town of Newton Public Parking Lot #1. The Redevelopment Area is relatively large for the downtown area, covering approximately 4.17 acres. With frontage on Main Street/US Route 206, access frontage on Spring Street and the public parking lot to provide parking, the Redevelopment Area presents a historic opportunity to infuse new life into this promising downtown.

The Strategic Vision Plan focused on the downtown area and the community's perception of the downtown and resulted in a focused plan to improve the area. The Strategic Vision Plan found that, in addition to filling current vacancies, the downtown needed more retail, restaurants and amenities to create a bigger "draw" to Newton's downtown. Existing vacancies are undersized for many types of retail uses and the potential to provide space to attract national retailers was identified as a way to draw more visitors to the downtown. The Redevelopment Area presents this opportunity to create new mixed-use retail, office and residential opportunities in the downtown. The extensive planning and market research conducted during the Strategic Vision Plan process, forms the basis for the permitted uses and proposed density for this Redevelopment Plan. The vision for the Redevelopment Area builds on the Town of Newton's vision for the downtown area, to be "Sussex County's Downtown: a charming, unique place to live and visit that is compact, attractive and offers arts, entertainment, dining, shopping and activities for all ages."

1.2 LOCAL CONTEXT MAP

The Redevelopment Area is a total of 4.17± acres in size and located in the center of downtown Newton. The downtown is an historic main street district hosting a mix of commercial and residential uses. The Newton Green, a County Park, is the centerpiece of the downtown and is located just one block to the north of the redevelopment area. County offices surround the Newton Green, with the Sussex County Administration Building to the northeast and the historic County Courthouse, new County Courthouse and County Jail to the northwest of the Green. To the southeast of the Newton Green is Spring Street, which is the Town's downtown shopping district. Due to the proximity of the new County Courthouse and County Jail, several legal offices are located around the proximity of the Newton Green. The area surrounding the Newton Green is the confluence of several arterials and is a very high traffic area for the County.



Aerial Photo with the Redevelopment Area Shown in Red

1.3 HISTORIC DISTRICT

The entire Redevelopment Area is located within the Town's Local Historic District. The properties fronting on Main Street/US Route 206, with the exception of Lot 6, are located within the Town Plot Historic District, which is on the State and National Registers of Historic Places. To the extent that redevelopment of a lot or lots in the Redevelopment Area in accordance with this Plan may constitute an encroachment under the Historic Places Act, N.J.S.A. 13:1B-15.128 et seq., or may otherwise require historic preservation review and/or approvals, the applicable redeveloper shall be responsible for obtaining any and all necessary historic preservation review and/or approvals, including, if applicable, approval of the State Historic Preservation Office ("SHPO"). Following are descriptions of the properties located within the Historic District.

The commercial building at 79 Main Street (Lot 6) was built in 1900 as a residence and was converted to a commercial structure for offices in the mid-1980s. This lot is located within the local Historic District. The structure was built in the Folk Victorian Style with a covered porch along its entire front with a shed roof, decorative spindle railing and a decorative gold pediment. There are a number of bay windows along the front of the structure, a front gable, a high-pitched pyramid-shaped roof and decorative trim and clapboard. The building has been vacant and increasingly dilapidated since the late 1980s.

The commercial building at 75 Main Street (Lot 7) was constructed in 1802 and served as the Newton Academy from 1802 to 1829. The original front section of the structure was constructed in the Georgian style. The front section is two and a half stories tall, with a slate roof gabled across its length, a brick chimney at the left ridge and dentils along the soffits. In 1831, the building was renovated to accommodate a mercantile store and residence. The original building was sided with clapboard, which was covered in stucco in 1928. Later, the building was converted into eight apartment units. The building was converted to a commercial use in the mid-1980s. The building has been vacant and growing increasingly dilapidated since at least the early 1990s.

The main McGuire Chevrolet building (Lots 8, 9 and 10) was built in the early 20th century, replacing residential uses from the late 1800s. In 1915, the J.R. Roof Company began operating a garage and filling station at the site. Later, J.R. Roof Company also began selling cars at the site. Since then, the site has remained a car dealership, first under the J.R. Roof name and later as McGuire Chevrolet. The original façade of the structure was altered from the Mission Revival style façade to the hip and gable roof façade of today. The former car lot (Lots 8 & 9) was home to the old Inslee Mansion, which housed the Town's Young Women's Christian Association (Y.W.C.A.) until 1966, when it was demolished to provide parking for J.R. Roof Company's car dealership. The dealership building was vacated in October 2013.

The site where the U.S. Post Office now stands (Lot 11) was originally George M. Ryerson's drugstore in the mid 1800's. The original drugstore was replaced with Library Hall, which was constructed to house the Town Library. Library Hall was completed in 1871 and housed several uses. The first floor of the structure contained the post office and offices of the New Jersey Herald. The second floor housed the Town library and the third floor was originally a meeting hall. The third floor was later renovated to become the Town's Opera House. The library moved to its current location at the Dennis Library on Main Street and Elm Street in the early 1940s. Library Hall was demolished in 1958 to make way for the new post office building. The current building was built in 1959 and the post office use there continues today with little or no change to the original structure.

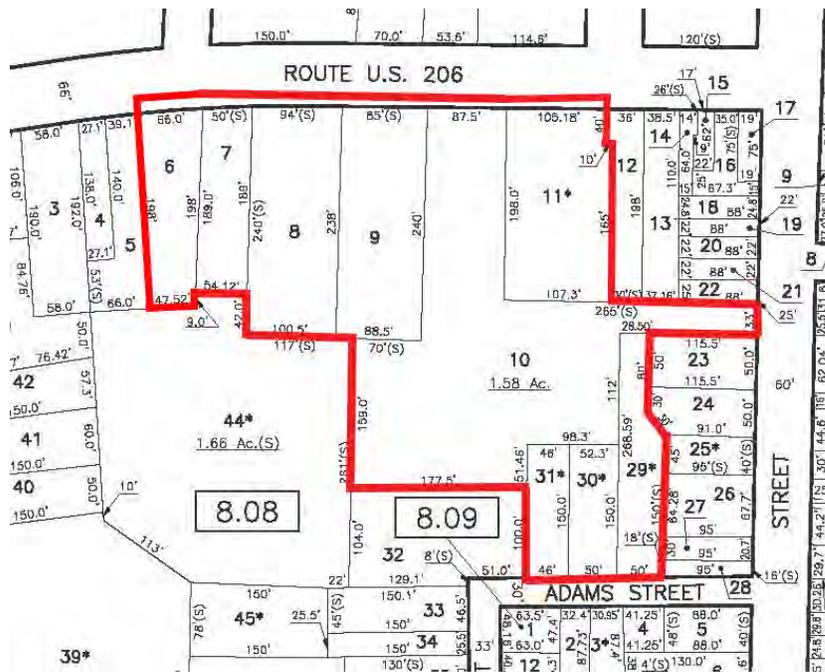
Lots 29, 30 and 31 contain the Town of Newton Public Parking Lot #1. Sanborn Fire Insurance Maps from 1916 show two single family dwellings, a furniture store, paint shop, three ice houses, sheds and a carriage house on the properties. These structures were demolished at some point and the area is now a parking lot.

McGuire Redevelopment Area



1.4 BLOCK AND LOT MAP

The Redevelopment Area consists of nine (9) parcels, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 in Block 8.08. The total size of the Redevelopment Area is 4.17± acres with frontage along Main Street/US Route 206, Spring Street and Adams Street. Lots 6 and 7 in Block 8.08 are improved with two free standing buildings, which were most recently commercial office structures but have been vacant for decades. Lots 8, 9 and 10 in Block 8.08 make up the former McGuire Chevrolet Dealership, which is also vacant. Lot 11 in Block 8.08 is the U.S. Post Office for Newton and the surrounding area within the 07860 zip code. Lots 29, 30 and 31 in Block 8.08 comprise Newton Public Parking Lot #1, which is owned and operated by the Town of Newton Parking Authority.



Newton Tax Map Sheet 8 with the Redevelopment Area Shown in Red

1.5 STATUTORY BASIS OF THE PLAN

The McGuire Redevelopment Plan was prepared pursuant to the Town Council of the Town of Newton's determination on October 28, 2013 by Council Resolution #190-2013 that the area meets the statutory criteria for designation as an Area in Need of Redevelopment, pursuant to Redevelopment Law.

1.6 STATUTORY REQUIREMENTS

The McGuire Redevelopment Plan provides regulations for the Redevelopment Area that implement the Town's vision for the revitalization of the downtown. The Plan employs a form-based code to guide development within the Redevelopment Area according to the Town's vision.

- A. This Plan addresses the following issues as required pursuant to the Redevelopment Law:
 - 1. The Plan's relationship to definite local objectives regarding land uses, population density, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
 - 2. The proposed land uses and building requirements in the area;
 - 3. The plan for temporary and permanent relocation of any displaced businesses and/or residences, if any;
 - 4. The plan for replacement of affordable housing, if any, to be removed as a result of the implementation of this Plan;
 - 5. The identification of any property that may be acquired in accordance with the Plan;
 - 6. Any significant relationship of the Plan to (a) the Master Plans of contiguous municipalities, (b) the Strategic Growth Plan of Sussex County and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 185, c. 398 (C.52:18A-196 et al); and
 - 7. The Plan's relationship to the development regulations of the municipality.
- B. This Plan also contains:
 - 1. Standards for redevelopment of the Redevelopment Area as a mixed-use retail, commercial, office, government and residential use area;
 - 2. Provisions for the enforcement of codes and ordinances;
 - 3. Controls and requirements related to affordable housing if constructed as part of the redevelopment;
 - 4. Procedures and standards for amending this Plan; and
 - 5. A form-based code containing building and architectural, parking and circulation regulations for the redevelopment of the Redevelopment Area.

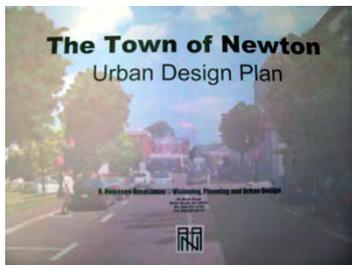
1.7 PURPOSE OF THE PLAN

The purpose of this Plan is to set forth the terms and conditions under which the Redevelopment Area may be redeveloped.

The illustrations in this Plan showing potential site layout and development options are conceptual in nature and intended to provide guidance to a future redeveloper. The form-based code provides the standards that shall be utilized to redevelop the Redevelopment Area. The form-based code assures the Town of a redevelopment which fits into the context of the surrounding area, is constructed according to high standards of quality and character, and will have a long term positive economic and aesthetic impact on the Town of Newton.

1.8 OVERVIEW OF THE PLAN

The McGuire Redevelopment Plan is part of a planning framework in the Town of Newton that began in 2005 when the Town conducted its first visioning process. The resulting vision plan, known as the Urban Design Plan, formed the backbone for future planning in the Town. The Urban Design Plan prompted designation of several redevelopment areas, a master plan update and a complete revision of the Town's Ordinances into a Form-Based Code. In 2013, the Town revisited the vision plan and developed a Strategic Vision Plan, which focused on the downtown, town core area, and made several recommendations for downtown revitalization including studying the McGuire site and surrounding area to determine if it was in need of redevelopment. This Redevelopment Plan takes the next step and establishes a form-based code for the McGuire Redevelopment Area. Following are brief descriptions of the plans and ordinances of the Town that form the groundwork for this Redevelopment Plan.



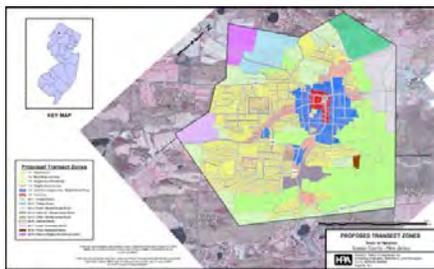
The Urban Design Plan was developed through a vision process conducted in 2005. The plan outlined a community consensus on the type of development desired, identified potential areas for redevelopment and framed a general Transect Zone scheme for the Town. While the Urban Design Plan presented potential Transect Zoning for the entire Town, the focus was along US Route 206 and Sparta Avenue, the areas known as the "spine" of the Town.

The Urban Design Plan prompted the designation of several redevelopment areas and a portion of the Town was also declared an area in need of rehabilitation. The Urban Design Plan resulted in an updated Master Plan that outlined Transect Zoning for the entire town as well as a Form-Based Code that replaced the traditional zoning for the Town.

The Urban Design Plan described the vision for the future of the Town as "a holistic vision of a place where the people of Newton want to live, work and feel connected to; a pedestrian friendly place, which can be translated into feasible development opportunities to provide the opportunity for urban living for a variety of households, with additional services and amenities for the entire community."

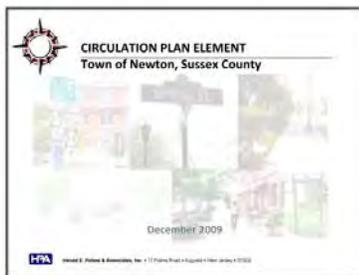
As a result of the Urban Design Plan, the Town identified 116 acres, primarily along the "spine" of the Town, as having the potential to be in need of redevelopment. The Town also identified an area covering 1,009 acres as being in need of rehabilitation. The Town initiated redevelopment studies in phases. Six areas have been designated in need of redevelopment: 56 Sparta Avenue, Mason Avenue, Hicks Avenue, Paterson Avenue, the Armory/Shoprite Area and the McGuire Redevelopment Area. A study was started for the Railroad District Area but was not completed. Redevelopment plans were also

completed for three of the areas: 56 Sparta Avenue, Hicks Avenue and Paterson Avenue. Ultimately, the 56 Sparta Avenue area was redeveloped by ThorLabs, Inc. as their main corporate office and manufacturing facility. The Paterson Avenue Plan was amended to permit the existing industrial uses on the site to continue in addition to the proposed small lot single family development. The Hicks Avenue Redevelopment Plan was also recently amended to modify the requirements for a townhouse and mixed-use development on the site. In the rehabilitation area, a redevelopment plan for an area known as Merriam Gateway was adopted that proposed mixed-use buildings with retail on the ground floors and apartments on the upper floors.



In 2006, the Town of Newton began an update to its Master Plan. As part of the process, [it was recommended that Transect Zoning be applied to the entire Town](#). The Master Plan was ultimately adopted in August 2008. The Transect Zoning in the 2008 Master Plan further refined recommendations from the Urban Design Plan and established the basis for the Town to adopt a Form-Based Code. The 2008 Master Plan also included an updated Historic Preservation Element. The focus of the Transect Zoning was to implement the Urban Design Plan for the Town as well as simplify the

development and redevelopment processes in the Town. The Master Plan provided the foundation for the development of the Town's Form-Based Code and integrated the Redevelopment Plans that had been completed by the Town into the Land Use Plan for the Town. The Master Plan also focused on the Town as a State Planning Commission designated Regional Center.



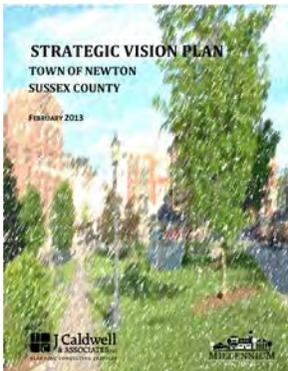
In 2009, the Town of Newton received a grant from the Office of Smart Growth to develop an expanded Circulation Element of the Town's Master Plan. This was developed based on the 2008 Master Plan Transect Zones as well as the Urban Design Plan. Traffic counts were taken at key locations and proposals for a variety of improvements to the Town's circulation system were proposed. Many of the recommendations were focused on the Spring Street area and other commercial areas. The Circulation Plan Element was adopted in December 2009. The plan included a recommendations matrix which is being implemented annually through the Town's budget process.

Wayfinding signage, parking area improvements, bike racks in the downtown, streetscape improvements and planting of street trees along US Route 206 have been completed to date. Lighting in alleyways and parking lots, along with new parking meters, were also installed as recommended by the Plan.

Town of Newton
 CHAPTER 240
 LAND SUBDIVISION
 & SITE PLAN
 CHAPTER 320
 FORM-BASED
 CODE
 CHAPTER 139
 HISTORIC
 PRESERVATION
 Newton
 Land Development
 Ordinances
 Effective May 2, 2012
 Updated June 2012



In late 2010, the Town began the process of revising its ordinances to implement the recommendations of the 2008 Master Plan and the 2009 Circulation Element. This included a complete revision of the Town’s Site Plan and Subdivision Ordinance, a complete revision of the Zoning Code to replace it with a Form-Based Code and a revised version of the Historic Preservation Ordinance. The Form-Based Code focuses on illustrative examples to communicate ordinance requirements and emphasizes building form as the guiding principal for development. The ordinance update became effective on May 2, 2012. The Form-Based Code is implementing the “form” and design of buildings recommended in the Urban Design Plan as well as the Transect Zoning outlined in the Urban Design Plan. The Site Plan and Subdivision code revisions brought those standards up to date and in line with the Form-Base Code. The Historic Preservation Ordinance revision added a list of pre-approved materials for use on historic structures that are modern and low maintenance but provide the same look as historic materials.



The Strategic Vision Plan, adopted in February 2013, built on the existing vision of the Town from the Urban Design Plan. It described the Town as a compact “urban” Town which has a unique sense of place that attracts people not just to visit, but to live and work as well. The community envisioned by the Urban Design plan is a tight knit mixed-use Town with the potential to encompass a wide variety of residential and commercial uses. The Strategic Vision plan focused on the center of the Town, as the heart of the Town that provides life and vibrancy to the Town as a whole. When the center of the Town is struggling, the whole Town is impacted. The Strategic Vision for the Town envisioned what the downtown can be: “Sussex County’s Downtown: a charming, unique place to live and visit that is compact, attractive and offers arts, entertainment, dining, shopping and activities for all ages.”

The community’s perception of the Town is based on the vitality of Spring Street. The overall health, economic strength and sense of place of the Town also hinges on Spring Street. As a result, the Strategic Vision Plan laid out a vision for a safe, vibrant and attractive downtown that will breathe life and vitality into the Town as a whole. One of the key recommendations from the Strategic Vision Plan was to review portions of the downtown, including the McGuire site and surrounding parcels to determine if they were in need of redevelopment. This Redevelopment Plan is a product of that effort, which led to an Area in Need of Redevelopment designation for the Redevelopment Area in October 2013.

1.9 GOALS OF THE PLAN

The Town of Newton Master Plan was updated in August 2008 to incorporate smart growth principles, which included a proposal for Transect Zoning and introduction of the concept of a form-based code. In March of 2012, the Town of Newton adopted revised Town Ordinances using a form-based code. The Town is designated as a Regional Center by the State Planning Commission and the Town of Newton received Plan Endorsement from the State Planning Commission in May 2013. Plan Endorsement from the State Planning Commission recognizes that the Master Plan and Ordinances of the Town of Newton are consistent with the State Plan and smart growth principles. The following goals from the Town's Master Plan are relevant to this Plan:

Overall Goal: To enhance and strengthen Newton's position as a Regional Center in Sussex County in such a way that it will fulfill the social, commercial, medical and service needs of a growing County within the constraints of the Town's existing resources.

a) Municipal Goals:

- To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
- To encourage the coordination of the various public and private procedures and activities shaping land development.
- Encourage further improvement and consolidation of Main Street and Spring Street commercial areas as the effective Central Business District (CBD) of Newton.

b) Land Use Goals:

- To provide for sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Newton.
- Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.
- Promote adequacy, variety and convenience of shopping for local residents.

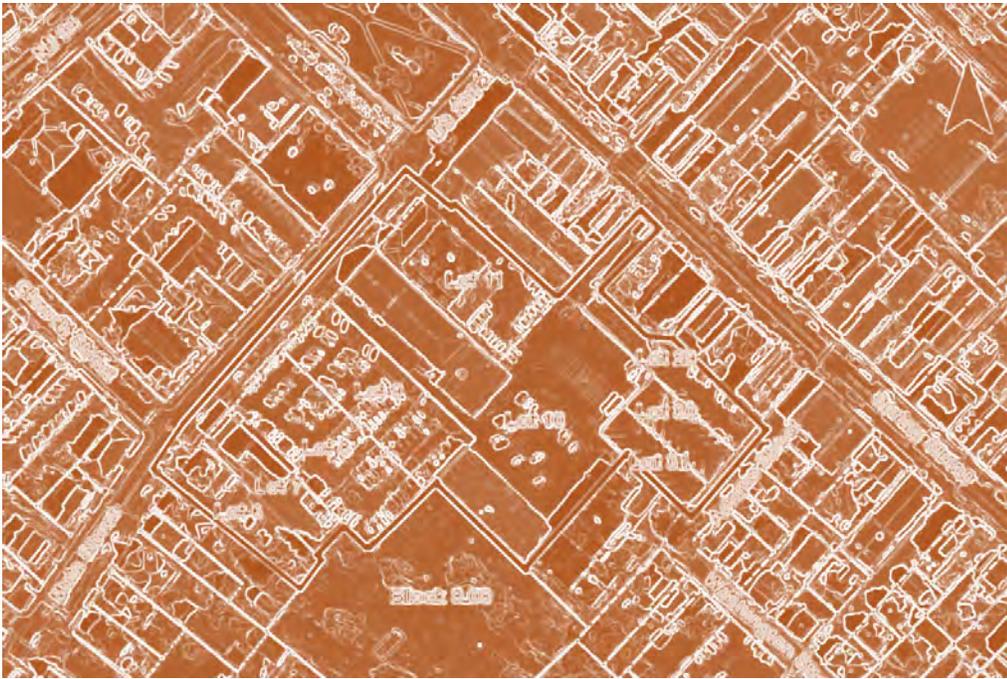
c) Circulation Goals:

- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion or blight.
- Promote safe pedestrian use of the redevelopment area as well as provide pedestrian connections throughout Newton's Downtown Business District: Main St. and Spring St.

d) Neighborhood Aesthetics and Preservation Goals:

- Prevent deterioration of individual structures including historic resources or inadequate maintenance of premises from exerting a deleterious effect on their surroundings by adopting reasonable rules and regulations controlling maintenance standards.
- Maintain and develop an appropriate and harmonious physical and visual setting for historic landmarks and architecturally significant buildings, structures, site objects, and districts within Newton.
- Encourage architectural design that complements historic buildings in the Town.
- Develop a strategy for the placement of streetscape amenities in appropriate business areas to include such items as benches, sitting areas, landscaped courtyards, bike racks and other pedestrian amenities in various combinations to create community focal points for residents and workers in designated Historic Districts.
- Preserve and protect existing street trees and promote planting of additional street trees and replacement of dying and diseased trees, utilizing properly sized trees in appropriate locations.

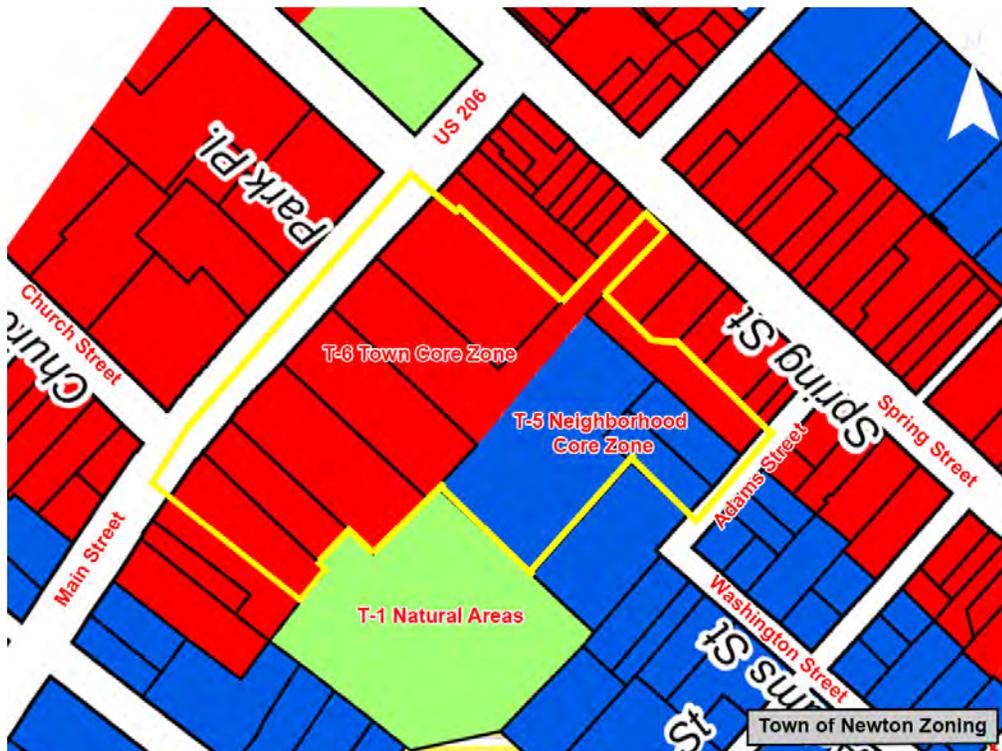
2.0 EXISTING CONDITIONS



2.1 EXISTING ZONING

In March 2012, the Town of Newton adopted a revision to its ordinances to incorporate the use of a Form-Based Code, which became effective on May 2, 2012. The Form-Based Code focuses on physical form as the organizing principle of planning rather than the more customary separation of uses utilized by most traditional zoning ordinances. The Town of Newton's Form-Based Code is based on Transect Zoning which provides for graduated density and intensity of uses from the center of Town to the surrounding areas. Both Form-Based coding and Transect Zoning are utilized as tools by planners to implement Smart Growth Principles. The Special Districts in the Form-Based Code identify areas that fall outside of the Transect concept.

Under the Form-Based Code, the Redevelopment Area is located both in the T-5 – Neighborhood Core District and the T-6 – Town Core Zone. As can be seen in the Zoning Map below, most of the Redevelopment Area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone.



The Redevelopment Area is located in both the T-5 and T-6 Zones

2.2 ENVIRONMENTAL CONDITIONS AND CONSTRAINTS

The Redevelopment Area is not encumbered by New Jersey Department of Environmental Protection (NJDEP) designated wetlands, riparian zones or category one streams as shown on the NJDEP i-map GIS Environmental Data (NJDEP Database). According to the NJDEP Database, there are no threatened and endangered species in or around the Redevelopment Area. This Redevelopment Area is also located outside of the New Jersey Highlands Planning and Preservation Areas.

The Town has not had access to any environmental reports regarding the Redevelopment Area. Given the historic use of the dealership site as an auto repair shop, contamination may have occurred over the years and there may be underground storage tanks that require removal and remediation of contaminated soils. It is the Town's understanding that the studies are ongoing. Any redeveloper will need to address environmental remediation, if needed, as part of the redevelopment.

2.3 CIRCULATION

The Redevelopment Area is located to the south of the Newton Green and has frontage along Main Street/ U.S. Route 206, Adams Street and alley access to Spring Street. U.S. Route 206 is an Urban Principal Arterial that generally runs north-south through the Town of Newton. It becomes one way as it circles the Newton Green just north of the Redevelopment Area and becomes a two-way street again when it meets NJ State Highway 94 north of the Green. Spring Street is designated as an Urban Minor Arterial that connects U.S. Route 206 at the square with Sparta Avenue (County Route 616), which is also an Urban Minor Arterial. Adams Street is a one-way single lane street coming off of Spring Street which connects to Washington Street (also one-way) then connects to Madison Street. There is an unnamed right-of-way connecting Block 8.08, Lot 10 to Spring Street through a one-way alley. This "exit" currently can be used by the municipal parking lots off of Adams Street and other commercial properties via a lease agreement between the Town of Newton and the owners of the McGuire Property.

The Town is currently working on a plan to change the circulation on Spring Street from two way traffic to one way with traffic traveling south to north on the street. The change, which will provide additional on-street parking along Spring Street, is proposed to be implemented in 2015.

There is a large amount of pedestrian activity within the vicinity of the study area. The Spring Street area is considered the pedestrian heart of the Town of Newton. The area has sidewalks on both sides of Main Street and Spring Street. The Town's 2009 Circulation Plan Element outlined potential improvements to make Spring Street as pedestrian friendly as possible. Street trees, benches and bike racks, colored crosswalks and wayfinding signage were installed as a result. Some possible future improvements include: bike lanes, sidewalk buffers, planters and public art.

2.4 SEWER SUPPLY

The Redevelopment Area has access to the municipal sewer system. The Wastewater Treatment Plant has a capacity to treat 1.4 million gallons of wastewater flow per day while it currently processes an average of 0.910 million gallons of wastewater flow each day. There are four municipal sewer pump stations and over 20 miles of sewer collection lines. Any new sewer hookups require approval by the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any required hookup fees and permits.

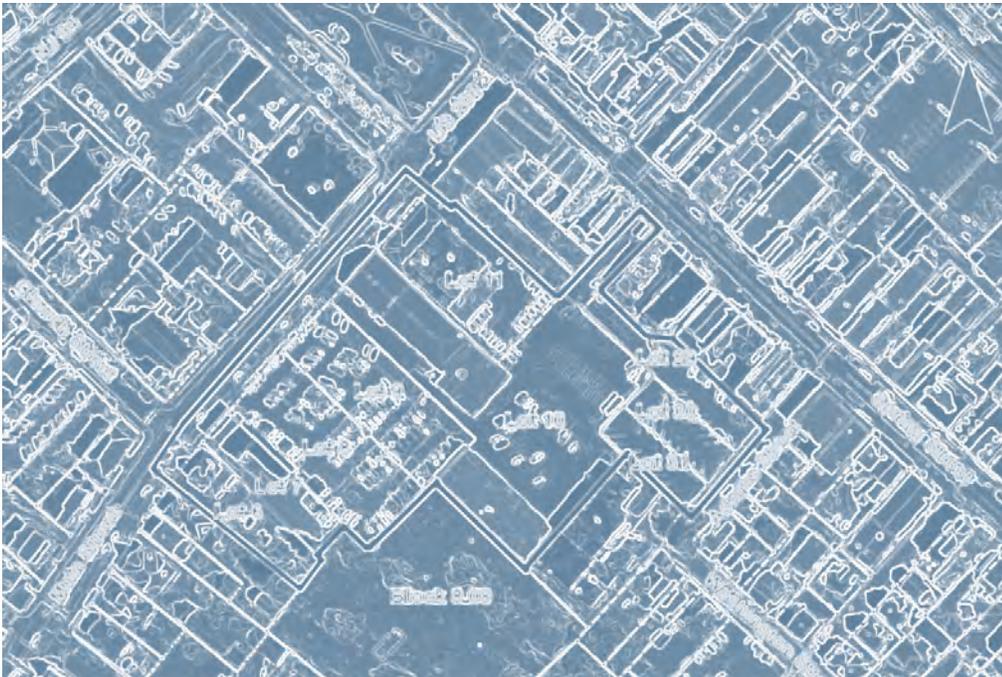
2.5 WATER SUPPLY

The Redevelopment Area has access to the municipal water system. The Town's surface water supply is the Morris Lake Reservoir located in Sparta Township. This has been Newton's water source since 1895. Any new water hookups will require the approval of the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any required hookup fees and permits.

2.6 STORMWATER MANAGEMENT

Stormwater Detention Facilities, if necessary, are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take into consideration mitigation strategies such as green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities, if necessary, must be underground.

3.0 DEFINITIONS



Terms in this Redevelopment Plan shall be defined as listed below. If a term utilized in this Plan is not defined below, but defined in Section 320 of the Town’s Form-Based Code, that definition shall apply. Where a term is defined in both this Plan and Section 320, the definition in this Plan shall apply.

Affordable Housing – Housing that meets the definition set forth by the New Jersey Council on Affordable Housing (COAH), or such successor body in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

Area – Shall mean the redevelopment area governed by this Plan (Redevelopment Area).

Buffer – A landscaped area used to physically separate or screen one property from another so as to visually shield or block noise, lights, or other ~~nuisances~~disturbances.

Building Height – The vertical distance defined in terms of story height of the finished floors of the proposed building, or the building height in feet from the mean front elevation to the highest point of the roof. Chimneys, mechanical equipment and architectural features, serving no other functions except that of decoration, shall be excluded from the height calculation.

Context – The particular combination of elements that create a specific habitat. Context includes building use, density, height and setback, and other elements of the intended habitat, including those of the private lot and building, as well as those of the fronting public streetscape.

Curb – The edge of the vehicular pavement detailed as a raised curb or flush to a swale. The curb usually incorporates the drainage system.

Design Professional - A practicing Urban Planner or Designer, or architect that has experience with redevelopment plans and form-based zoning.

Elevation – The exterior walls of a building. An elevation drawing includes material, rendered window and door openings, height and façade details. See Façade.

Encroachment – The distance beyond the setback line into which certain building elements can protrude. The encroachment distance is typically expressed in feet. Typical encroachments may include porches, stoops, overhangs, bow and bay windows, etc.

Façade – Any vertical, exterior face or wall of a building, typically containing windows and doors.

Form-Based Code – A combination of text, diagrams and illustrations that set forth the location, form, character, architectural and site plan requirements of the Plan Area. A form-based code typically contains standards for the thoroughfares, pedestrian circulation, land and building uses, building regulating diagrams and standards, landscape and parking standards, architectural and site standards as well as design standards.

Frontage Build-Out – The percentage of the width ~~of the~~ of a lot along a street frontage that is required to be occupied by the building’s primary façade.

Gable - The triangle formed by a sloping roof. A building may be front-gabled or side-gabled.

~~Green Roof, Extensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An “extensive” green roof allows only for low level and low maintenance plantings and requires little to no additional structure.~~

~~Green Roof, Intensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An “intensive” green roof allows for major plantings such as grasses, bushes and trees. Because intensive green roofs allow for higher maintenance plantings, they require more structure and support than a standard roof.~~

Greywater - Non-industrial wastewater generated from domestic processes such as dish washing, laundry and bathing.

Hardscape – Nonliving components of landscape design, such as walls, sculpture, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

Internal Lane - A low-volume street to serve primarily as access to mid-block land uses for pedestrians and vehicles.

Landmarks - Architectural building features located at prominent locations in the streetscape or landscape.

Mandatory Standards – Sentences or phrases that include the following words: “must”, “will”, “shall”, “required” or “are specified.”

Mixed-Use - A building or structure which can accommodate two or more land-uses. Mixed-use buildings may contain ground floor commercial, retail or services with residential, offices, services and/or parking located on floors above.

Plan – Shall mean the McGuire Redevelopment Plan.

Principal Structure - A structure housing the main or principal use of the parcel on which the structure is situated.

Redevelopment (of a specific site or sites) – Means the re-planning, clearance, and construction of new buildings; the conservation and rehabilitation of any structure or improvement; the construction and provision for construction of residential, commercial, industrial, public or other structures; and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with the Redevelopment Plan.

Rehabilitation (of a specific site or sites) – Means an undertaking, by means of extensive repair, reconstruction, renovation or expansion of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate substandard conditions and arrest the deterioration of that area.

Right-of-Way (ROW) – Rights-of-way are publicly owned land that contains both the street and a strip of land on either side of the street that holds appurtenant facilities (sidewalks, sewers, storm drains, etc.).

Setback – An area extending the full width of the lot between the property lines, street right-of-way or any proposed future right-of-way and the required yard within which no buildings or parts of buildings may be erected.

Sidewalk – The paved layer of the public frontage dedicated exclusively to pedestrian activity.

Signage, Directory - Signage which indicates or lists the occupants, businesses and/or departments found in a building. Typically found on the front facade of a building adjacent to the main entrance or inside the main entrance.

Signage, Identification - Commercial signage that identifies a building, structure or business. Typically found on the front facade, either hanging from or mounted to the building, or as a free-standing or monument sign.

Signage, Way-finding/Directional - Signage that directs people to and around a locale, an area and/or place of business, or that helps people to orient themselves in a locale, area or place of business. Way-finding signage typically includes street signs and other directional signage.

Specific Plan – A Plan which illustrates the location of proposed buildings, sidewalks, parking areas, access ways and landscaping.

Stepback - The horizontal distance, at a given building story above the ground floor, that the building facade is stepped inward beyond the vertical plane of the ground floor facade. Stepbacks are used in order to allow buildings to have appropriate height while reducing the apparent bulk and obstruction of natural light onto the pedestrian realm. Stepbacks also provide outside space for uses on upper floors, for instance, outside patio space for residential units on upper floors.

Stormwater Detention/Retention - The management of stormwater to mitigate the effects of flooding and runoff primarily from impervious surfaces.

Stormwater Management Plan - Plan to mitigate the effects of stormwater runoff created by site development. Stormwater management should include both site-wide and parcel specific management practices to mitigate runoff. Management practices may include detention and retention facilities, infiltration facilities, as well as capture and re-use of stormwater.

Story - That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it ~~and including those basements used for the principal use.~~

Street – A thoroughway that has emphasis on both vehicular and pedestrian movements.

Streetscape - A design term referring to all the elements that constitute the physical makeup of a street ~~within the and McGuire Redevelopment Plan-Merriam Gateway Redevelopment Plan~~ that, as a group, define its character, including building frontage, street paving, textured strip, street furniture, landscaping and planting edge, including trees and other plantings, awnings and marquees, signs, and lighting.

Suggestive Standards – Sentences or phrases that include the following words: “recommended”, “may”, “suggests”, “should.”

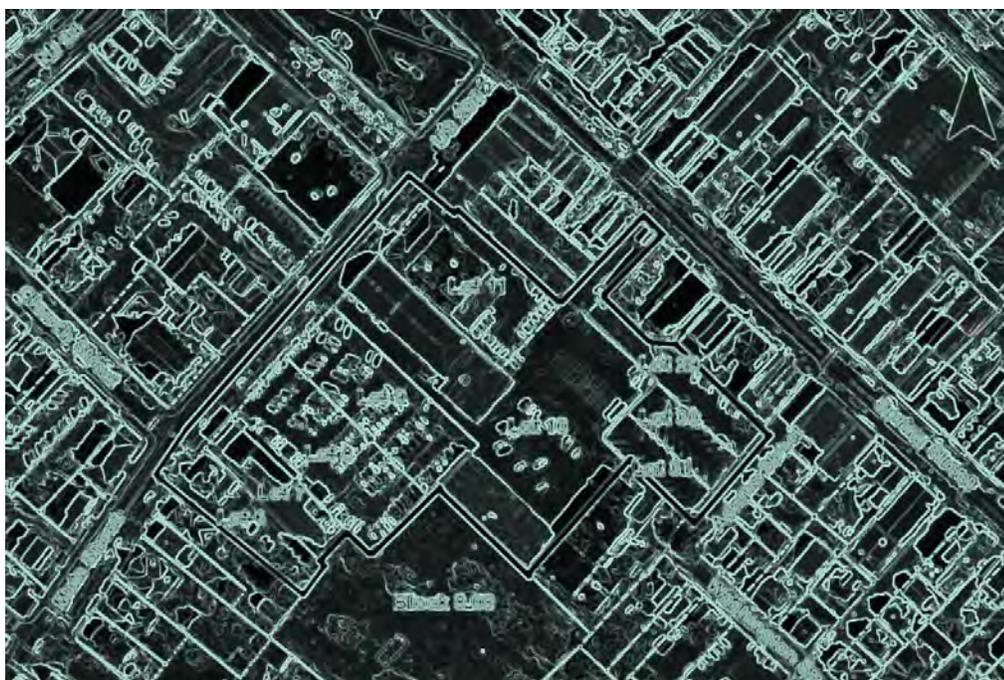
Textured Strip - The area between the curb and the sidewalk that is paved with a permeable material like cobblestone or brick that allows water to seep through.

Thoroughfares - Rights-of-way for vehicles and pedestrians including Boulevards, Avenues, Streets and Lanes.

Transect Zones - Establish a graduated level of density from the dense center core of the Town to the preserved and natural areas at the edges of the town. Transects are referenced from T6 (dense center core) to T1 (preserved and natural areas at the edges of the town). The [Town of Newton Form – Based Code 2008 Town of Newton Master Plan](#) further describes each Transect Zone.

Void Area - windows and other openings in a building façade.

4.0 LAND USE



4.1 LAND USE REGULATIONS

This is the governing zone plan for the Redevelopment Area. In the event of any conflict or inconsistency between the provisions of this Plan and the provisions of the Town of Newton's Form-Based Code and/or Site Plan Regulations, this Plan shall govern.

Specific application of the land use and development requirements of this Plan, as they affect existing uses, will be as follows:

1. Existing uses that are nonconforming with the current zoning provisions will remain nonconforming unless they are expressly permitted in this Redevelopment Plan.
2. Existing principal or accessory uses of properties, permitted by the use provisions of the Land Use Regulations in effect for the Plan Area immediately prior to the effective date of this Plan, but which are not listed as permitted uses in this Plan, will become prior nonconforming uses at the time this Plan is effective. At that time and thereafter, any modification or expansion of these prior nonconforming uses that is not in conformance with the standards set forth in this Plan is prohibited and any new use, redevelopment or rehabilitation of such properties shall be subject to the provisions of this Plan.

4.2 PERMITTED USES

The permitted uses for the Redevelopment Area are listed at Item 1 and following below; however in implementing these uses there are some recommendations ~~restrictions apply~~ as to how the uses may be integrated into a development ~~proposed~~ as follows:

- a) At least 50 percent of the building frontage on Main Street ~~must-should~~ be mixed-use, with the exception of the hotel use and with the exception of development proposed on Lots 6 and 7; ~~which may be single use office, commercial or residential.~~
 - b) Buildings fronting onto Adams Street may be mixed-use or single use and may have residential or office on the first floor.
 - c) A plaza is strongly recommended ~~required~~ to be provided in the approximate center of the frontage along US Route 206/Main Street. The plaza should ~~shall~~ be a minimum of 15,000 square feet.
 - d) The overall redevelopment area should ~~must at a minimum~~ include mixed-use, a hotel and a parking garage.
1. Mixed-Use, Commercial and Office Uses: Ground floor commercial, retail services or government/civic/institutional uses, with office, commercial services and/or residential located on floors above. Bulk shall be limited as per the Building Regulating Plan found later in this Plan. Second floor commercial uses are permitted in mixed-use buildings. Offices, with the exception of the Post Office, are not permitted on the first floor of mixed-use buildings, except as noted above. Mixed-use, commercial and office uses are listed in the table below, for residential uses see item 3 below.

Permitted Government/Civic/Institutional Uses
Institutional Use
Emergency services
Cultural uses (museum/gallery/library)
House of worship
All public buildings and uses
Judicial/ law enforcement
Permitted Commercial Retail Services Uses
Antique Stores
Appliance Stores
Arts and Crafts Stores
Bakeries
Banks
Beauty Salons, spas and barber shops
Bed and breakfasts
Book Stores (excluding adult book stores)
Camera and photographic supply stores
Candy and Ice Cream Shops
Clothing apparel and shoe stores
Child care centers
Coffee shops
Computer supplies and software stores
Cosmetic stores, beauty supply stores and perfumeries
Delicatessens
Department stores
Diners, cafes and restaurants
Drug stores
Electronics, audio and cell phone stores
Farmers' Market
Florists

Permitted Commercial Retail Services Uses Continued
Food (health) and supplement stores
Furniture stores
Garden supply stores
Grocery stores, meat markets and specialty food stores
Hobby, toy and game stores
Home goods, furnishings and accessories stores
Hotels (excluding extended stay/efficiencies/single room occupancies)
Jewelers and watch stores (excluding pawn shops)
Luggage and leather goods
Musical instruments and supplies stores
Optical goods stores
Package goods stores/ liquor stores
Paint, wallpaper, and/or hardware stores
Pet grooming, pet shops and pet supplies
Pharmacies
Photographers and picture framers
Recreational facilities, i.e. gym, bowling alley
Souvenir shops
Sports and recreation stores (excluding gun stores)
Stationery, office supply and card stores
Taverns and bars
Permitted Business/Office/Professional Uses
General and professional offices
Business services
Office (dental, medical, veterinary, administrative)
Photo or art studios
Home occupations
Permitted Light Industrial Uses
Artisanal workshop
Food and Beverage Production

2. Hotels and associated accessory uses including restaurants, conference and/or banquet facilities, fitness facilities, spas, delicatessens, gift shops and other amenities determined by the Planning Board to be customary accessory uses to hotel facilities.
3. Residential: Includes premises available for long-term human habitation by means of ownership or rental; excludes all boarding houses and rooming houses. Residential uses allowed include residential condominiums, lofts or apartments and live/work units. [It is strongly recommended that](#) ~~All~~ residential uses ~~shall~~ be provided in a mixed-use building and ~~should shall~~ not be permitted on the ground floor, except along the Adams Street frontage and Main street frontage of Lots 6, 7 and 8. ~~The lobby and associated amenities for the residential uses may be located on the ground floor. Any residential or mixed-use building with residential on upper floors may have a lobby and areas for tenant amenities on the ground floor.~~

Permitted Residential Uses
Residential over commercial
Flats or Lofts
Group Care (elder-care, extended care, special care)
Live/work

4. Mixed-Use Parking Garages: Parking garages with liner buildings that provide for a variety of uses.
5. Parks and Plazas: Open spaces which may be utilized by the public; however they need not be deeded to the public. Parks and plazas may include public art, fountains, landscape planters, informational kiosks, pedestrian and bike amenities including pedestrian-scaled lighting, benches, trash receptacles (wild-life proof), sidewalks, bicycle racks and paths.

4.3 ACCESSORY USES [AND STRUCTURES](#)

The following accessory uses are permitted incidental to the permitted principal uses:

Permitted Accessory Uses and Structures
Outdoor markets and events
Parking Garages
Outdoor dining areas
Engineered green roofing systems
Off-Street surface parking/loading areas
Kiosks, signs and awnings
Decks and balconies
Fences and walls
Photo-voltaic (solar – energy) panels

Permitted Accessory Uses and Structures Continued
Gazebos, trellises and planters
Fountains and public art
Roof – top amenities including gardens, dining and catering facilities, swimming pools, etc.
Trash/Recycling enclosures
Lampposts, flagpoles, access drives, paths, bicycle racks and sidewalks.
Other uses deemed by the Planning Board to be customary and incidental to the principal uses permitted.

4.4 LAND USE PLAN

The Land Use Plan shown visually below represents a conceptual layout of the permitted land uses within the Redevelopment Area. The intent of this Redevelopment Plan is to increase retail, office and residential uses in the downtown. The intent of the permitted hotel use is to increase the pedestrian population of the downtown and provide a needed amenity to bring visitors to the Town. The design of the buildings in the Redevelopment Area should reflect the historic context of the surrounding area; however innovation of design is encouraged. [Please refer to Section 6, Building Regulating Plan, for architectural and façade guidelines.](#)

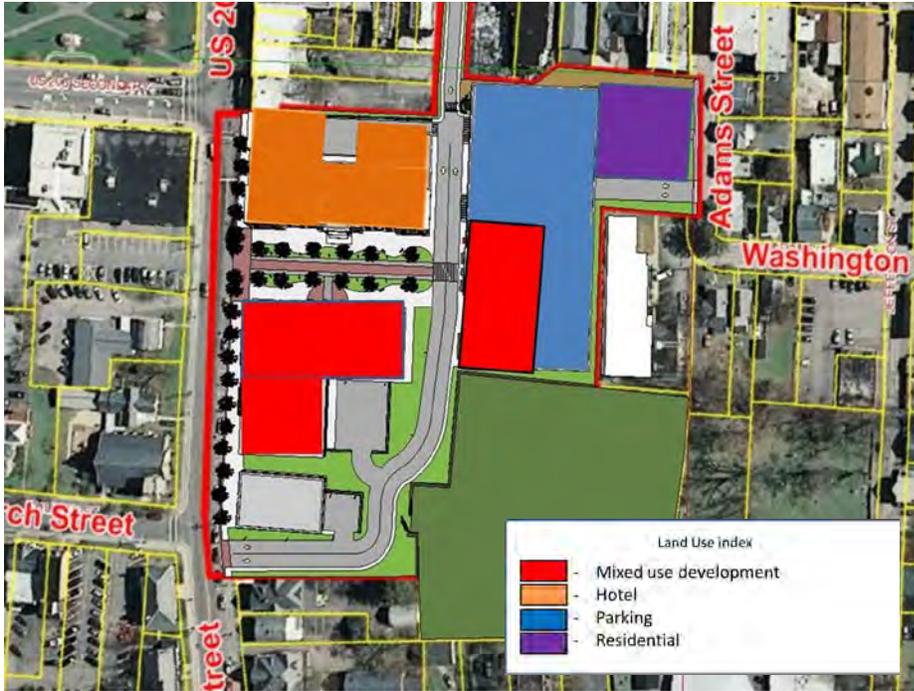
The Redevelopment Area is approximately 4.17 acres. The predominant land uses permitted by this Plan are mixed-use commercial, residential apartments, offices, hotels and government uses. The development indicated on the Land Use Plan in red is [intended as](#) mixed-use development. The hotel use is shown in orange and the parking garage is shown in blue. The Residential building is purple. The building shown in gray may be any of the permitted uses. Mixed-use buildings shall have ground floor retail or services with other uses such as residential or office space located on the floors above.

The size and shape of the McGuire Redevelopment Area poses unique challenges to pedestrian oriented development and site maximization; requiring alternative approaches to development. Buildings are required to be in close proximity to streets in order to create a continuous street frontage. Concentrating all development on the frontage along Main Street in the McGuire Redevelopment Area would leave a large portion of the deep lot underutilized. Therefore, a plaza is [strongly encouraged required](#) in a central location within the redevelopment area. The plaza will allow for a greater amount of building frontage within the site to maximize development potential within the area. The plaza also provides crucial pedestrian linkages and creates an amenity for the area.

[The Land Use Plan is flexible and as such the following specific elements are strongly encouraged:](#)

- a) -At least 50 percent of the building frontage on Main Street [should ~~must~~](#) be mixed-use, with the exception of the hotel use and the gray building shown below.
- b) Buildings fronting onto Adams Street may be any of the permitted uses, residential is shown below.
- c) A plaza is [strongly recommended required](#) to be provided in the approximate center of the frontage along US Route 206/Main Street. The plaza shall be a minimum of 15,000 square feet.
- d) Mixed-use, a hotel and parking garage are [strongly encouraged required](#) uses in the Plan.

Illustrative Land Use Plan- Plan View



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Illustrative Land Use Plan – Main Street View



4.5 NEWTON CEMETERY

The Newton Cemetery is an important vestige of Newton's past and should be protected during the redevelopment process. The oldest portions of the cemetery date back to 1762 and its beautiful stone wall was constructed in 1837. Today the cemetery is an underutilized resource. The stone wall that surrounds it is in a state of disrepair. The area immediately outside of the cemetery has been used by squatters. The redevelopment of this site will bring development into close proximity with the western edge of the cemetery. Buffers in the form of fencing or repair/replacement of the stone wall should be provided adjacent to the cemetery property. Trees and landscaping should also be provided, where space is available.

A deeded access to the cemetery is located between Lots 6 and 7 in Block 8.08. A USGS survey marker is also located along the access. The conceptual plan in this Plan shows the access to the cemetery in a different location than exists today. Moving the access easement is subject to approval of relevant owners or entities. The USGS survey marker located along the access will need to be reset pursuant to National Geodetic Survey benchmark reset guidelines.

5.1 CIRCULATION PLAN

There are three applicable roadway types shown in the circulation plan. The roadway types are primarily shown for their streetscape and sidewalk design. New public roads will not be constructed as part of this plan. This Plan encourages improvement of existing streetscapes where possible. The primary circulation pattern for the development for vehicles will be internal lanes. An example of what an internal lane can look like is provided.

Internal lanes will be two-way internal access drives except for the portion of the internal lane that connects Spring Street to the development through an established alleyway – that section of road will be one way and will most likely lead out of the development. Where possible, internal lanes exiting onto improved roadways should be oriented to create perpendicular intersections with existing cross streets.

Two way internal lanes will be a minimum of 24 feet wide developed cartway. A sidewalk on at least one side of the lane shall be provided to allow pedestrian traffic. Sidewalks shall be a minimum of 4 feet wide. Crosswalks, which must be constructed with different textures and patterns from sidewalks and roadways, are required at each intersection with sidewalk access. A pedestrian only alley or path should be created connecting Adams Street to the main internal street or the central plaza.



ILLUSTRATIVE CONCEPT OF INTERNAL LANE



PEDESTRIAN CONNECTION BETWEEN ADAMS STREET AND MAIN STREET

5.2 PARKING PLAN

MINIMUM PARKING REQUIREMENTS

The parking standards in this section are designed to provide adequate parking for the permitted uses in the Redevelopment Area without overbuilding parking. Parking standards are minimized due to the downtown location and ability to use other modes of transit, including walking, biking and bus service. A parking structure ~~is strongly recommended will be required in order~~ to provide sufficient parking for the permitted uses and density in the Redevelopment Area. Parking structures add a great deal of cost to a project; as a result, parking standards are also minimized to reduce cost. Additionally, shared parking is permitted to maximize the use of parking spaces provided within the development.

Parking Requirements and Shared Parking Factors

Use	Required Parking	Shared Parking Factor
RESIDENTIAL	1.0 / dwelling*	Lodging: 1.1 Office: 1.4 Retail: 1.2
LODGING	1.0 / bedroom	Residential: 1.1 Office: 1.7 Retail: 1.3
OFFICE	2.0 / 1,000 sq. ft.	Residential: 1.4 Lodging: 1.7 Retail: 1.2
RETAIL	3.0 / 1,000 sq. ft.	Residential: 1.2 Lodging: 1.3 Office: 1.2
RESTAURANT	1.0 / 4.0 seats	N/A

*This standard is lower than RSIS; however, the Planning Board shall consider requests by any Redeveloper for a deMinimus waiver of standards from RSIS.

SHARED PARKING

The shared parking factors in the table on the previous page are calculated by adding together the parking requirement for each function then dividing it by the shared factor. For example, if a residential use requires 10 spaces and a retail use requires 10 spaces, the total number of 20 spaces is divided by the shared parking factor of 1.2, yielding a requirement of 17 spaces. When three functions share parking, the lowest factor should be used to assure enough parking is provided.

SURFACE PARKING

Surface parking is generally discouraged in the Redevelopment Area; however some minimal amounts of surface parking may be necessary based on final design of the parking structure and for specific uses such as the post office.

1. Surface parking areas shall generally be located to the side or rear of uses and screened when visible from streets or sidewalks by a minimum 3.5 foot screening wall or vegetative buffer. Up to 15 percent of the required parking for the site may be provided along Main Street/US Route 206 or the internal drive. Any surface parking fronting on Main Street/US Route 206 shall be screened by a year-round vegetative buffer a minimum of 3.5 feet tall. Any screening is subject to review and approval by the Planning Board Engineer to ensure sight distance at intersections and driveways.
2. Surface parking lots shall be screened from adjacent residential lots or the Newton Cemetery via wood board-on-board privacy fencing, or other fencing as deemed appropriate by the Planning Board, at least six (6) feet in height and not exceeding eight (8) feet in height. If surface parking abuts Adams Street, a screening wall or vegetative buffer, a minimum of 3.5 feet in height shall be provided.



3. Parking lot layout shall take into consideration pedestrian movement and pedestrian crossings shall be installed at appropriate locations, as approved by the Planning Board.
4. Temporary or short-term parking may be provided in front of the hotel use along US Route 206 to provide for loading and unloading of hotel guests.

STRUCTURED PARKING

Multi-leveled structured parking ~~should~~ **shall** be provided for the bulk of the required on-site parking. Design of the parking structure shall taking into consideration the following:

1. Structured parking shall utilize the architectural vocabulary of surrounding building facades where visible from adjacent rights-of-way.
2. Structures shall utilize design elements such as arcades, awnings, landscaping, colonnades and/or street furniture to incorporate the building into the surrounding area.
3. Parking entrances shall be identified through increased massing, architectural elements and/or signage to ensure the entrance is easily and safely visible from the access drive or street. Access shall be from Adams Street, access drives and/ or alleys.

GENERAL PARKING AREA DESIGN STANDARDS

1. All parking and loading areas shall be buffered where such areas are adjacent to exterior property lines with landscaping and/or fencing.
2. All surface parking shall include landscaping around the perimeter of the lot, no less than three (3) feet in width.
3. Dimensions of parking spaces shall measure at least nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives and aisles. Hairpin striping shall be required. End-to-end parking spaces shall measure not less than eight (8) feet in width by twenty-three (23) feet in length. Twenty percent of required parking spaces may be compact spaces measuring eight and one-half (8.5) feet in width by fifteen (15) feet in length.
4. Width of aisles. The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90 degrees. Parking aisles widths must meet NFPA fire code standards and are subject to review and approval by the Town Fire Sub-Code Official.

Parking Angle (degrees)	Aisle Width (feet)
0 (end-to-end parking)	12
30	12
45	13
60	18
90 (perpendicular parking)	24

5. There shall be adequate provisions for safe and convenient ingress and egress to all parking areas.
6. Every parking area shall have direct access to a street or alley. Driveways shall have a minimum width of 12 feet for one-way traffic and 24 feet for two-way traffic.

7. All off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work, service or storage of new or used motor vehicles, materials or merchandise of any kind shall be conducted on such parking area

OFF-STREET LOADING

1. All loading areas shall be located only in a side or rear yard. Such areas shall not encroach upon any required open space, access ways, off-street parking areas or public rights-of-way. Where located adjacent to any residential uses, there shall be a setback minimum of five feet from such property line.
2. All required off-street loading areas shall provide sufficient turning areas and access.
3. A minimum of one (1) loading zone per commercial, retail, hotel, or mixed use building shall be provided. Loading zones for each building must be available for use and access by all commercial tenants. This item may be waived by the Planning Board if the Board finds that a loading zone is not necessary or practical.
4. Each loading space shall be at least twelve (12) feet in width, thirty (30) feet in length and have a fourteen (14) foot clearance above grade, provided, however, that the Planning Board may reduce the required length depending on the vehicles using said space.

PARKING LOCATION, OWNERSHIP AND OPERATION

1. The convenience and accessibility of parking is integral to the success of the Redevelopment Area and the revitalization of the greater downtown area. The primary preference is that the required parking for the project being developed will be within the Redevelopment Area. If that is not possible or practical, then the required parking for the site being developed shall be provided within 600 feet of the Redevelopment Area.
2. If all or part of the required parking for the project being developed is not on the property being developed and creating the parking demand then the applicant shall provide a lease or other contractual arrangement which demonstrates a permanent parking plan for the project. Any such lease or other contractual arrangement shall be subject to the approval of the Town of Newton Planning Board and shall at the least be of sufficient length and contain acceptable terms and conditions that will ensure the parking will be consistently available. Additionally, parking facilities whether on-site or off-site may be operated by a third party provided that the lease requirements of the foregoing paragraph are satisfied. The owner of the property being developed and creating the parking demand shall consult with the Town of Newton Parking Authority regarding the location, size and operation of any parking facility.

6.0 BUILDING REGULATING PLAN



6.1 INTRODUCTION

Well-designed buildings set the stage for great places. This section of the Plan provides guidelines for permitted building types as well as inspirations for building design. This section is not intended to limit creativity but rather to provide for images of quality design to inspire buildings that fit into the fabric of the existing downtown. In this section, bulk standards, architectural styles, façade regulations and signage standards are provided to promote excellence in design in the Redevelopment Area.

6.2 BULK STANDARDS

The bulk standards for the Redevelopment Area are as follows:

Setbacks are from the periphery property lines of the Redevelopment Area, not internal property lines. The property has two “front yards”, one on Main Street/US Route 206 and one on Adams Street. The other two sides are considered side yards. For the purposes of this Plan, there is no designated rear yard for setback purposes.

Front Yard Setback (measured from edge of Right of Way):

Main Street/US Route 206: 0’ minimum

Adams Street: 15’ minimum

Frontage Build-Out

Main Street/US Route 206: 50 percent **minimum**

Adams Street: No minimum

Side Yard Setback:

10’ minimum

Lot Coverage:

No Maximum (stormwater management requirements must be met)

Height:

Buildings Fronting on Main St/US Route 206:

8 stories/ 100 feet

Buildings constructed within 15 feet of Main Street/US Route 206 shall utilize step backs above the 4th floor. Step backs may be utilized above ground, 2nd or 3rd floors.

Buildings Fronting on Adams St:

4 Stories/ 50 feet

Buildings abutting Adams Street will have a maximum height of 50 feet ~~or~~ 4 stories.

Buildings Internal to the Area (not fronting on any public street):

8 stories/100 feet (stepbacks not required)

Mix of Uses:

There should be a mix of uses. The uses shall be mixed in the Redevelopment Area. The overall redevelopment area should ~~Any proposed site plan must~~ include at least three principal permitted use categories, *i.e.* commercial, residential and hotel. ~~Rehabilitation of pre-existing structures or redevelopment of single lots under one (1) acre are not subject to this requirement.~~ If the area is developed in phases, each site should include at least three principal permitted use categories or show that construction of the additional uses is not hindered by the proposed development.

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Central Plaza Space:

A plaza ~~should~~ must be provided in a central location at a minimum of 15,000 square feet, as illustrated by the Land Use Plan map.

6.3 ARCHITECTURAL STYLE GUIDELINES

This section is meant to ensure that new development blends into and enhances existing architectural styles, materials, colors and finishes found along Main Street and Spring Street. New buildings are encouraged to incorporate architectural ornamentation and building massing currently found in the area.

1. Façade Materials: The primary façade materials shall be stone/masonry, stucco, brick and/or glass. Street facades must include brick and/or stone. Interior facades may be concrete block, EIFS, or of a similar material, although minimal use of EIFS is preferred.
2. Accents such as projecting, bow, bay and boxed windows should be in metal. Metal used on any façade shall only include aluminum, coated steel, copper, zinc and painted wrought iron.
3. Façade Colors: It is recommended that a color palette be developed for the Site Plan which coordinates facade and complementary accent colors.
4. Accent Colors: A color palette should be developed for accent and trim colors for the Plan. Accent colors must be based on and complement the primary facade colors.
5. Soffit Emphasis: In buildings with a soffit, the underside of the overhang is often more visible than the roof and should be articulated. The soffit should therefore receive a greater emphasis and budget than is typically afforded.
6. Soffits: All building soffits and overhangs shall be designed to provide shade in the summer and allow sunlight to enter the building in the winter. As such, it is recommended that southern and western exposures feature exaggerated (wider) soffits.
7. Mechanical structures shall be fully integrated with the architectural and structural design of all buildings in order to minimize the negative aesthetic impact upon the viewer, both from street level

and as may be viewed from adjacent properties. All parts and components of cellular phone antennae¹, satellite dishes, television and radio antennae shall be designed to be in harmony with the architectural context and shall not be visible from the street or sidewalk.

8. Utilities: All utilities shall be underground. Machinery and the mechanical controls for same, including but not limited to transformers, junction boxes, electrical meters and condensers shall be located to the side or rear of buildings and/or otherwise screened from frontages by building elements in a manner consistent with the design of the building. [Generators shall adhere to the relevant regulations of the Town of Newton.](#)
9. Night security gates, grids or any other security covering of windows are prohibited.
10. Any ground level commercial facades must be of at least 60% void area (windows and other openings).

6.4 FAÇADE GUIDELINES

1. For any building greater than four (4) stories in height which fronts along Main Street /US Route 206, floors above four (4) stories in height shall step back from the lower floor facade to provide a continuous pedestrian scale. Step backs may occur either above the first, second, third and/or fourth floors. Step backs may be staggered along the building facade and where utilized must step back a minimum of 5 feet from the lower floor facade.
2. All residential windows shall be operable windows to ensure natural ventilation and air circulation. However, a permitted exception to this rule is clerestory, transom, side light, and skylights, which may be non-operable, as well as windows which must remain inoperable for safety and/or security reasons.
3. Windows should be vertical in orientation, being longer in height than in width.
4. The ground floor windows may be taller than the upper story windows on any street façade. Ground floor window sills should be a minimum three feet above the ground plane of the front facade of sidewalk.
5. Window mullions and muntins, if used, should be colors that complement the primary facades. Tinting of window glass is not permitted unless energy efficient coatings that tint glass are used, in which case the coating closest to clear must be chosen which still meets energy criteria. Mirrored finishes and colored glass shall not be permitted for window glass. Stained glass windows are permitted.
6. Window sills and headers should be emphasized.

¹ Cellular antennae require approval from the Planning Board pursuant to Section 320-20 Wireless Communications.

7. Roofs may be either 1) pitched roofs, 2) flat roofs or 3) pitched or flat, green engineered roofing systems. Pitched roofs should comprise shingles, synthetic slate or standing seam metal.
8. Flat and/or green engineered roofs shall have parapets or approved decorative barriers or fencing, at a minimum of 3' 6" high and maximum of 4' high, to form protective walls/parapets. The use of trellises or other forms of permeable roofing, to form a shade-protected area is encouraged. Parapets and other approved protective walls shall not be included in the measured building height.
9. Decorative trim shall be used to articulate all windows and frame edges.
10. Architectural Scale:
 - Cohesion with exiting built environment: architectural styles and design features of nearby historic buildings on Main Street and Spring Street should be used to inspire new design decisions.
 - Buildings fronting onto Main Street should be horizontally modulated into at least 2 distinct features: lower and upper levels. This typically includes a distinct ground floor with appropriate ornamentation, consistent design across the middle floors and a distinctive upper floor and roof line.
 - All buildings must include a distinctive roofline.
 - All buildings, except the parking garage structure, have to incorporate vertical modulation at intervals no greater than 50 feet and no more than 5 feet in depth. This rule will apply only to facades facing Main St, the central plaza, and Adams St.
 - Buildings Fronting onto Adams Street must include a covered entryway or porch at all entrances.
 - Facades not facing public streets or internal access drives may have lesser architectural treatment.

6.5 MIXED-USE BUILDING DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any mixed-use building proposed in the Redevelopment Area. Step backs should be utilized to provide continuity of pedestrian experience along Main Street. Step backs offer opportunities for terraces and rooftop gardens. Brick and stone are preferred exterior materials. The use of awnings and horizontal variations along the building also add interest.



6.6 HOTEL BUILDING DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any hotel building proposed in the Redevelopment Area. Step backs should be utilized to provide continuity of pedestrian experience along Main Street. If the building is setback more than 20 feet from Main Street, step backs are not required. Brick and stone are preferred exterior materials. The use of awnings and horizontal variations along the building also add interest.



6.7 PARKING GARAGE DESIGN INSPIRATIONS

The photos below illustrate aspects of building design that can be incorporated into any parking garage proposed in the Redevelopment Area.



6.8 SIGNAGE REQUIREMENTS

The following signage requirements for the Redevelopment Area are designed to promote signs which are compatible with the character of the Redevelopment Area's architectural design and other signs within the downtown area. These standards encourage efficient use of signage and minimization of visual clutter. Creativity and unique designs are encouraged that develop distinctive images using high quality craftsmanship and materials.

NUMBER OF SIGNS PERMITTED BY TYPE

Sign Type	# of Signs if Permitted
Ground Mounted	1 per site plan
Awning/Canopy/Façade/ Wall/ Projecting/ Blade/ Hanging	Choose any 2 per business
Directional	As needed for wayfinding
Menu Board	1 per business
Portable/Sandwich Board	1 per business
Professional /Tenant Identification	1 per building
Real Estate	1 per building or business when unit is available for sale or lease
Window	1 per business
Temporary Sign/Banner	1 per business for max. of 30 days
Quick Response Code (QR)	1 per business
Decorative or Open Flags	1 per business

MAXIMUM SIGN SIZE BY TYPE

Sign Type	Max. Size
Ground Mounted	40 square feet
Awning/Canopy	4 square feet
Façade/ Wall	1 sq. ft. per lineal foot of façade
Projecting/Blade/ Hanging	8 square feet
Directional	4 square feet
Portable/Sandwich Board	8 square feet
Professional /Tenant Identification	12 square feet total
Real Estate	16 square feet
Window	6 square feet
Temporary Sign/Banner	24 square feet
Quick Response Code (QR)/ TAG Code or other similar technology code sign	1 square foot
Decorative or Open Flags	1 square foot

WAYFINDING/DIRECTIONAL SIGNAGE

For any proposed site plan in the Redevelopment Area, a comprehensive wayfinding sign package must be submitted to the Planning Board for approval that shows the following:

1. Ingress/egress signage.
2. Directional signage for drivers to parking and buildings on the site.
3. Pedestrian wayfinding signs to and from parking.
4. Directory signage for each building.
5. An informational sign showing map of the area, location of businesses, parking, amenities, etc.

SIGN AREA MEASUREMENT

1. The areas of any sign face shall be measured as the product of the horizontal width and the largest vertical width of the lettering, illustration, display or background. Where there is no geometric frame to the sign, the sign size shall be determined by creating a four-sided box around the largest illustration or lettering in the sign.
2. The sign area measurement shall not include framing, trim, molding or supporting/hanging structure used to secure sign to the building.
3. For double faced signs, only one side is considered into the measurement.
4. For sign faces that are not parallel (i.e. v-shaped signs) both faces shall be considered into the computing of sign area.

CONSTRUCTION SIGNAGE

During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, realtor or sales contact, and/or public agency officials (as applicable and appropriate). Construction signage must not exceed 25 square feet. Construction signage must be removed as soon as 50 percent of the project has obtained a Certificate of Occupancy.

PROHIBITED SIGNAGE

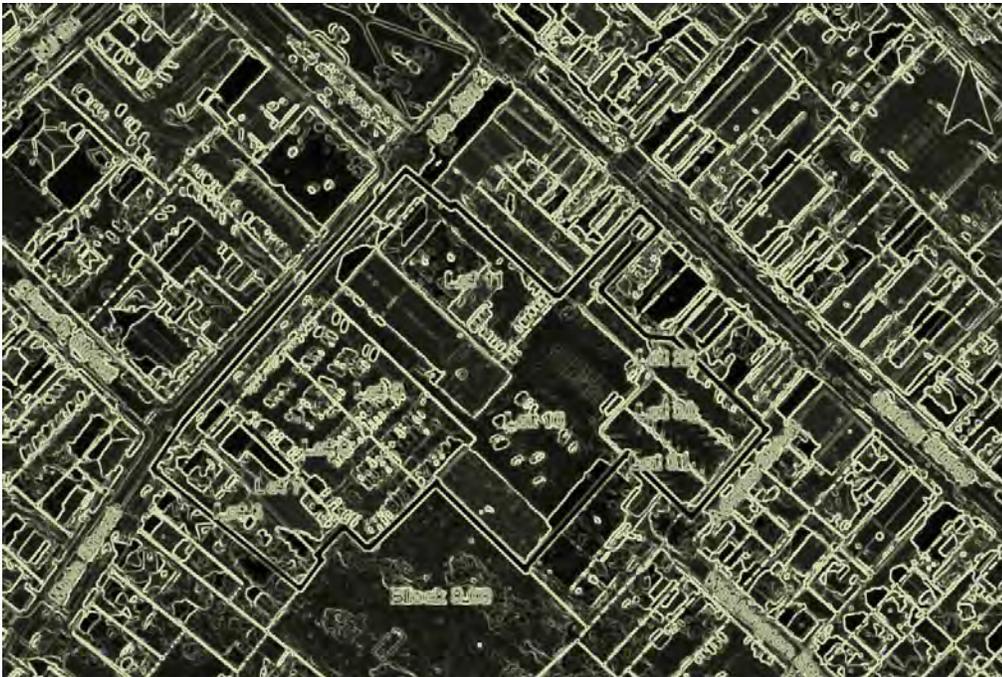
1. Fluorescent-lit signage or signage with glowing paint and flashing signs [and digital signs](#).
2. Feather flags.

6.9 GREEN BUILDING STANDARDS

LEED certified buildings are encouraged to promote the construction of buildings that are energy efficient, place less demand on local utilities and are more cost efficient to operate over time. If a building is not proposed to be LEED certified, at a minimum, four (4) of the following green building standards shall be incorporated into any proposed building in the Redevelopment Area:

1. Use of water efficient fixtures.
2. Re-use of greywater and/or process water.
3. Energy star rated appliances.
4. Energy efficient light fixtures.
5. Use of natural light where it can be shown that it minimizes the need for artificial lighting.
6. Use of green roofs to minimize stormwater run-off.
7. Use of light colored roofing materials (flat roofs only).
8. Use of alternative energy production, i.e. solar/wind subject to the Town's solar/wind ordinance.
9. Use of energy efficient heating/cooling systems.
10. Satisfaction of any credit category that would achieve points under the LEED Rating System may qualify for one or more of the required Green Building elements, as approved by the Planning Board.

7.0 LANDSCAPE PLAN



7.1 INTRODUCTION

Landscaping, hardscapes and streetscapes greatly impact the quality of a place. The purpose and intent of this Section is to provide landscaping, hardscapes, streetscapes and buffering requirements in order to maintain and improve the pedestrian realm within the Redevelopment Area and on its frontages. The goal is to enhance the appearance of the development, protect the aesthetic assets of the community, reduce erosion and storm water run-off, reduce the urban heat island effect, and provide screening where necessary.

7.2 GENERAL LANDSCAPE REQUIREMENTS

All redevelopment proposals for the Redevelopment Area must include a Landscape Plan. The Landscape Plan shall be subject to approval by the Planning Board as part of the site plan approval process. The Landscape Plan shall conform to the following requirements and guidelines:

1. A detailed Landscape Plan, which includes proposed hardscapes and pedestrian amenities, shall be prepared by a certified landscape architect for all Site Plan proposals.
2. The Landscape Plan shall include quality materials and, at a minimum, specify type and color of pavers and other hardscape materials, type and quality of decorative lighting fixtures, specific color and material of decorative site furnishings, as well as, locations and quantities of each. The Landscape Plan shall also include species, sizes, and planting plans for all vegetation.
3. All street tree types shall be recommended by a Landscape Architect and be acceptable to the Planning Board and shall be a type suitable for the Redevelopment Area's environment. A list of suitable trees is provided.
4. Native plants should be used before other alternatives. A list of examples is provided at the end of this section.
5. All landscape materials planted by the developer must have a two year maintenance guarantee. If any planting materials die within two (2) years of planting, they must be replaced during the following planting season.
6. Within an overall Landscape Plan, a Hardscape and Streetscape Plan shall be required. The Hardscape and Streetscape Plan shall be submitted to the Newton Planning Board for its review and approval in conjunction with the project Site Plan application and implemented contemporaneously with the construction of the redevelopment project. The Streetscape Plan shall include all street frontages, existing and proposed.
7. Sidewalks should enhance the pedestrian experience. Toward that end, the following must be included within the landscaping plan:
 - a. Barrier-free access to all pedestrian space
 - b. Use of pedestrian-scaled lighting
 - c. Use of pedestrian-scaled signage
8. All open areas not covered by buildings, paving, and sidewalks shall be graded and landscaped.

- 9. An open space park or plaza, as shown on the landscape plan, shall be developed to be publically accessible open space.
- 10. Buildings fronting onto Adams Street shall have raised planting beds on both sides of each entrance. Raised beds should be planted with a mix of weather appropriate indigenous plants.



VIEW FROM ADAMS STREET

- 11. Street trees shall be planted along the Main Street frontage as shown below.
- 12. Raised planter beds shall be constructed along the curb of Main Street and distributed among the required street trees.



VIEW DOWN MAIN STREET

13. Irrigation shall be integrated into the site design.

14. All landscaped areas must be well-maintained, weeded, trimmed and pruned to provide a positive visual appearance.

A general conceptual Landscape Plan is shown below:



7.3 SPECIAL PEDESTRIAN ONLY AREA REQUIREMENTS

An up to 15,000 square foot space should shall be created in a centrally located area within the site. This space will be a focal point for the development and an area for people to gather, hold events, recreate, etc. To further enhance pedestrian connectivity through the site, Adams Street should be connected to either the internal drive or the plaza via a pedestrian walkway.

Areas accessible to the public have to abide by all general requirements regarding types of trees and lighting.

Additional requirements listed here are specific to pedestrian spaces.

- Adequate exterior lighting shall be provided for safety.
- A sufficient number of trees should be planted in public areas to provide shade during the day and help create a pleasant pedestrian environment.
- Flowering trees and shrubs are encouraged in the plaza.

7.4 STREETScape AND HARDSCAPE REQUIREMENTS

The standards set forth in this section describe the hardscape and streetscape requirements for the Redevelopment Area. The Planning Board, in consultation with the Town Planner and Town Engineer,

shall determine the exact construction material and sections to be utilized. Any work within the Town right-of-way shall be subject to approval by the Town Engineer.

Hardscape Requirements for Pedestrian Spaces/ Plazas

1. Barrier-free access to all pedestrian space is required.
2. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used in all open space areas either alone or in combination with concrete.



3. Public art and/or fountains shall be utilized in combination with landscape planters and/or street trees to provide visual interest. Interactive art installations are encouraged.
4. All public open spaces shall contain pedestrian/bicycle amenities such as benches, seating areas, trash receptacles and bicycle racks. At least 50 percent of seating areas must be shaded from the sun.
5. Amenities shall be grouped so as to create pockets of interest within the plaza. Open space areas within the Plaza should be flexible to provide space for outdoor markets and other events.

Hardscape Requirements for Streetscape

1. All streetscape treatments applied along Main Street/US Route 206 shall match existing streetscape treatments. If possible, existing streetscape shall be preserved. Streetscape along Adams Street should match existing.
2. Barrier-free access to all pedestrian spaces is required.
3. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used on all crosswalks, to act as a traffic-calming device, and on internal lanes where feasible.
4. All curbing should be granite, or a poured, brushed concrete. Asphalt curbing is expressly forbidden. Curbs shall be 6 inches in height from the final top height of the pavement.
5. Sidewalks shall be constructed of scored concrete with brick edges and dividers or textured paving materials. The paver strip along the curb edge must be brick, synthetic brick or another approved paver. The strip shall be a minimum of 2 feet' wide; the concrete sidewalk must be a minimum of 6 feet' wide.
6. Street trees shall be located on the outside of the sidewalk, between the sidewalk and ROW edge. Street trees shall be located in tree grates.
7. Sidewalk areas shall be continuous across any access drive, including any decorative paving elements.

Planting Requirements for Streetscape

1. All trees shall be a minimum of 3 inches in caliper measured at 6 inches from ground level and have a minimum branch height of 6 feet at time of planting for yard trees, 10 feet minimum branch height for street trees.
2. Raised planters shall be interspersed on Main St. (Rt. 206) amongst street trees along the curb. Planters should be a large enough to accommodate a variety of different plants and to act as buffers between pedestrians and vehicles on Rt. 206.
3. Street trees shall be spaced every 30 feet' on center along streets and park edges.
4. Trees shall be planted in tree grates.
5. Trees should only be planted during appropriate spring and fall planting seasons to the highest arboricultural industry standards; appropriate root barriers shall be installed at the time of planting.
6. Street trees shall not be planted within the clear sight triangle of any intersection.

Lighting Requirements for Streetscape, Walkways & Plaza Areas

1. Streetscape lighting and pole mounted lighting in public open space areas shall be specified as Spring City "Edgewater" cast iron post with a Spring City "William and Mary" luminaire or an approved equivalent on the lighting plan. Final approval of the fixture, pole type, and location will be made by the Planning Board. Parking areas, backs of buildings and areas not visible from public open space or right-of-ways may utilize an alternative lighting fixture. The final lighting plan is subject to approval by the Planning Board.
2. All streets shall have decorative, pole-mounted lamps that are 12-14 feet in height, spaced a maximum of 40 feet on center, or as needed to provide adequate lighting, and located within the textured strip between the curb and sidewalk.
3. All street lighting and exterior building lighting shall have downward shields to minimize illumination of the night sky and to minimize or reduce glare as seen from neighboring properties.
4. Metal Halide (or comparable light quality) lamps are suggested for their efficiency and light quality. Mercury Vapor and high pressure sodium lighting shall not be allowed.
5. A comprehensive Lighting Plan must be provided with sufficient detail to illustrate that proper illumination is provided. The plan should illustrate all streets, alleys, pedestrian areas and parking areas, all pole mounted and attached building lights, types of fixtures, lighting intensities, lighting patterns, filament type, shape of lens, and direction of illumination.
6. All street lights shall have illumination and uniformity ratios which do not exceed the recommendations of the Illuminating Engineering Society of North America (IESNA). All sidewalks adjacent to roadways shall maintain a minimum 0.5 footcandle coverage.
7. Public walkways and the Plaza shall incorporate in-ground lighting and/or small landscape lights to add interest and light in pedestrian areas.

7.5 STREETScape, HARDScape AND PLAZA DESIGN INSPIRATIONS



Newton Streetscape along Spring Street



Landscape Planters & Outdoor Seating



Public Plaza with Market & Interactive Fountain



Public Art as Benches in Plaza



Plaza with Fountain and Moveable Seating



Plaza with Interactive Fountain and Outdoor Seating

7.6 STORMWATER MANAGEMENT REQUIREMENTS

Any site plan submitted for redevelopment of the Redevelopment Area shall meet the Town of Newton and New Jersey Department of Environmental Protection stormwater management requirements. Mitigation of stormwater run-off through innovative techniques is encouraged but not required.

Stormwater Detention Facilities, if necessary, are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take into consideration mitigation strategies such as green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities, if necessary, must be underground.

7.7 GENERAL UTILITIES REQUIREMENTS

1. Water supply: shall be obtained from the Newton Water Utility in accordance with NJDEP and Town of Newton Regulations, as applicable. Water use on the site should be minimized through the use of low flow fixtures and other water saving measures.
2. Sanitary sewers: shall be obtained from the Newton Sewer Utility in accordance with NJDEP and Town of Newton Regulations as applicable. Sewer usage should be minimized through the use of low flow fixtures.
3. Storm water management: shall be provided in accordance with NJDEP and Town of Newton Regulations as applicable, except where pre-developed site conditions such as impervious coverage allow for an offset in stormwater management requirements. If green roofs and/or roof-top gardens are utilized, they may be factored into the stormwater management program.
4. Lighting: Non-corrosive ornamental lighting shall be provided and shielded to direct illumination downward for streets, parking areas, alleys, public open spaces and sidewalks, sufficient to ensure safe and convenient evening use.
5. Recycling and solid waste removal: Solid waste and recycling facilities shall be provided for the collection and removal of recyclables and solid waste. The solid waste and recyclables shall be picked up at designated locations in the rear of the buildings. Solid waste and recycling facilities shall be provided internally to the buildings or in screening enclosures constructed of materials consistent with the adjacent building architecture.
6. Electric, phone, internet and cable service: All electric, phone, internet and cable services provided shall be underground.
7. Utility Location: Location of all underground utilities shall be subject to approval from the relevant regulatory agency. All utilities shall be provided in utility easements accessible for repair.

7.8 SUGGESTED PLANT LIST

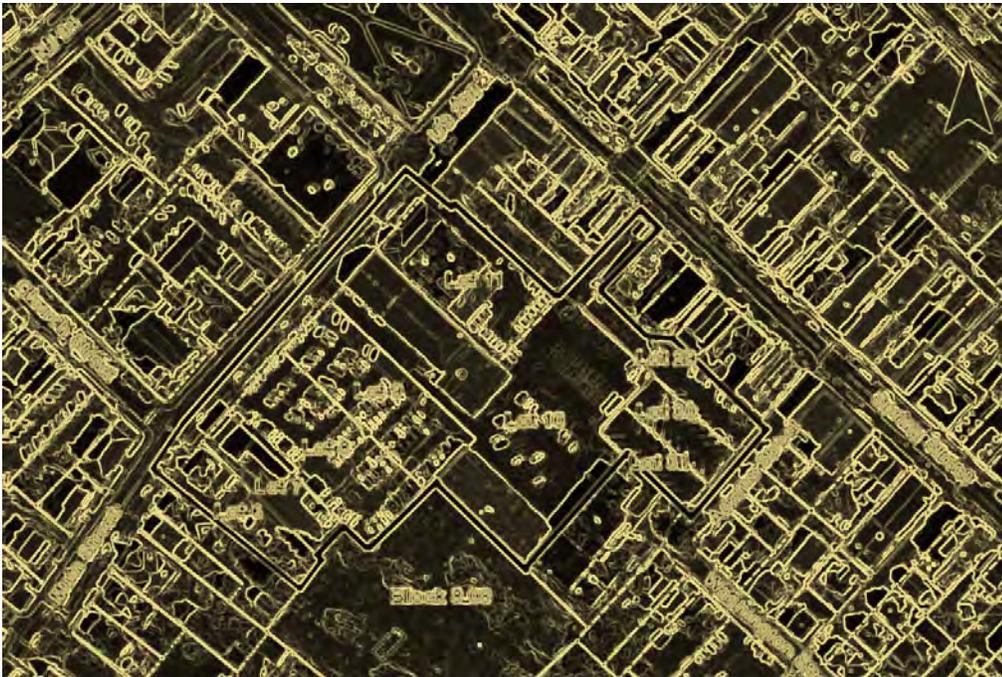
Shade and Flowering Trees

1. *Fraxinus pennsylvanica*, Green Ash
2. *Betula nigra*, River Birch
3. *Carpinus caroliniana*, American Hornbeam
4. *Acer rubrum*, Red Maple
5. *Celtis occidentalis*, Hackberry
6. *Amelanchier canadensis*, Serviceberry
7. *Cercis canadensis*, Eastern Red Bud
8. *Cornus florida*, Flowering Dogwood'

Shrubs and Grasses

1. *Viburnum trilobum*, Cranberry Bush
2. *Viburnum acerifolium*, Maple Leaf Viburnum
3. *Viburnum nudem*, Possumhaw Viburnum
4. *Viburnum prunifolium*, Black Haw
5. *Illex opaca*, American Holly
6. *Calamagrostis canadensis*, Blue Joint Grass
7. *Schizachyrium scoparium*, Little Blue Stem Grass
8. *Panicum virgatum*, Switch Grass
9. *Spiraea tomentosa*, Steeplebush
10. *Gaultheria procumbens*, Wintergreen
11. *Ilex verticillata*, Winter Berry
12. *Aronia melanocarpa*, Black Chokeberry

8.0 LEGAL PROVISIONS



8.1 LEGAL REQUIREMENTS

If any section, subsection, paragraph, division, subdivision, clause or provision of this Plan shall be deemed by a court of competent jurisdiction to be invalid, such adjudication shall only apply to the particular section, subsection, paragraph, division, subdivision, clause or provision in question, and the balance of the Plan shall be adjudged valid and effective.

8.2 ZONING PROVISIONS

Upon final adoption of this Redevelopment Plan by the Town Council, this Redevelopment Plan shall supersede all provisions of the Newton Zoning Ordinance for the Redevelopment Area, and all underlying zoning shall be voided. The Newton Zoning Ordinance shall control for any zoning-related issue that is not addressed herein, except that Any zoning-related issue that is not addressed herein shall refer to the Newton Zoning Ordinance for guidance. No variance from the requirements herein shall be cognizable by the Planning Board acting as the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein.

Standards from the following ordinance sections are hereby incorporated by reference:

- §240-3: Subdivision and Site Plan Procedures
- §258: Stormwater Control
- §320-30: Wireless Communication Facilities
- §320-31: Administration and Enforcement
- §320-32: Wind and Solar Energy Systems

8.3 AMENDMENTS TO THIS PLAN

The McGuire Redevelopment Plan may be amended from time to time in compliance with the requirements of the Local Redevelopment and Housing Law.

As development occurs within the Redevelopment Area, development priorities and market demands may change. This Plan should have the adaptability 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.

As no variance from the requirements herein shall be cognizable by the Planning Board sitting as the Zoning Board of Adjustment, applicants seeking such variances shall instead apply to the governing body for a plan amendment to allow such relief. The application to the governing body should identify: the provisions of the plan from which relief is sought; the alternative proposed by the applicant; an explanation as to why the change is requested; and an explanation as to how the enactment of the proposed plan amendment would not be detrimental to the public good and would not substantially impair the intent and purpose of the redevelopment plan. The governing body, after review of the application, will vote as to whether or not such plan amendment should be referred to the Planning Board for its review and comment in accordance with the Redevelopment Law.

8.4 VARIATIONS IN SITE PLAN DESIGN

Modifications from standards which are expressly stated to be “mandatory” under the Land Use Regulations of this Plan may be approved by the Planning Board only by formal grant of a deviation as provided.

8.5 DEVIATIONS

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

No deviations may be granted which will result in permitting:

1. A use or principal structure in a district restricted against such use or principal structure.
2. An expansion of a non-conforming use.
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district.

In addition, no deviations shall be granted which have any one of the following effects:

1. Exceeding the maximum development capacity of either square footage or dwelling units, as required according to this Redevelopment Plan.
2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
3. Increasing or decreasing story height from that which is specifically permitted in the Section 6 - Building Regulating Plan.
4. Varying in any way from the permitted and prohibited uses as set forth in this Plan.
5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

Any party seeking a deviation from this Plan which cannot be granted by the Planning Board as set forth above, may apply to the Governing Body to request an amendment to this Plan.

8.7 PLAN CONSISTENCY REVIEW

In accordance with N.J.S.A. 40A:12A-7, entitled "Adoption of Redevelopment Plan", this Plan will include any significant relationship of the Redevelopment Plan to (a) the Master Plans of contiguous municipalities, (b) the Master Plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52.18A-196 et al).

In accordance with N.J.S.A. 40:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as the "Local Redevelopment and Housing Law", the following statements are made:

A. The Plan herein has delineated a definite relationship to local objectives as to the appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements using general regulations and the specific form based codes required in this Plan.

B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of the Plan.

C. The Plan has set forth proposed parking and circulation standards, land uses and building requirements for the Redevelopment Plan.

8.8 RELATIONSHIP TO THE TOWN OF NEWTON MASTER PLAN

The most recent Newton Master Plan Update was adopted by the Newton Planning Board in August 2008. This area is recognized in the Master Plan as a combination of T-5 and T- 6 Zoning in the Land Use Plan. The Master Plan identifies the land uses in the Redevelopment Area as a mixed-use Town Core and Town Core support areas. The proposed zone plan in the Master Plan is consistent with this Plan. The Master Plan also identifies the Redevelopment Area as an area that should be studied to determine if it is Need of Redevelopment pursuant to Redevelopment Law. This Plan is consistent with this recommendation of the Master Plan as well.

The Historic Preservation Element identifies the Redevelopment Area as in both the Newton Historic District as well as the Town Plot District. As noted in the Historic Designation review, this Plan permits for a development pattern that could result in the demolition of one or more buildings. As with any redevelopment proposal, the benefits and detriments of refurbishing existing structures must be weighed. In the case of these structures, a variety of issues come into play, including vacancy, dilapidation and underutilization of the properties. When weighing the historic nature of the buildings against the dilapidation, vacancy and underutilization of a large area in the Town's downtown, the need to redevelop this area outweighs the benefits of preserving the historic structures. To the extent that redevelopment of a lot or lots in the Redevelopment Area in accordance with this Plan shall constitute an encroachment under the Historic Places Act, N.J.S.A. 13:1B-15.128 et seq., or shall otherwise require historic preservation review and/or approvals, the applicable redeveloper shall be responsible for obtaining any and all necessary historic preservation review and/or approvals, including, if applicable, approval of the State Historic Preservation Office ("SHPO"). Based on the above and other reviews, the Plan is consistent with the Newton Master Plan.

8.9 CONSISTENCY WITH THE STATE PLAN

On March, 2001, the State Planning Commission (“SPC”) adopted the new State Development and Redevelopment Plan (“SDRP”). The SDRP establishes a proposed statewide planning framework that is designed to maintain and revitalize existing cities and towns and organizing new growth in “Centers” – compact, mixed-use communities that provide a variety of choices in housing, employment opportunities, entertainment, services, transportation and social interaction. The Town of Newton is divided into the Rural/Environmentally Sensitive Planning Area (PA4B) and Environmentally Sensitive Planning Area (PA5). However, the entirety of Newton is within the Regional Center boundary as designated by the SDRP. According to the State Plan, the intent of the PA4B and PA5 Planning Areas is to:

- Guide development and redevelopment into designated Centers;
- Provide for a full range of housing choices (primarily in Centers);
- Promote economic activities within Centers that complement and support rural communities; and
- Minimize potential conflicts between development, agricultural practices and sensitive environmental resources.

The State Plan recommends adopting the principles of Smart Growth and maximizing sustainability. The Redevelopment Plan is consistent with the intent of the Metropolitan Planning Area as enunciated in the SDRP. The Redevelopment Plan will advance the SDRP’s objectives for physical and economic redevelopment, environmental sensitivity and improved quality of life. Therefore, the Redevelopment Plan is consistent with the goals and objectives of the SDRP.

8.10 RELATIONSHIP TO ZONING ORDINANCE

Under the Form-Based Code, the Redevelopment Area is located both in the T-5 – Neighborhood Core District and the T-6 – Town Core Zone. The majority of the Redevelopment Area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone. The T-6 and T-5 Zones are similar in density and permitted uses to the proposed density and permitted uses in this Plan.

8.11 CONSISTENCY WITH ZONING IN ADJACENT MUNICIPALITIES

No [significant relationship conflict](#) is determined to exist between this Redevelopment Plan and the Master Plans of Andover Township, Fredon Township or Hampton Township.

8.12 SITE PLAN REVIEW

All redevelopers shall submit a Site Plan Application to the Planning Board identifying their specific project area within the overall Redevelopment Plan. The site plan submission for review and approval must identify bulk distribution, open spaces and public areas, access and sidewalk improvements, building elevations, typical floor plans, parking and proposed uses. Utility location and capacity, stormwater detention, and landscape plans must also be presented. The Planning Board must be satisfied that the project meets the requirements and the goals and objectives of this Plan and the specific form-based standards, providing for a satisfactory diversity of type, size and use, height of buildings, designated landscape features and other amenities and the projected timing of same.

8.13 REDEVELOPMENT PLAN IMPLEMENTATION

In accordance with the provisions of a Redevelopment Plan adopted pursuant to N.J.S.A. 40A:12A-7, a Municipality or Redevelopment Entity may proceed with clearance, re-planning, conservation, development, redevelopment and rehabilitation of an Area in Need of Rehabilitation. If applicable, to the extent reasonably feasible, replacement housing of any existing housing shall be provided within or in close proximity to the Redevelopment Area. The municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.). There are no residential units that will be displaced in connection with the implementation of this Redevelopment Plan.

8.14 REDEVELOPMENT AGREEMENT

No project shall be undertaken within the Redevelopment Area except pursuant to a Redevelopment Agreement approved by the Redevelopment Entity, [which is either the municipal governing body or its designee](#). The Agreements will be undertaken on a project by project basis. This requirement may be waived at the Redevelopment Entity's discretion for minor projects. The Town may, in its discretion, designate one master redeveloper for the Area in accordance with a master redevelopment agreement. In such an occurrence, properties that will be developed by subsequent redevelopers rather than by the master redeveloper shall require redevelopment agreements in the form of a subsequent developer agreement with the Town, the master developer and the subsequent developer.

8.15 DEVELOPMENT REVIEW PROCESS

Preliminary Design Review

All projects in the Redevelopment Area shall be submitted to the Town Manager for a preliminary design review by his designees prior to submission of an application to the Planning Board. Applicants [shall may](#) also be required to attend a Technical Review Committee meeting with the Planning Board's designated Technical Review Committee [to determine completeness, among other items as follows](#). The meeting(s) will be used to determine if the proposed redevelopment project is consistent with the Redevelopment Plan and conforms to the core design concepts, building requirements, and architectural design guidelines of the Redevelopment Plan and to provide an opportunity for comment and recommendations on the proposed project by the Redevelopment Entity and its professionals. Preliminary design review shall focus on how the proposed project relates to and coordinates other elements and phases of the Redevelopment Plan and how the open spaces, building uses and typologies are integrated with and contribute to the quality and function of the layout and design as presented in the Redevelopment Plan. Prior to the approval of all or a portion of the redevelopment project by the Planning Board, the Town Planner and any other Design Review Professionals designated by the Planning Board shall provide recommendations to the Planning Board regarding the extent to which the proposed project is consistent with the Redevelopment Plan and adequately addresses the design guidelines contained in the Plan.

Planning Board Review

Pursuant to N.J.S.A. 40A12A-13, all applications for development of sites governed by the Redevelopment Plan shall be submitted to the Planning Board of Newton for review and approval. The following provisions shall govern review of any proposed redevelopment and rehabilitation projects for these sites:

1. Prior to the commencement of: (a) any new construction; (b) reconstruction; (c) rehabilitation; or (d) any change in the use of any structure or parcel, a site plan for such shall be submitted to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with (a). through (d). above, without site plan review and approval of such work by the Planning Board.

2. The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq., the Town's Land Development Ordinance, and this Redevelopment Plan.

3. As part of the site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees for on-tract street improvements and appurtenant utility improvements pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the Town of Newton and the Town Engineer shall determine the amount of any performance guarantees.

4. Any subdivision of lots or parcels of land within the Redevelopment Plan shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the Local Redevelopment and Housing Law (LRHL) and N.J.S.A. 40:55D-1 et seq.

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. 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 structure has been "destroyed."

6. No variances, deviations, or waivers may be granted by the Planning Board which will result in permitting a use prohibited or not expressly permitted within this Redevelopment Plan.

7. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyance between the redeveloper and municipality pursuant to [the](#) Local Redevelopment and Housing Law.

8. Any and all definitions contained within the Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Town's Land Development Ordinance, [Chapters 240 and 320 of the Town Code](#), shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12- 3 shall be invalid, and the statutory definitions shall control.

9. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Town's Land Development Ordinance and New Jersey law. Additionally, a redeveloper shall be required to pay for ~~their proportional share of~~ the cost of any studies, plans, reports, or analysis prepared by the Town or its design professionals as part of the [site plan Redevelopment Plan](#) review. Any such payments are required to reimburse the Town or the Redevelopment Entity.

10. The cost of infrastructure improvements generated by the project, including any related off-tract improvements, shall be borne by the project, either through a direct payment from the redeveloper, or through payments in lieu of tax generated by the project.

All Site Plans will be provided by the developer to the Sussex County Planning Board for their information. Pursuant to N.J.S.A. 40:27-6.2, any subdivision application relating to this Redevelopment Plan shall be provided by the developer to the Sussex County Planning Board for its review and comment.

8.16 SCHEDULE FOR IMPLEMENTATION

Any site plan executed for purposes of implementing this Redevelopment Plan shall contain a schedule for performance for the construction of the improvements. In addition to a schedule for commencement of improvements, such plans shall include a schedule that indicates the approximate time period for property acquisition, development approvals, construction permits, relocation, etc. required prior to construction as well as a projected date for project completion. The plan shall also set forth the interim uses for the property and the duration of the period during which such interim uses will be in place. The U.S. Post Office use is proposed to remain in the Redevelopment Area and any construction schedule shall take into account the ability for the U.S. Post Office to continue operating during construction

8.17 DURATION OF THE PLAN

The duration of the Redevelopment Plan shall be perpetual until the last certificate of occupancy is issued and until hereafter amended, rescinded or superseded by a duly adopted ordinance of the Mayor and Town Council.

8.18 PHASING

The Planning Board shall have the discretion to require a suitable mechanism to insure a balanced development of planned open space, commercial services and infrastructure to service the Redevelopment Area.

A. Phasing Plan:

Any applicant(s) seeking to develop within this Area shall be required to provide a Phasing Plan for review and approval by the Newton Planning Board, which shall establish the parameters under which public improvements which are the subject of the application for site plan approval shall be constructed in conjunction with each phase of development. "Public Improvement" includes, but is not necessarily limited to, any and all of the following: 1) the mandatory improvements identified in Landscape Plan; and 2) the mandatory improvements identified in the ~~Parking and Circulation Plan~~ ~~Mobility Plan~~. The Plan shall set a schedule for completion of Public Improvements within the property owned or controlled by the applicant in which the percentage of completion of public improvements is approximately equal to or greater than the percentage of completion of all other development on property owned or controlled by the applicant.

B. Additional Requirements:

The open space improvements shall be constructed simultaneously with any development of the surrounding blocks. It is also recommended that a building to house the U.S. Post Office be constructed first in order to provide for seamless operation of the U.S. Post Office.

8.19 NON-DISCRIMINATION PROVISION

No covenant, lease, conveyance or other instrument shall be effected or executed by the Town Council of the Town of Newton or by a developer or any of its successors or assigns, whereby land within the Redevelopment Area is restricted by the Town Council of the Town of Newton, or the developer, upon

the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. There shall be no restrictions of occupancy or use if any part of the Redevelopment Area on the basis of race, creed, color or national origin.

8.20 AFFORDABLE HOUSING

There are no residential units that will be displaced in connection with the implementation of the Redevelopment Plan. To the extent that the redevelopment of the area creates an affordable housing obligation under the Fair Housing Act and/or State regulations as they may exist at the time of the redevelopment, the Town has identified a number [of on](#) inclusionary zones in the housing element of its master plan that may be well suited for development as an option to locating affordable housing on site.

In addition, a plan must be prepared for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit if present in the Redevelopment Area, that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Any displaced residents of existing housing units within the Redevelopment Area, provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation.

8.21 ENVIRONMENTAL STANDARDS

The site must meet all current New Jersey Department of Environmental Protection standards as are related to this Redevelopment Area at the time of site plan application.

8.22 PROJECT SIGNS AND ADVERTISING

In order to facilitate the overall redevelopment of the Redevelopment Area, and to encourage further investment in the surrounding area and the Town of Newton in general, all advertising, signage, renderings and other promotion of the development and redevelopment of the Redevelopment Area shall contain references to the proposed project's location in Newton, so as to promote the positive aspects of the project, the Redevelopment Plan and the Town of Newton.

8.23 ACQUISITION PLAN

The following parcels, and any and all real estate interests herein, are hereby identified as parcels to be acquired in connection with the implementation of this Redevelopment Plan:

Block 8.08, Lots 6, 7, 8, 9 and 10.

To the extent that any of the properties identified for acquisition shall be acquired by eminent domain, the Town shall develop a Workable Relocation Assistance Plan pursuant to the Relocation Assistance Act, N.J.S.A. 20:4-1 et seq.



TOWN OF NEWTON

RESOLUTION #34-2015

March 9, 2015

“Resolution to Accept the Certified List of Qualifying 2014 Newton Fire Department LOSAP Participants”

WHEREAS, the Length of Service Awards Program (LOSAP) for the Newton Volunteer Fire Department was approved by the Mayor and Council through the passage of Ordinance #2003-12 on August 11, 2003, confirmed by Resolution #104-2003, and approved by Newton voters as a public question at the General Election on November 4, 2003; and

WHEREAS, the Newton Volunteer Fire Department has certified a list of members who are eligible, in accordance with guidelines outlined in Ordinance 2003-12, to receive an amount between \$115.00 and \$1,150.00 based on points credited for volunteer services rendered in 2014 as per the 2014 LOSAP LIST attached; and

WHEREAS, the total number of qualifying volunteers for the Fire Department is 34, for a total contribution of \$27,427.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated in the Town of Newton Operating Budget for calendar year 2014 to cover the cost of this contract;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council do hereby accept the certified list from the Newton Fire Department dated March 9, 2015.

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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk

Certified List of 2014 Newton Fire Department LOSAP Eligible Volunteers

Name	Contribution
Michael Alavarez	\$862.50
Bill Bailey	\$1,150.00
Michael Bencivenga	\$575.00
Chris Blakely	\$1,150.00
Jean Card	\$862.50
Josh LeMasson	\$115.00
Ken Hammett	\$115.00
Gary Cooper	\$115.00
Bill Demerest	\$575.00
Jeff Diener	\$1,150.00
Steven Estler	\$1,150.00
Bryan Farence	\$115.00
Dan Finkle	\$287.50
Brian Fox	\$1,150.00
Thomas Fox	\$1,150.00
Kieran Gill	\$1,150.00
Joseph Inga	\$1,150.00
Omar Leak	\$862.50
Eugene McCarty	\$1,150.00
Jason Miller	\$1,150.00
Jay Phlegar	\$1,150.00
John Prutzman	\$862.50
Anthony Razzano	\$1,150.00
Michael Razzano	\$1,150.00
Justin Rossano	\$575.00
Jeff Schiffner	\$1,150.00
Mike Streeter	\$287.50
Michael Teets	\$1,150.00
Jonathan Rhinesmith	\$1,150.00
Steven Velastegui	\$115.00
Scott Verkon	\$1,150.00
Alfredo Sanchez	\$115.00
Charles Weber	\$287.50
Derek Wechtler	\$1,150.00
Total Town of Newton 2014 LOSAP Contribution	\$27,427.50

Prepared by: Joseph C. Inga, Newton Fire Department
 Certified by: Dawn L. Babcock, Chief Financial Officer

Mayor
E. Kevin Elvidge

Deputy Mayor
Daniel G. Flynn

Council Members
Kristen S. Becker
Sandra Lee Diglio
Wayne F. Levante



Town Manager
Thomas S. Russo, Jr.

Town Clerk
Lorraine A. Read

Telephone: (973) 383-3521
Facsimile: (973) 383-8961
39 Trinity Street
Newton, NJ 07860

To: Thomas S. Russo, Jr., Town Manager
Cc: Lorraine Read, Plan Administrator
Joseph Inga, Fire Department - LOSAP
Jason Miller, Fire Department Chief 2015
Michael Teets, Fire Department Deputy Chief 2015
From: Dawn L. Babcock, CFO 
Date: March 2, 2015
Subject: Receipt of LOSAP list for 2014

I have received a LOSAP certified list of eligible volunteers from the Newton Fire Department for the year 2014 totaling \$27,427.50. As per Local Finance Notice 2006-2 the Town has 30 days to review this list and request any records deemed necessary to ensure that the list is accurate. **Please review the attached list and advise if you require any additional records or if you would like to proceed to approve by resolution.**

Once the list is approved by resolution, it should be returned to the Fire Department. The **Fire Department should then post this list for 30 days.** This allows any emergency service volunteers to raise any concerns or questions they might have. Per January 6, 2015 email Joseph Inga has advised that this list was to be posted on January 25, 2015.

After the 30 days, **the Fire Department should advise the Finance Department that it is acceptable to process the LOSAP payment.**

The finance department then has 60 days to make payment to Lincoln Financial.

Attachments: Sample Resolution to approve certified list



**TOWN OF NEWTON
RESOLUTION #35-2015**

March 9, 2015

“Approval of the Execution of a Shared Services Agreement with Byram Township to Provide Certified Tax Collection Services for May 1, 2015 through December 31, 2015”

WHEREAS, the Township of Byram (“Byram”) required the services of a Certified Tax Collector on an occasional and part-time basis; and

WHEREAS, the Town of Newton (“Newton”), under Resolution #164-2014, approved a shared services agreement dated August 25, 2014 whereby Newton provided the services of its Certified Tax Collector, Linda A. Roth, on an occasional and part-time basis to Byram; and

WHEREAS, said agreement expires April 30, 2015; and

WHEREAS, Newton has submitted to Byram the attached agreement dated March 9, 2015 which outlines the terms and conditions of a new shared services agreement between Newton and Byram for Newton’s Certified Tax Collector, Linda A. Roth, to perform tax collection duties for Byram on an occasional and part-time basis from May 1, 2015 through December 31, 2015; and

WHEREAS, the State of New Jersey strongly encourages municipalities to enter into Shared Services Agreements such as this;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body hereby approves and authorizes the execution of a new Shared Services Agreement with the Township of Byram for the provision of certified tax collection services.

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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk

Agreement between Byram Township and the Town of Newton
Regarding Tax Collection Services

This Agreement, made this 9th day of March, 2015, by and between:

The Town of Newton (Newton), a Municipal Corporation, Incorporated in the State of New Jersey, and located at 39 Trinity Street, New Jersey, 07860; and

The Township of Byram (Byram), a Municipal Corporation, Incorporated in the State of New Jersey, and located at 10 Mansfield Drive, Stanhope, New Jersey, 07874.

WITNESSETH:

WHEREAS, Byram is in need of a Certified Tax Collector to provide Tax Collection Services; and

WHEREAS, Newton has the ability to provide said services to Byram; and

WHEREAS, Byram and Newton desire to enter into an agreement in which Byram shall utilize Newton's Certified Tax Collector to provide Byram with Tax Collection Services for a limited period;

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants, promises and consideration recited herein, the parties hereto agree as follows:

1. Newton will allow Newton's Certified Tax Collector to be appointed by Byram as Byram's interim Tax Collector pursuant to N.J.S.A. 40A:9-141, while Byram hires and trains an individual to become its permanent Tax Collector.
2. Newton's Certified Tax Collector shall serve as Interim Tax Collector for Byram from May 1, 2015 through December 31, 2015 (an eight (8) month period).
3. Byram shall pay Newton a total of \$28,000 for providing Certified Tax Collection Services to Byram. Such sum shall be paid in equal installments of \$3,500 per month for the duration of the Agreement.
4. Newton shall be responsible for compensating the Tax Collector for the services the Tax Collector provides to Byram by way of Newton's regular payroll.
5. Newton's Certified Tax Collector's regular available hours to Byram shall be:
 - Tuesdays (8:30 AM – 4:30 PM).
 - These regular hours can be adjusted with input from the Newton Certified Tax Collector and the approval of the managers from both towns and such approval will not be unreasonably withheld.
6. Byram will receive on average eight (8) hours of service each week. Weeks containing a holiday may require an adjustment to the aforementioned schedule.

7. Should Newton's Certified Tax Collector provide services to Byram in excess of the two hundred and eighty (280) hours contemplated by this Agreement, Byram will compensate Newton at a rate of eighty-five dollars (\$85.00) per hour for every hour, or partial hour thereof, in excess of the 280 contracted for. Byram shall be responsible for maintaining complete and accurate records of the hours the Newton Certified Tax Collector performs services for Byram and reporting such hours to Newton.
8. Both parties shall have the right to terminate this Agreement by giving to the other party thirty (30) days written notice of their election to do so for any reason or no reason during the term of the Agreement. Written notice shall be delivered to the respective managers for each municipality, via hand delivery, email, facsimile or regular mail.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper officers and caused their proper seals to be affixed hereto the day and year first above written.

Town of Newton

Thomas S. Russo, Jr.
Town Manager

ATTEST:

Township of Byram



Joseph Sabatini
Township Manager

ATTEST:





TOWN OF NEWTON

RESOLUTION #36-2015

March 9, 2015

“Appointment of Ernest Hemschot as an Alternate Member of the Newton Planning Board”

WHEREAS, there is currently a vacancy on the Town of Newton Planning Board for an Alternate position; and

WHEREAS, Ernest Hemschot has expressed an interest in serving on the Planning Board as an Alternate Member;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Ernest Hemschot is hereby appointed to an unexpired two-year term as Alternate Member #1 of the Newton Planning Board, effective immediately with said term continuing to December 31, 2016.

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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #37-2015

March 9, 2015

“Establish Salaries and Wages for Certain Town of Newton Employees Not Covered by Bargaining Agreements”

WHEREAS, minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton were established for calendar year 2015 by Ordinance #2014-25; and

WHEREAS, the Town Manager, as part of his 2015 Town of Newton Preliminary Budget, has recommended a TWO PER CENT (2.0%) increase in salary for calendar year 2015 to be paid to certain Town of Newton employees, whose employment is not the subject of any bargaining agreement or individual contract; and

WHEREAS, the Town Council has reached the following conclusions:

1. A TWO PERCENT (2.0%) increase in salary for certain full-time and part-time Town of Newton employees, whose employment is not the subject of any bargaining agreement or individual contract, for calendar year 2015 is appropriate.
2. The Mayor, Deputy Mayor and Members of the Town Council have refused said salary increase.
3. The Police Chief has already received a TWO PERCENT (2.0%) increase according to his contract.
4. The salary increase of the Town Manager has been addressed separately by the Town Council.
5. Seasonal employees are excluded from any salary increase authorized by this resolution.
6. The following employees are excluded from this TWO PERCENT (2%) increase:
 - a. Code Enforcement Director
 - b. Deputy Town Manager/Community Development Director
 - c. Human Resources Director
 - d. Public Works Supervisor
 - e. Administrative Assistant to Public Works Director
 - f. Assistant Water/Sewer Supervisor – Licensed Plant Operator
 - g. Municipal Judge
 - h. Tax Assessor
7. Said raises shall be retroactive to January 1, 2015.
8. Stipends received through payroll are not salary and shall not be entitled to the TWO PERCENT (2%) increase authorized by this resolution.

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the salaries and wages for the year 2015 for non-union Town of Newton employees, whose employment is not covered by bargaining agreement or individual contract and with the aforementioned exceptions, shall be increased by TWO PERCENT (2%), retroactive to January 1, 2015.

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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #38-2015

March 9, 2015

"Modifying Benefit Coverage for Scott J. Holzhauser and Adjusting Annual Salary for Scott J. Holzhauser"

WHEREAS, pursuant to Resolution #276-2009, adopted on December 28, 2009, the Town Council of the Town of Newton authorized the continuation of healthcare coverage for certain part-time employees, including the Town of Newton's Tax Assessor, Scott J. Holzhauser, with a reduction in salary to cover the cost of such coverage; and

WHEREAS, the Town of Newton's Tax Assessor, Scott J. Holzhauser has notified the Town that he no longer requires healthcare coverage provided by the Town of Newton and wishes to be removed from such coverage, as he will be obtaining healthcare elsewhere; and

WHEREAS, Mr. Holzhauser has been advised and agrees that he will no longer be eligible for such healthcare coverage in the future; and

WHEREAS, Mr. Holzhauser's salary will be set to \$40,000 annually, upon the termination of the existing insurance coverage provided by the Town;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, as follows:

1. The Town Council of the Town of Newton will remove Scott J. Holzhauser from its healthcare coverage effective April 1, 2015.
2. The Town Council agrees to allow Mr. Holzhauser to participate in the Town of Newton group dental and vision plans, for him and his qualified dependents, with the full cost of such participation being borne by Mr. Holzhauser, with Mr. Holzhauser being charged through a payroll deduction.
3. Mr. Holzhauser shall receive an annual salary of \$40,000, commencing at the termination of his healthcare coverage with the Town.
4. The Town Council further confirms that Mr. Holzhauser will not be eligible at any time in the future for healthcare coverage through the Town.
5. The annual salary of \$40,000 is not subject to increase unless agreed to in writing by the Town Manager and Scott J. Holzhauser.
6. This Resolution shall take effect immediately.

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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #39-2015

March 9, 2015

“Authorizing the Town of Newton to Enter Into a Shared Services Agreement with the Sussex County Municipal Utilities Authority for the Purpose of Providing a Certified Recycling Professional for the Town of Newton”

WHEREAS, the Town of Newton “NEWTON” has enacted a recycling plan for all recyclables as designated by the Sussex County Solid Waste Management Plan; and

WHEREAS, the State of New Jersey requires to have its annual recycling tonnage reports approved and executed by a duly Certified Recycling Professional “CRP”; and

WHEREAS, the Town of Newton and the Sussex County Municipal Utilities Authority “SCMUA”, a municipal utilities authority of the State of New Jersey, have negotiated a Shared Services Agreement stating that SCMUA shall serve as NEWTON’s CRP; and

WHEREAS, said Shared Services Agreement is attached to and made part of this resolution;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that the Mayor and Clerk are hereby authorized to execute the attached Agreement authorizing the Sussex County Municipal Utilities Authority to serve as the Town of Newton’s Certified Recycling Professional.

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, March 9, 2015.

Lorraine A. Read, R.M.C.
Municipal Clerk

**AGREEMENT BETWEEN TOWN OF NEWTON
AND SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY
FOR CERTIFIED RECYCLING PROFESSIONAL (CRP)
TO CERTIFY THE 2014 ANNUAL RECYCLING TONNAGE REPORT**

Beginning 2013, each New Jersey municipality is required by the Recycling Enhancement Act (REA) to have mandatory Annual Recycling Tonnage Reports approved and "executed" by a Certified Recycling Professional (hereinafter "CRP"). Recycling Tonnage Reports will be submitted by the SCMUA via email to the New Jersey Department of Environmental Protection (NJDEP) utilizing a spreadsheet compatible with the Microsoft Excel structure provided by the Department.

THIS AGREEMENT by and between the Town of Newton (municipality), a municipal body politic having its offices at 39 Trinity Street, Newton, New Jersey, 07860, and the Sussex County Municipal Utilities Authority (SCMUA), Sussex County, New Jersey, a body corporate and body politic organized and operating pursuant to NJSA 40:14B-1 et seq. having its offices located at 34 South Route 94, New Jersey, 07848 (hereinafter SCMUA), is dated this 9th day of March, 2015.

WHEREAS, the Town of Newton, by ordinance, has duly enacted a recycling plan for all recyclable materials as designated by the Sussex County District Solid Waste Management Plan and amendments thereto and:

WHEREAS, the Town of Newton is desirous of retaining CRP services of the SCMUA for certification of said Annual Recycling Tonnage Report; and:

WHEREAS, the award of this contract between the SCMUA and the Town of Newton pursuant to N.J.S.A. Section 13:1E-99.14 and pursuant to N.J.S.A. Section 40A:11-5(2). is an exception to the bidding requirements as set forth in the “Local Public Contracts Law”;

NOW, THEREFORE, in consideration of the terms, conditions, mutual benefits and covenants hereinafter set forth, the Town of Newton and the SCMUA make this agreement.

1. The Town of Newton shall retain the services of the SCMUA for a CRP that will be responsible for executing the mandatory annual municipal recycling tonnage report, as provided in the Sussex County District Solid Waste Management Plan, and with the State NJDEP.
2. It is understood that the responsibility for the accuracy of all tonnage and materials reported lies with the municipal representative as the designated preparer of the Recycling Tonnage Report. The Town of Newton designates: Kenneth Jaekel as the preparer of the report. The Municipal report preparer is responsible for report verification should the NJDEP audit the report submittal.
3. The Town of Newton shall be responsible to retain the appropriate documentation for five years in the event of a NJDEP field review/audit.

4. The Town of Newton reserves the right to reasonably amend the terms of this Agreement by giving thirty (30) day written notification to the SCMUA of any changes thereto. The SCMUA reserves the right to terminate this Agreement if the amendment is unacceptable to the SCMUA.
5. The Town of Newton shall pay an annual fee of \$250.00 to the SCMUA for the CRP's services. The Town of Newton agrees to pay all invoices within thirty (30) days upon finalization of the report and submittal of voucher. Notwithstanding any other provision herein. The SCMUA's liability arising out of this agreement for any reason whatsoever, whether known or unknown shall never be greater than the annual fee.
6. This agreement is effective for calendar year 2015 (2014 Recycling Tonnage Report), and may be extended for future years, in yearly increments, upon the mutual consent of both parties.
7. This agreement is the entire agreement between the Town of Newton and the SCMUA and supersedes all previous agreements and discussions. Any amendments hereto must be in writing and must be duly executed by both the Town of Newton and the SCMUA to become effective.
8. This Agreement will be entirely performed within the State of New Jersey and it shall be construed in accordance with the laws thereof.

9. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, void, ultravires, or unconstitutional, the remainder of this Agreement shall continue in full force and effect.

IN WITNESS HERETO the parties hereto have set their hands of the proper public official as of the date and year first above written.

Town of Newton
MUNICIPALITY

E. Kevin Elvidge, Mayor Town of Newton
(Name & Title)

By: _____
(Name & Title)

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

(Name & Title)

By: _____
(Name & Title)

A copy of this executed agreement shall be forwarded to the NJDEP, either electronically to REATAx@dep.state.nj.us or by mail to:

NJDEP-Solid & Hazardous Waste Management Program
401 E. State Street
Mail Code 401-02C
P.O. Box 420
Trenton, NJ 08625-0420
Attn: Mr. Joe Davis



TOWN OF NEWTON

RESOLUTION #40-2015

March 9, 2015

“Approve 2014 Appropriation Reserve be Lapsed to Trust – Snow Removal Reserve”

BE IT RESOLVED, by the Town Council of the Town of Newton that the following 2014 appropriation reserve balance be lapsed to Trust – Snow Removal Reserve pursuant to NJSA40A: 4-62.1. This resolution is being adopted in accordance with the provisions of NJSA 40A:4-59.

<u>From</u>	<u>To</u>	<u>Amount</u>
<u>CURRENT</u>	<u>TRUST</u>	
Snow Removal OE 1081226A	Snow Removal Reserve 711202	\$6,000.00
Snow Removal SW 1081102A	Snow Removal Reserve 711202	\$5,600.00
Road OE -Machinery 1080326A	Snow Removal Reserve 711202	\$4,400.00
TOTAL		<u>\$16,000.00</u>

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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #41-2015

March 9, 2015

"Authorizing the Reduction of Utility Fees for Martorana Enterprises in Connection with the Development of the Property Known as Block 22.05, Lot 13, Newton, New Jersey (Grande Villaggio)"

WHEREAS, on April 14, 2014, the Town Council of the Town of Newton adopted Resolution #63-2014, which concurred with the recommendation of the Utility Advisory Board in allocating water and sewer gallonage for Martorana Enterprises ("Martorana") for Grande Villaggio on property formally known as Block 22.05, Lot 13, located at 104 Sparta Avenue, Newton, New Jersey; and

WHEREAS, Resolution #63-2014 specifically required the payment of \$588,990.00 for water and sewer hook-up fees for the 60 residential units and clubhouse; and

WHEREAS, Martorana subsequently informed the Town that Martorana will be installing the water and sewer service for the proposed development; and

WHEREAS, Section 228-3C of the Town Code provides that no tap fees shall be required for any water tap when the tap has been installed by a developer or his agent prior to the acceptance of the distribution mains in the development by the Town; and

WHEREAS, Section 228-14 of the Town Code provides that no tap fees shall be required for any sewer tap when the tap has been installed by a developer or his agent prior to the acceptance of the sewer mains by the Town; and

WHEREAS, accordingly, Martorana requests that the utility fees set forth in Resolution #63-2014 be revised to eliminate the water and sewer tap fees; and

WHEREAS, the Town desires to revise the utility fees due from Martorana in connection with the Grande Villaggio development as set forth in Resolution #63-2014 to eliminate the water and sewer tap fees;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, they being the Governing Body thereof as follows:

1. The water and sewer hook-up fees for the 60 residential units and clubhouse due from Marotara in connection with the Grande Villaggio development on property formally known as Block 22.05, Lot 13, located at 104 Sparta Avenue, Newton, New Jersey as set forth in Resolution #63-2014 is hereby amended from Five Hundred Eighty-Eight Thousand Nine Hundred Ninety Dollars (\$588,990.00) to a total of Five Hundred Fifty-Two Thousand Nine Hundred Ninety Dollars (\$552,990.00) as set forth in detail in the attached Exhibit A.

2. All the remaining terms and conditions of Resolution #63-2014 remain in full force and effect.

3. The Mayor and Town Clerk together with all other appropriate officers and employees of the Town of Newton are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

4. This Resolution shall take effect immediately.

Utility Fees
Grande Villaggio
Block 22.05, Lot 13
104 Sparta Avenue, Newton, New Jersey
March 9, 2015

Phase I
(20 units)

Water	5,200 per unit x 20 units =	104,000
Sewer	3,200 per unit x 20 units =	<u>64,000</u>
		\$168,000

Phase II
(18 units & club house)

Water	5,200 per unit x 18 units =	93,600
Sewer	3,200 per unit x 18 units =	57,600
Clubhouse		<u>48,990</u>
		\$200,190

Phase III
(22 units)

Water	5,200 per unit x 22 units =	114,400*
Sewer	3,200 per unit x 22 units =	<u>70,400</u>
		\$184,800

TOTAL **\$552,990**

*correction of previous mathematical error

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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #42-2015

March 9, 2015

“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 2014 and 2015 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, March 9, 2015.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2015-

AN ORDINANCE ESTABLISHING CHAPTER 242 TREE PROTECTION

OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, the Mayor and Town Council of the Town of Newton find that the indiscriminate and uncontrolled removal and cutting of Trees upon lots and tracts of land particularly on steep slopes and along stream corridors within the Town has resulted in increased municipal costs to control drainage and repair roads and has caused soil erosion and decreased fertility of the soils as well as dust; and

WHEREAS, the Town of Newton's Shade Tree Advisory Commission (NSTAC) has recommended a Tree Protection Ordinance to help alleviate and mitigate any potential negative impacts resulting from the indiscriminate removal of Trees; and

WHEREAS, the Town Council of the Town of Newton implemented Tree Protection and Replacement for new Site Plan applications in the Town of Newton by adding Tree Protection and Replacement requirements in Chapter 240 Site Plan of the Town Ordinances;

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 I: Chapter 242, Tree Protection, is hereby created and made a part of the Code of the Town of Newton.

242-1 Purpose. The purpose of this ordinance is to prevent the indiscriminate and uncontrolled removal and cutting of Trees upon Subdividable Lots and Undeveloped Lots.

242-2 Applicability. Tree Protection applies to all Subdividable Lots and Undeveloped Lots in the Town of Newton, which may be developable pursuant to the Site Plan and Subdivision requirements of Chapter 240.

242-3 Definitions, as used in this Chapter only:

"Alter" means to take action by cutting or pruning any Tree, or by filling, surfacing, grading, compacting or changing the drainage pattern of the soil around any Tree in a manner that threatens to diminish the vigor of the Tree; provided that, as used in this chapter, the term "Alter" does not include: normal seasonal trimming, shaping, thinning or pruning of a Tree necessary to its health and growth.

"Dripline" shall mean a line connecting the tips of the outermost branches of a Tree, projected vertically onto the ground.

"Person" shall mean any owner, operator, company, corporation, general agent, forester, or contractor of a property that has Trees.

"Subdividable Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which has a building located thereon which is occupied or capable of being occupied, but which has a lot size at least three times the minimum zoning requirements of the Town, with dimensions and setbacks sufficient to allow subdivision into at least three building lots and having the same restrictions as an Undeveloped Lot.

"Tree" shall mean any woody perennial plant, which is not considered an invasive species by the New Jersey Department of Environmental Protection, and having a diameter of five (5) inches or greater, measured from a point four and one-half (4 1/2) feet above ground (dbh forestry method).

"Tree Replacement Plan" shall mean a specific plan for replacement of removed Trees in accordance with the provisions of this ordinance. See section 240-7.

"Undeveloped Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which does not have a building located thereon. Whenever approval is granted by the Planning Board to an application for preliminary major subdivision, each lot shown upon the subdivision plat, which does not have a building, located thereon shall be deemed a separate Undeveloped Lot for the purposes of this Chapter.

242-4 Undeveloped or Subdividable Lots. Prohibited Activities.

- A. No Person shall Alter, injure, deface, poison, damage or remove any Tree located on any Undeveloped Lot or Subdividable Lot within the Town without an approved site plan or subdivision. Any property with a Forest Management Plan approved by the New Jersey Department of Environmental Protection is exempt from this requirement.
- B. On Undeveloped Lots with a building permit issued for a single family residence or duplex, Trees may be removed within the building envelope, over any utility easements and in an area wide enough to clear and grade a driveway entrance into the property. Where setbacks are less than 5 feet on rear and side lot lines, a minimum 5 foot buffer must be maintained. If a person building a single family residence or a duplex on an Undeveloped Lot wishes to remove trees outside of the building envelope, they may apply to the Zoning Officer, via a Zoning Permit, with a tree replacement plan as identified in Chapter 240-7.B(6)(d) Landscaping, Tree Protection and Replacement.
- C. No Person shall excavate, remove or place any material, temporary soil deposit, large machinery or equipment that may cause damage to roots or may compact soil, within the Dripline or within six feet of any Tree, whichever distance is greater, except where the Tree is proposed to be removed as part of an approved site plan, subdivision or in a building envelope for a single family residence or a duplex, where a building permit has been issued.

- D. Tree Replacement Plan. A person seeking approval for a subdivision or site plan on an Undeveloped Lot or Subdividable Lot where Trees are proposed to be removed shall submit a Tree Replacement Plan to the Planning Board in accordance with Chapter 240-7 of the Revised General Ordinances of the Town of Newton.
- E. Responsibilities of owner and contract purchaser. No owner or contract purchaser of an Undeveloped Lot or Subdividable Lot who employs any Person to perform any work upon such lot shall permit such Person to violate any provision of this ordinance.
- F. Nothing contained in this section relieves the owner of any private property from the duty to keep all Trees, shrubs or plants on his property or under his control in such condition so as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, pleasure ground, alley or public place within the Town.

SECTION II: PENALTIES FOR NON-COMPLIANCE: The penalty for conducting or allowing conduct prohibited by this section shall be calculated on a Tree-by-Tree basis where damage or removal of each and every Tree constitutes a separate offense. The penalty shall be a fine calculated as \$100 per caliper inch of the affected Tree (measured at the diameter at breast height, or 4.5 feet) up to a maximum of \$2,000. Where the caliper of the affected tree cannot be determined, the penalty shall not be less than \$350 nor more than \$2,000.

SECTION III: SEVERABILITY AND REPEALER

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held invalid.

SECTION IV: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption and publication in accordance with law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on _____, 2015. 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 _____, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk

TOWN OF NEWTON

ORDINANCE 2015-

AN ORDINANCE AMENDING CHAPTER 240-7, ADDING CHAPTER 241 TREE BANK AND AMENDING CHAPTER 100 FEES AND COSTS OF THE CODE OF THE TOWN OF NEWTON

WHEREAS, the Mayor and Town Council of the Town of Newton find that the indiscriminate and uncontrolled removal and cutting of trees upon large lots and tracts of land particularly on steep slopes and along stream corridors within the Town has resulted in increased municipal costs to control drainage and repair roads and has caused soil erosion and decreased fertility of the soils as well as dust; and

WHEREAS, the Town of Newton's Shade Tree Advisory Commission (NSTAC) has recommended a tree protection ordinance to help alleviate and mitigate any potential negative impacts resulting from the indiscriminate removal of trees; and

WHEREAS, the Town Council of the Town of Newton implemented Tree Protection for new Major Site Plan and Major Subdivision applications in the Town of Newton by adding tree protection and replacement requirements in Chapter 240 Site Plan And Subdivision of the Town Ordinances; and

WHEREAS, Chapter 240, Section 7, subsection B.(6) provides for a developer to pay into a Tree Bank, if they choose not to or do not have adequate space to replace the required amount of trees on their property; and

WHEREAS, the Town Council of the Town of Newton would like to establish such a Tree Bank for developers to contribute to in lieu of planting the required trees such that trees may be replaced somewhere in the Town but preferably in the same general area of Town where the trees were removed; and

WHEREAS, the Tree Bank may also be an account where the Town of Newton may accept donations for those interested in providing for trees to be planted within the Town of Newton;

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 I: Chapter 240-7.B(6)(d) Landscaping, Tree Protection and Replacement shall be amended to read:

- (d) Tree protection and replacement must be undertaken as part of the site plan. All existing trees over three inches in dbh shall be surveyed and shown on the site plan with the dbh and removal status. Trees that are surveyed shall be marked in the field for verification by the Planning Board Engineer. Trees shown to be removed shall be replaced with trees that will equal fifty percent of the total dbh at the time of planting to replace the trees proposed for removal. For example, if a 10 inch dbh

tree is proposed to be removed the developer should propose to replace it with a 5 inch dbh tree. Where a developer cannot or does not wish to replace all trees on the site, that developer shall pay a fee per tree into the Town of Newton Tree Bank at a fee as established in Chapter 100 Fees and Costs.

Section II: Chapter 241, Tree Bank, is hereby created and made a part of the Revised General Ordinances of the Town of Newton.

241-1 The purpose of this ordinance is to provide a fund for the planting of trees within the Town of Newton. More specifically, when an applicant for a Major Site Plan or Major Subdivision cannot or does not wish to fulfill the tree replacement requirements of Chapter 240-7.B(6) and/or Chapter 242, then the applicant must contribute to the Tree Bank. Additionally, public or private entities that wish to donate to the Town of Newton to provide for trees to be planted may donate to the Tree Bank for said purpose.

241-2 Definitions, as used in this ordinance:

"Subdividable Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which has a building located thereon which is occupied or capable of being occupied, but which has a lot size at least twice the minimum zoning requirements of the Town, with dimensions and setbacks sufficient to allow subdivision into at least two building lots and having the same restrictions as an undeveloped lot.

"Tree" shall mean any woody perennial plant, having a diameter of five (5) inches or greater, measured from a point four and one-half (4 1/2) feet above ground (dbh forestry method).

"Undeveloped Lot" shall mean a legally established and existing parcel of land, with boundaries determinable from existing records, which does not have a building located thereon. Whenever approval is granted by the Planning Board to an application for preliminary major subdivision, each lot shown upon the subdivision plat, which does not have a building, located thereon shall be deemed a separate undeveloped lot for the purposes of this ordinance.

241-3 Applicability.

The Tree Bank applies to all Subdividable Lots and Undeveloped Lots in the Town of Newton, which may be developable pursuant to the Major Site Plan and Major Subdivision requirements of Chapter 240.

241-4 Town Tree Bank.

- A. The Town shall establish and maintain a Tree Bank where fees collected from developer contribution pursuant to Section 240-7.B(6)(d) paid shall be kept. The fund shall be utilized by the Town Manager, or his designee, for Tree planting in the Town of Newton. The Town's Shade Tree Commission (NSTAC) shall provide recommendations at least

once annually for consideration by the Town Manager, or his designee, for use of the fund.

- B. Funds within the Tree Bank shall be allocated to at least one Tree planting event per year subject to fund availability. Members of the NSTAC shall provide recommendations to the Town Manager, or his designee, in the selection of species and location of planting.
- C. Trees planted by Tree Bank funds should be located as closely as possible to the areas where Tree removal occurred that generate payments to the Tree Bank.
- D. The Town Tree Bank Fund may also accept donations and/or funds from other sources for the express purpose of planting Trees at locations selected by the Town Manager or his designee.

SECTION III: Chapter 100 Fees and Costs is amended as follows:

Section 100-24 Miscellaneous Fees and Charges

100-24-L. Tree Protection and Replacement (Chapter 241)

- (1) Tree Bank Fee for Trees (as defined by Chapter 241) proposed for removal that are not replaced on site: \$50.00 per caliper inch of Tree removed as measured at the diameter at breast height (4 ½ feet).

SECTION IV: SEVERABILITY AND REPEALER

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held invalid.

SECTION V: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption and publication in accordance with law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on _____, 2015. 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 _____, 2015 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

Lorraine A. Read, RMC
Municipal Clerk