

Area in Need of  
Redevelopment Study  
for McGuire Chevrolet  
Site and Surrounding  
Parcels – Block 8.08,  
Lots 6, 7, 8, 9, 10, 11,  
29, 30 & 31

Town of Newton, Sussex County, New Jersey



October 2013

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

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## I. Introduction

### A. Background

The Town Council of the Town of Newton authorized the Planning Board to conduct an area in need of redevelopment study for Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 of Block 8.08 (study area). The purpose of the study is to determine if all or a portion of the study area should be designated as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (Redevelopment Law).

The study area includes nine (9) parcels covering a total of 4.17± acres located between Main Street (U.S. Route 206) and Adams Street in the heart of downtown Newton. Block 8.08, Lots 8, 9 and 10 (41-47, 59 & 63 Main Street) is the McGuire Chevrolet Dealership and associated improvements including a showroom, attached and detached repair facilities and a display lot. Block 8.08, Lot 6 (79 Main Street) is a vacant commercial building. Block 8.08, Lot 7 (75 Main Street) is also a vacant commercial building. Block 8.08, Lot 11 (39 Main Street) is the United States Post Office Building. Block 8.08, Lots 29, 30 & 31 (1, 3, & 11 Adams Street) are owned by the Town of Newton Parking Authority and used as Newton Public Parking Lot #1. The study area has its primary street frontage along Main Street/U.S. Route 206 and secondary frontage along Adams Street. The study area is also connected to Spring Street via a private alleyway, which is part of Block 8.08, Lot 10.



Aerial of Newton's Downtown with Study Area Highlighted

## B. Methodology

This study included research and investigation into the history of the use of the study area as well as field investigations of the study area in order to determine if the study area meets the statutory criteria to be deemed an Area in Need of Redevelopment.

Review of Town documents including the Town Master Plan, Form-Based Code (zoning), code enforcement, tax records and police records were conducted. Existing site information including site surveys, environmental investigations and other documentation of the subject properties was also reviewed.

Field investigations were conducted by J. Caldwell & Associates, LLC of the lots in the study area during June 2013 employing visual inspections and photo documentation of the building exteriors and surrounding sites. The field investigations were utilized to assess the physical conditions of the buildings, accessory structures, parking areas, landscaping and vegetation as well as any environmental constraints.

The information gathered from this study was compared with statutory criteria to determine whether any of the statutory criteria of the Redevelopment Law were met for an area to be designated an Area in Need of Redevelopment. This report outlines the data gathered and identifies each Criterion as it is reviewed for determination if the study area meets the Criteria.

## II. Statutory Criteria

In order to qualify as an area “in need of redevelopment” one or more of the following requirements must be met. The criteria are listed below and identified by the letter corresponding to the paragraph in that Section. Properties located within the study area may meet more than one of the criteria, but only one of the eight criteria needs to be identified in order to be deemed an area in need of redevelopment. The criteria are as follows:

The "a" Criterion: Deterioration (N.J.S.A. 40A:12A-5.a) – “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.”

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – “The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

The "c" Criterion: Public and Vacant Land (N.J.S.A. 40A:12A-5.c) – “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to

adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.”

The "d" Criterion: Obsolete Layout and Design (N.J.S.A. 40A:12A-5.d) – “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”

The "e" Criterion: Property Ownership and Title Issues (N.J.S.A. 40A:12A-5.e) – “A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.”

The "f" Criterion: Fire and Natural Disasters (N.J.S.A. 40A:12A-5.f) – “Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.”

The "g" Criterion: Urban Enterprise Zones (N.J.S.A. 40A:12A-5.g) - “In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c.303 (52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.431 (40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c.441 (40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c.79 (40A:12A-1 et seq.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.”

The "h" Criterion: Smart Growth Consistency (N.J.S.A. 40A:12A-5.h) – “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.”

Section 3: Definitions (N.J.S.A. 40A:12A-3) provides the following definition for redevelopment areas - "Redevelopment area" or "area in need of redevelopment" means "an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined heretofore to be a "blighted area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part."

### III. Study Area

#### A. Study Area Description

The study area is bounded by Main Street/U.S. Route 206, Spring Street and Adams Street. The study area contains nine tax lots: Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 in Block 8.08 of the Town of Newton. The study area contains two vacant commercial buildings, a car dealership, the U.S. Post Office and Newton Parking Authority Parking Lot #1. The following table shows the parcels in the study area and their existing uses:

Block	Lot	Existing Use	Lot Size
8.08	6	Existing Commercial Building - Vacant	0.300 acres
8.08	7	Existing Commercial Building/Formal School - Vacant	0.204 acres
8.08	8	McGuire Chevrolet Display Lot	0.534 acres
8.08	9	McGuire Chevrolet Display Lot	0.466 acres
8.08	10	McGuire Chevrolet Buildings and Parking Lot	1.580 acres
8.08	11	United States Postal Service Office	0.482 acres
8.08	29	Newton Parking Authority Owned Parking Lot #1	0.270 acres
8.08	30	Newton Parking Authority Owned Parking Lot #1	0.176 acres
8.08	31	Newton Parking Authority Owned Parking Lot #1	0.158 acres
<b>Total</b>			<b>4.17 acres</b>



Aerial Photo of Study Area with Tax Map Lots and Blocks

## General Description

The study area is a total of 4.17± acres in size and located in the center of downtown Newton. The downtown is a 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 study 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. Approximately 20,000 cars travel around the Newton Green per day, according to the New Jersey Department of Transportation Roadway Information and Traffic Monitoring System Program (NJDOT Database). Main Street/U.S. Route 206, along the northern frontage of the study area, has a daily traffic count of approximately 14,000 cars (NJDOT Database).

### Surrounding Area Description

The study 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. To the southwest of the study area, along the Main Street frontage, are multiple office properties. Many of the offices in this area are attorney’s offices, given the proximity to the County Courthouse. The study area is entirely within the boundaries of the Town’s Local Historic District. The lots fronting on Main Street/U.S. Route 206, including Lots 8, 9, 11 and the front building section of Lot 10 in Block 8.08, are also located within the Newton Town Plot Historic District, which is on the State and National Registers of Historic Places. While many significant historic structures surround the study area, the study area is dominated by excessive paved parking areas and dilapidated structures. As described herein, vacancy and dilapidation in the area are beginning to spread to surrounding properties. There is a concern that the vacancy and dilapidation will spread further.



View North from Study Area onto Main Street



Newton Green



Spring Street Alley Egress from Study Area

Southwest of the study area on Main Street, office and residential uses occupy large two and a half to three and a half story historic buildings. Most of these buildings started as single family residences and include a variety of architectural styles including Colonial, Georgian, Federal and Victorian. One of the most notable historic residences adjacent to the study area is the stone mansion on the corner of Main Street and Halsted Street, built in 1901 by the owner of the Newton Silk Mill, Thomas W. Bentley. The former mansion is now an office building.



At the intersection of Church Street and Main Street across from the study area is the Christ Episcopal Church, built in 1868 in the Gothic Revival style, utilizing native blue limestone.



**Newton Cemetery**

Southwest towards Halsted Street, behind the residences which front on Main Street, is the Newton Cemetery. The cemetery, spanning just over a third of an acre, was laid out in 1762 and remained open until 1865. The access to the cemetery is from a narrow driveway between Lots 6 and 7 in the study area. Further southwest is Halsted Street, which is lined with single and multifamily residential buildings, two and a half to three and a half stories tall and St. Joseph’s Regional School.



**Adams Street Frontage**

To the southeast along Adams and Washington Street, are a number of single family and multi-family residential buildings, two and a half to three and a half stories in height, built primarily in the Colonial style. Along Washington Street is the Jewish Center of Sussex County, which was constructed in the Greek Revival style.



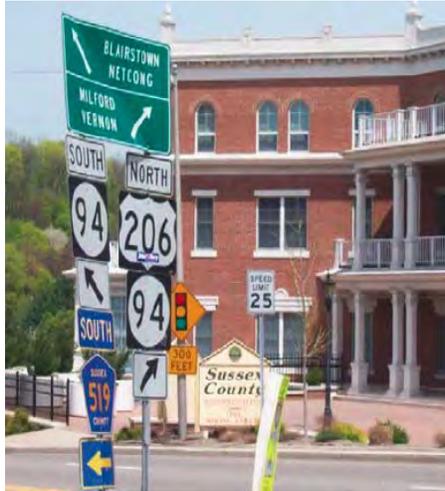
**Spring Street**

To the northeast of the study area, is Spring Street, which is the heart of the downtown commercial district. The street is lined with mixed-use buildings consisting of retail, restaurant and office uses at street level with offices and/or residential on upper floors. The buildings range from one to five and a half stories in height and were built in a variety of architectural styles from Colonial to modern.

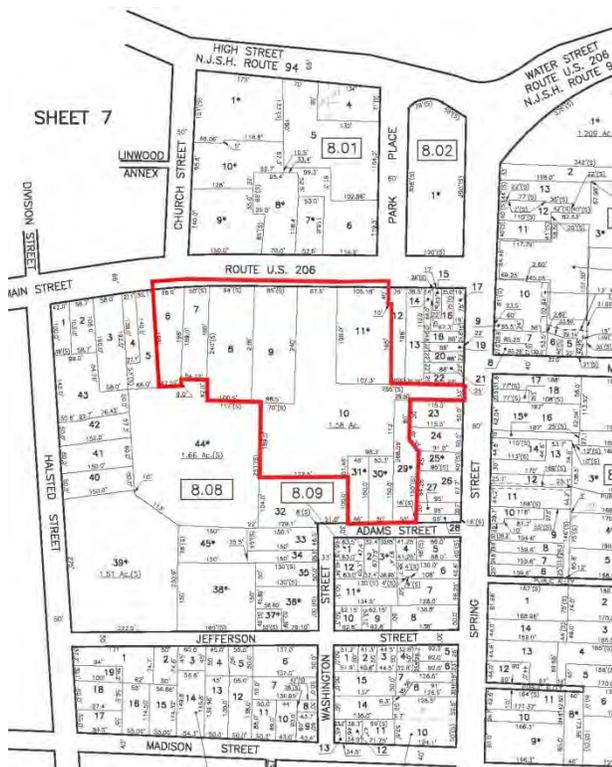
All but two or three of the buildings surrounding the study area were built between the late 19<sup>th</sup> and the first few decades of the 20<sup>th</sup> century. Some of the most notable buildings that have been built in the latter half of the 20<sup>th</sup> century include the Cochran Building, the County Administration Building and the new County Courthouse and County Jail. To the northeast of the study area on Main Street, mixed-use retail commercial buildings front the street and connect with the Spring Street commercial district. Offices are found on the main levels of structures along Main Street/U.S. Route 206; however retail and retail service uses are the predominant first floor use along Spring Street. While new capital has been infused into these newer structures on the outskirts of the downtown, the area surrounding the study area has shown a lack of infusion of private capital to maintain structures. Currently along Spring Street,

there are approximately 21 vacancies out of 82 storefronts. There is a concern that the abandonment of structures within the study area may spread even further onto Spring Street, worsening vacancy rates in the commercial spaces there.

### Surrounding Roadways and Classifications



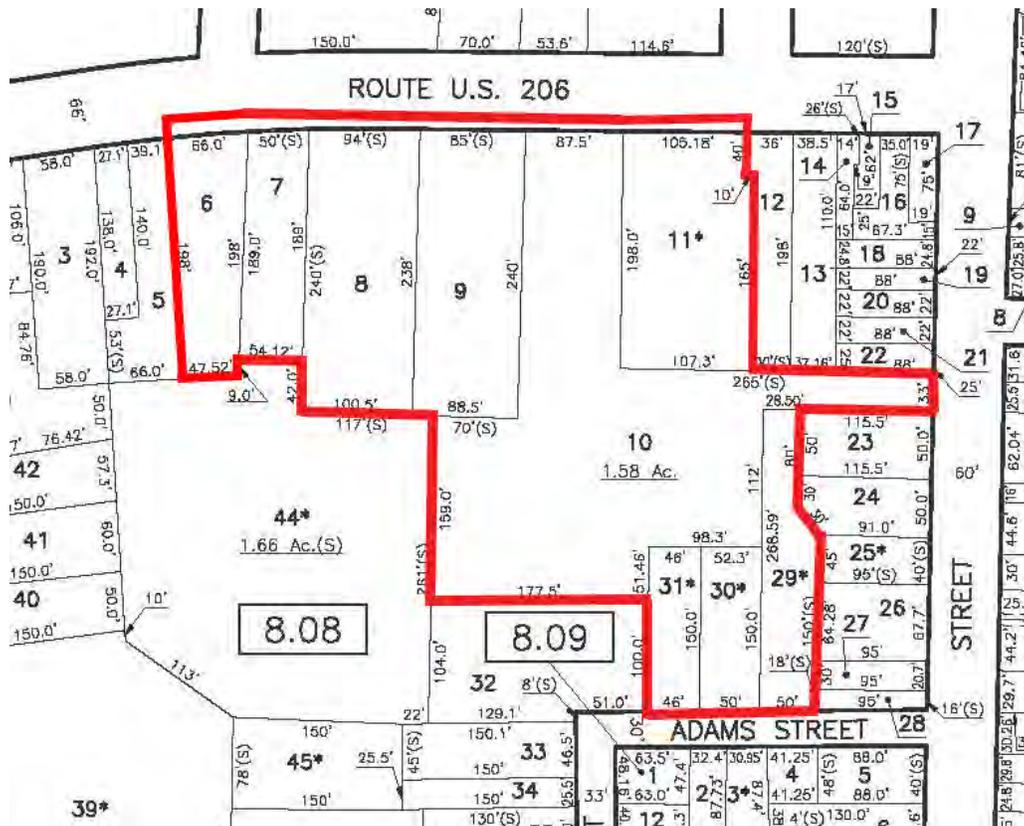
U.S. Route 206 is an Urban Principal Arterial that runs north-south through the Town of Newton. It becomes one way as it circles the Newton Green just north of the study area and returns to two-way traffic when it meets NJSH Route 94, north of the Newton Green. Spring Street is designated as an Urban Minor Arterial that connects U.S. Route 206 at the Newton Green with Sparta Avenue (Sussex County Route 616), which is also an Urban Minor Arterial. Adams Street is a one-way single lane road connecting Spring Street to Washington Street (also one-way). Adams Street connects to Madison Street which is two-way. There is an unnamed one-way alley connecting Block 8.08, Lot 10 to Spring Street. This alley may be used as an egress from Newton Public Parking Lot #1 as the result of a lease agreement between the Town and the property owners of Block 8.08, Lot 10.



U.S. Route 206 is a State Highway and is the busiest roadway within the Town. U.S. Route 206 is also known as Main Street along the frontage of the study area and Water Street as it travels north into Hampton. The total daily traffic count around the Newton Green is approximately 20,000 vehicles (NJDOT database). For U.S. Route 206/Main Street along the frontage of the study area, the average daily traffic count is approximately 14,000 vehicles (NJDOT database). The only area within Newton with a higher traffic count than the area surrounding the Newton Green is U.S. Route 206/NJSH 94 near North Park Drive, where the average daily traffic count is 22,300 vehicles (NJDOT database).

### Study Area Description

The study area is a total of 4.17± acres in size and located in the center of downtown Newton. The study area encompasses nine tax lots: Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 in Block 8.08 of the Newton Tax Maps. Lots 6 and 7 in Block 8.08 are improved with two free standing buildings which were most recently commercial office structures. Lots 8, 9 and 10 in Block 8.08 make up the McGuire Chevrolet Dealership, referred to as the “McGuire site” in this study. 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 Study Area Shown

Vacant Commercial Structure: Lot 6, Block 8.08 (79 Main Street)



Lot 6, Block 8.08 contains a vacant dilapidated commercial structure that was converted to an office building from a single family residence in the mid-1980s. The lot size is 0.30 acres. The building is a white clapboard residential style structure built in the Folk Victorian style circa 1900. The building has a covered porch along its entire front with a shed roof, deteriorating spindle railing and a fading gold pediment. There are bay windows along the front of the structure, a front gable and a high pitched pyramid shaped roof with broken and hanging trim. The building is currently vacant and has been vacant for several years.



There is an unattached two car garage located at the rear of Lot 6, Block 8.08 near the Newton Cemetery. The garage is in poor condition, has a pyramid shaped roof, two sliding track doors that don't appear to function, and is covered in half-painted clapboard with no interior walls or insulation.



Between Lots 6 and 7 is an access drive, which provides access to the Newton Cemetery. The driveway is deeded restricted to remain open for access to the cemetery.

Former Newton Academy – Vacant Commercial Building: Lot 7, Block 8.08 (75 Main Street)



Lot 7, Block 8.08 contains the former Newton Academy Building, which was constructed in the early 1800s and housed the Newton Academy between 1802 and 1831. In 1831, the building was renovated to accommodate a mercantile store and residence. The building sits on a 0.204 acre lot. The building has been vacant and deteriorating for more than two decades.



The original front section of the structure was constructed in the Georgian style architecture, 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. The original building was sided with clapboard and later covered in stucco in 1928. There is a flat-roofed porch across the length of the façade and sheets of plywood where the railing would be enclosing the porch. The wood under the porch is rotting and breaking up. The old stone foundation of the structure is deteriorating. Nearly all windows and doors of the building are currently covered in sheets of plywood.



A two story rectangular brick building with a shed style roof, lined by sporadically placed windows, was added to the rear of the Academy building in an unknown year. The mortar in the brick structure is deteriorating. The entirety of the building has peeling paint and water damage from disconnected gutters.

Following use as a mercantile store and residence, the building was subdivided into eight residential units. In the late 1980s the building was converted to a commercial use; however it appears it was never reoccupied following conversion.

McGuire Site: Lots 8, 9 and 10, Block 8.08 (41-47, 59 & 63 Main Street)



The McGuire site is 2.44 acres in size and consists of three lots: Lots 8, 9, and 10 in Block 8.08. Lots 8 and 9 are used as the display lots for car sales and consist entirely of paved parking areas. The site slopes up gently from south to north.



The early 20<sup>th</sup> century brick building that houses the McGuire Chevrolet Showroom is located on Lot 10. It is a single story building with a 20 foot high gable roof running from Main Street to the rear of the site. The building's façade consists of brick with a white frieze along the roof edge, large panes of glass and black modern awnings.



The south side of the building faces the display lots and has several double-hung windows with slightly arched lintels above them. The windows run along the building's entire length, interspersed with a garage door and three entrance doors. A grey cinderblock addition, built in an unknown year, has been added to the rear of the original building and houses the automotive repair shop. Behind the main building to the east is a parking lot for cars waiting to be repaired, employee's vehicles and repaired vehicles.



There is a one story white brick building with 11 bays used for collision repairs and detailing, which is located along the property line that borders the Newton Cemetery. The structure was built between 1946 and 1950, according to Town tax records. There are no landscaped areas on the McGuire site except for a 225 square foot planter of perennials along Main Street by the main entrance. Vehicles may exit the back portion of the McGuire site from a one-way alley that connects to Spring Street. This is the same egress used by Newton Public Parking Lot #1 to exit directly onto Spring Street.

U.S. Post Office Building: Lot 11, Block 8.08 (39 Main Street)



The United States Post Office is located to the north of the McGuire Chevrolet building on Lot 11, Block 8.08. The lot size is 0.482 acres. It is a red brick, single story building which was built in 1959. The building is of the Georgian Style with a white frieze along the roof edge, double-hung windows with decorative stone lintels above and an octagonal window element above the main entrance. The front section of the building has a hipped slate roof running its length parallel to U.S. Route 206/Main Street.



The building covers most of Lot 11 with the exception of an L-shaped area of pavement that covers the north and east side of the lot for access to the rear of the building and for employee parking. There is a loading dock the length of the rear of the building with a flat overhang. There is no customer parking on the site but there is a sign to allow temporary parking for up to three customers to utilize on-street parking on U.S. Route 206/Main Street.



**On Street Parking Area for Post Office**

Newton Parking Authority Parking Lot #1: Lots 29, 30 and 31, Block 8.08 (1, 3 & 11 Adams Street)



The Town of Newton Public Parking Lot #1 is located on Lots 29, 30 and 31 and consists of a striped parking lot with planted islands covering 0.60 acres. The site slopes down from south to north toward Spring Street. The 38 angled parking spaces are accessed via a one way circulation pattern.

The Newton Parking Authority owns and operates the lot. The parking rate is \$0.25 per hour between 8:00 a.m. and 6:00 p.m. Monday through Saturday. Other times parking is free. Fees are collected at a self-serve machine located on the lot.



The lot is accessed off of Spring Street by Adams Street which is one-way. To exit the lot, drivers can take the alley exit back to Spring Street through Lot 10 or continue around Adams Street to Washington Street and out to Madison Street. Along Lot 10, there is a three foot high paver wall

and a fence that separates the public parking lot from the McGuire Property. The Town parking lot provides additional access to the Post Office parking lot and loading area, to the McGuire parking area and to rear access and parking areas for buildings along Spring Street and Main Street. Lot 29 runs along the back side of several buildings on Spring Street and parking for those buildings occurs there.

Newton Public Parking Lot #1 is the least accessible of the Town's five public parking areas as it can only be accessed via Adams Street or the alley egress to Spring Street. The Adams Street access is a narrow one way predominantly residential street. All other public parking areas in Newton can be accessed via Trinity Street, Main Street/U.S. Route 206 or Union Place. These are all higher level major or minor arterials with two way traffic flow.

**Police Reports, Property Maintenance and Zoning Records**

As part of this study, Town of Newton police reports and code enforcement records were reviewed for properties in the study area. Police reports from the last five years were reviewed as well as code enforcement reports dating back to the early 1980s. Four of the sites in the study had police reports associated with them. The McGuire site has had six motor vehicle accidents in the last five years. The Post Office site has had eight motor vehicle accidents in the same timeframe. 75 Main Street has had criminal trespass complaints; while 79 Main Street has had criminal mischief, burglary and unsecured premises complaints. Both 75 and 79 Main Street have also had multiple code enforcement violations issued since the early 1980s. Several exterior repair issues were cited on both 75 and 79 Main Street that included the need for roof repair, porch repair, exterior paint, siding and foundation issues. Multiple repeat violations were issued over the last 30 years related to overgrown grass, garbage and debris on the premises and lack of snow and ice removal in the winter.

The following table shows police reports for the parcels noted over the last five years.

**Town of Newton Police Reports for Study Area from 2008 to 2013**

Site	Motor Vehicle Accident	Criminal Trespass	Criminal Mischief	Burglary	Unsecured Premises
<b>75 Main Street</b>		2 (2008) <sup>1</sup> 2 (2012) <sup>2</sup>			
<b>79 Main Street</b>			1 (2008) <sup>3</sup>	1 (2008) <sup>4</sup>	1 (2008) <sup>5</sup>
<b>41-47, 59 &amp; 63 Main Street (McGuire Site)</b>	2 (2008) 1 (2009) 2 (2011) 1 (2012)				
<b>39 Main Street (Post Office Site)</b>	3 (2008) 1 (2010) 2 (2011) 2 (2012)				

Preliminary site plan approval was granted to Lots 6 and 7, Block 8.08 on September 2, 1986 to provide for commercial conversion of both structures and create a shared parking area behind the two buildings. This was following a notice of violation issued in May 1985 for an illegal conversion of 79 Main Street from residential to commercial. Following the Planning Board approval, some site work was done, including grading. There are numerous records of inspection of the property by the Sussex County Soil Conservation District beginning in November 1989 and continuing through to August 1993. It appears some soil was moved to begin the project and was then stabilized later. The parking area paving was never completed. A letter in the file dated July 15, 1987 to the Construction Official from Kelly, Gaus, Holub &

<sup>1</sup> Criminal trespassing complaints stemmed from a basement break-in.  
<sup>2</sup> Criminal trespassing complaints stemmed from breaking and entering of the building.  
<sup>3</sup> Criminal mischief complaint stemmed from breaking and entering of the premises.  
<sup>4</sup> Burglary complaint was due to an open door and items missing from building.  
<sup>5</sup> Unsecured premises stemmed from someone kicking in the front door of the building.

Reed, the legal firm which occupied 79 Main Street at the time, notified the Town that they would be vacating 79 Main Street and that the owner would be completing required improvements per the approved site plan. These improvements were never completed and the building has remained vacant since 1987, resulting in more than 26 years of vacancy at this building.

A letter from the Building Inspector dated May 2, 2008 notes foundation issues at 79 Main Street that he found were compromising the structure. A follow-up letter from Genesis Engineering, on behalf of the owner, dated July 15, 2008 notes foundation issues that show “evidence of continued movement and settlements.” The report recommends rehabilitation of the foundation by a reputable contractor. There is no record in the file of this work being completed.

A letter from the Town’s Code Enforcement Officer dated October 14, 1993 notes that 75 Main Street had a change of status from multi-family to commercial and that the building is “vacant and secure”. 75 Main Street has remained vacant at least since this date in 1993, resulting in at least 20 years of vacancy at this location.

The Construction Official inspected 75 Main Street at the request of the Historic Preservation Commission in March 2001. His letter dated March 14, 2001, notes that the building was in need of numerous repairs in order to be viable for lease as a commercial space. The issues he noted include the following:

- Rotted front porch column;
- Peeling paint;
- Broken windows;
- Openings in brick mortar on exterior;
- Disconnected leader drains causing water damage to building exterior;
- Deteriorated roof causing water to enter building;
- Water stained rafters;
- Ceiling plaster falling down and missing;
- Stud cuts in interior walls;
- Holes in walls;
- Electrical service in need of upgrading; and
- Plumbing pipes and fixtures in need of upgrading.

Following is a list of the Town's Maintenance and Zoning Violations issued on 75 and 79 Main Street:

79 Main Street (Lot 6, Block 8.08)

1. June 5, 1984: Failure to cut grass
2. May 20, 1985: Conversion of structure from residential to commercial without permits
3. April 22, 1986: Failure to cut grass
4. June 12, 1990: peeling paint, rotting porch wood
5. January 11, 1994: Lack of snow and ice removal
6. January 22, 1994: Lack of snow and ice removal
7. December 12, 1997: Lack of snow and ice removal
8. January 9, 2002: Lack of snow and ice removal
9. March 7, 2008: Needs exterior paint; Address not posted; Porch needs repair; Foundation needs repair; Leader drains need repair; Basement hatchway needs paint
10. April 28, 2009: Failure to cut grass, Debris in yard
11. May 12, 2009: Failure to cut grass; Debris in yard

75 Main Street (Lot 7, Block 8.08)

1. April 22, 1986: Failure to cut grass
2. July 2, 1987: Failure to cut grass
3. March 10, 1989: Lack of snow and ice removal
4. January 11, 1994: Lack of snow and ice removal
5. June 15, 2000: Failure to paint building exterior
6. January 9, 2002: Lack of snow and ice removal.
7. March 7, 2008: Needs exterior paint or treatment; Roof needs repair; Glass needs to be replaced in windows; Address not posted; Rear steps need repair; Debris on front porch
8. April 29, 2009: Failure to cut grass; Debris in yard
9. March 12, 2009: Failure to cut grass; Debris in yard

## **B. General Site Photos**

Below are general photos of each lot and block in the study area to augment the general descriptions of each site.

### Block 8.08 Lot 6 – Vacant Commercial Structure

Owners: Michael A. Turner

Site Address: 79 Main Street, Newton, NJ 07860







Block 8.08 Lot 7 – Vacant Commercial Structure (Former Newton Academy)

Owners: Nicola P. Gangemi

Site Address: 75 Main Street, Newton, NJ 07860







Block 8.08 Lots 8, 9 & 10 – McGuire Chevrolet

Owner: McGuire Newton Realty, LLC

Site Address: 41-47, 59 & 63 Main Street, Newton, NJ 07860









Block 8.08 Lot 11 – United States Post Office

Owner: United States Postal Service

Site Address: 39 Main Street, Newton, NJ 07860





Block 8.08 Lot 29, 30, 31 – Town of Newton Parking Lot  
Owner: Town of Newton Parking Authority  
Site Address: 1, 3 & 11 Adams Street, Newton, NJ 07860







### C. Existing Land Use and Master Plan

#### Existing and Surrounding Land Uses

The current land uses in the study area are primarily commercial with frontages along Main Street. To the southwest of the study area are late 19<sup>th</sup> and early 20<sup>th</sup> century homes used as commercial space, residences and office space. To the south is the original Newton Cemetery. To the Southeast of the study area along Adams and Washington Streets are 19<sup>th</sup> and early 20<sup>th</sup> century homes used primarily for single and multifamily residential uses. Early 19<sup>th</sup> and 20<sup>th</sup> century mixed-use buildings line Spring Street from Madison Street to Main Street. The buildings along Spring Street house offices, shops and eateries with residential apartments or offices on the second and third floors. To the north of the study area is the Newton Green; a Sussex County owned Public Park. To the northwest is a mix of uses including churches, office space and public parking. The area surrounding the study area, particularly Spring Street, has displayed a lack of private capital investment with many vacant buildings surrounding the study area. The dilapidated structures in the study area have a blighting effect on the downtown shopping district.

#### *Existing Surrounding Land Uses*

<b>Block</b>	<b>Lot</b>	<b>Existing Land Use</b>
8.01	6	Edward Jones Investment/Liberty Tax/ Hollander, Strelzik, Pasculli, Pasculli, Hinkes, Gacquin, Vandenberg & Hontz Attorneys
8.01	7	Town of Newton Public Parking Lot
8.01	8	Christ Episcopal Church Sexton House
8.01	9	Christ Episcopal Church
8.02	1	Town of Newton Green: Park/ Office Building
8.08	4	ABCODE Security
8.08	5	Multifamily Residence/Crystal Clean Auto Detail
8.08	10	Century Link
8.08	12	Joseph Hoffmann Attorney/Golden & Moran Engineering
8.08	13	U.S. Insurance Agency/Apartments
8.08	14	Narin Thai Restaurant/Apartments
8.08	15	1040 Tax Service/Apartments
8.08	16	Jackson Hewitt/The Three Main St. Company
8.08	17	Morris, Downing & Sherred Attorneys
8.08	18	Spring Liquors/Apartments
8.08	19	Vacant Commercial/Apartments
8.08	20	Plaza Restaurant/Apartments
8.08	21	Lou's Music/Apartments
8.08	22	Vacant Commercial/Apartments
8.08	23	Vacant Commercial (former Bula's Restaurant)
8.08	24	Vacant Commercial (former JC's Grill)
8.08	25	Newton Fire Museum
8.08	26	Vacant Commercial/Apartments
8.08	27	Vacant Commercial/Apartments

Block	Lot	Existing Land Use
8.08	28	Dell Office Building
8.08	44	Newton Cemetery
8.09	1	Two Family Residential
8.09	2	Commercial Structure
8.09	3	Commercial Structure
8.09	4	Commercial Structure
8.09	5	The Style Shop/Apartments



Newton Tax Map Sheet 8 with Study Area Shown

## **Master 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 of 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 study:

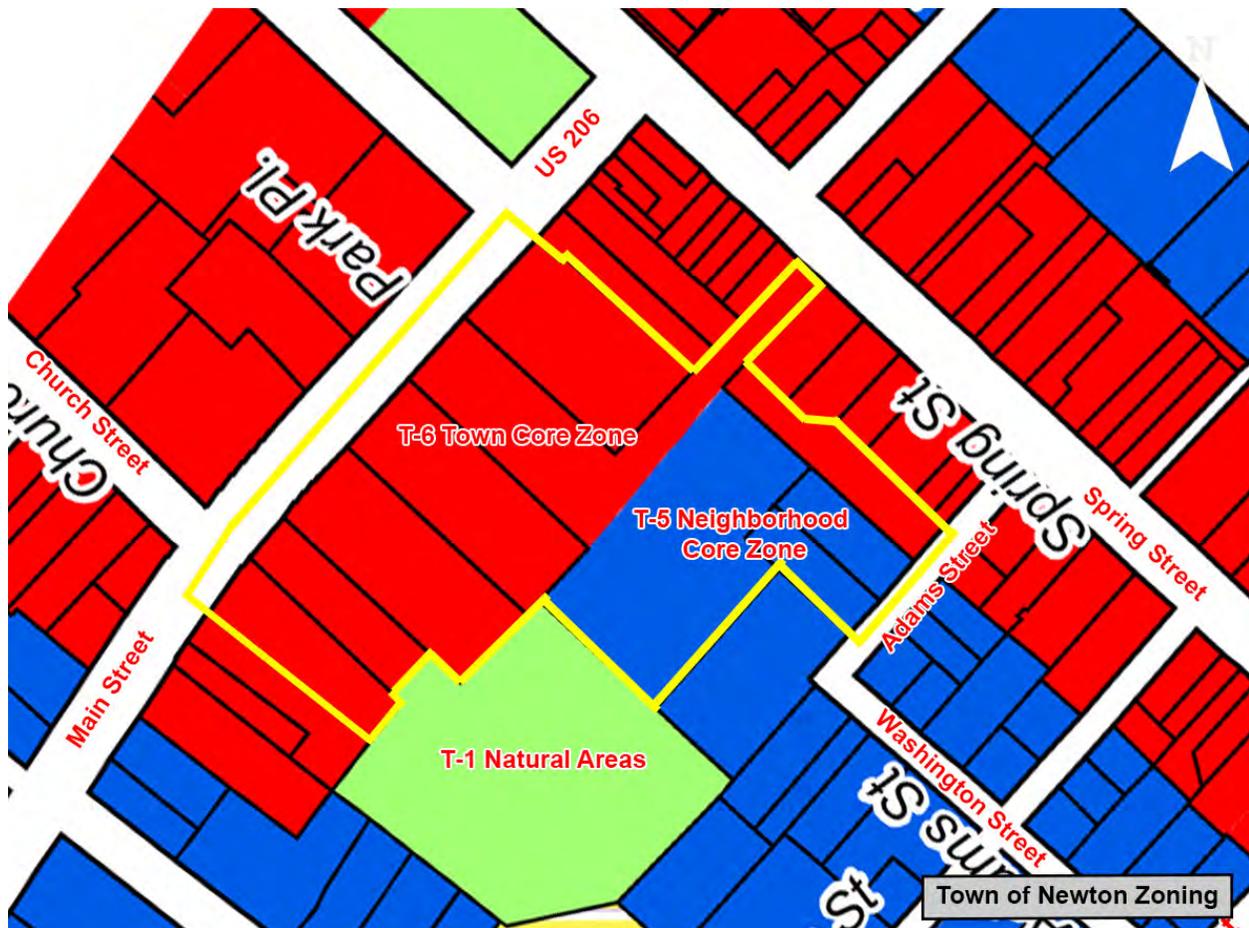
- To enhance and strengthen Newton's position as a Regional Center in Sussex County in such a way that it will fulfill the social, commercial, medical and service needs of a growing County within the constraints of the Town's existing resources.
- To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
- To 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.
- 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.
- To encourage the coordination of the various public and private procedures and activities shaping land development.
- 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 development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.

- 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.
- 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.
- Encourage further improvement and consolidation of Main Street and Spring Street commercial areas as the effective Central Business District (CBD) of Newton.
- 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.

### D. Form-Based Code

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 study 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 study area is located in the T-6 Zone. The Newton Public Parking Lot #1 is located in the T-5 Zone.



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

**T5 – Neighborhood Core Zone**

The T-5 zone covers the area surrounding the Town Core and provides most of the housing and employment that supports the Town Core. The T-5 Zone also provides for Neighborhood Cores to serve some of the neighborhoods which are closest to the Town Core area.

1. The Public Frontage shall include street trees and landscaping along building frontages. Street furniture should be incorporated into street frontages for commercial and mixed-use buildings.
2. Allowed Building Types: Single Family Residential, Townhouse, Duplexes, Triplexes, Live/Work, Mixed-Use, Elevator Flats, Office, Retail, Hotels, Civic, Parking Garage with Liner Building.

<b>T-5 Bulk Requirements</b>		
Building Configuration	Principal Building	5 Stories/65 ft Max; 2 Min
	Accessory Building	2 Stories/25 ft Max
Lot Occupation	Lot Width	20 ft Min
	Lot Coverage	80% Max
Building Disposition (320-26.2)	Edgeyard	Not Permitted
	Sideyard	Permitted
	Rearyard	Permitted
	Courtyard	Permitted
Principal Building Setbacks	Front Yard Primary	2 ft Min, 12 ft Max
	Front Yard Secondary	2 ft Min, 12 ft Max
	Side Yard	0 ft Min, 24 ft Max
	Rear Yard	3 ft Min.
	Frontage Build-out	80% Min at Setback

<b>T-5 Bulk Requirements</b>		
Accessory Building Setbacks	Front	40 ft Max. From Rear Prop.
	Side Yard	3 ft Min. or 5 ft for a corner lot
	Rear Yard	3 ft Max.

**T-6 – Town Core Zone**

The T-6 Zone is a higher density, mixed and multiple use downtown area. This area provides for the majority of retail and commercial uses within the Town and is identified as the Central Business District in the Town. This area has residential and office uses over the commercial uses to support day and evening uses in the downtown.

1. The Public Frontage shall include street trees, streetscaping and street furniture.
2. Allowed Building Types: Townhouse, Live/Work, Mixed-Use, Elevator Flats, Office, Retail, Hotels, Civic, Parking Structure with Liner Building.

<b>T-6 Bulk Requirements</b>		
Building Configuration	Principal Building	8 Stories/100 ft Max; 2 Min
	Accessory Building	N/A
Lot Occupation	Lot Width	18 ft Min, 700 ft Max
	Lot Coverage	90% Max

<b>T-6 Bulk Requirements</b>		
Building Disposition (320-26.2)	Edgeyard	Not Permitted
	Sideyard	Not Permitted
	Rearyard	Permitted
	Courtyard	Permitted
Principal Building Setbacks	Front Yard Primary	2 ft Min, 12 ft Max
	Front Yard Secondary	2 ft Min, 12 ft Max
	Side Yard	0 ft Min, 24 ft Max
	Rear Yard	0 ft Min.
	Frontage Build-out	80% Min at Setback
Accessory Building Setbacks	Front	N/A
	Side Yard	N/A
	Rear Yard	N/A

**General Zoning Compliance**

While a complete review of zoning compliance cannot be done without surveys for all of the properties, some general findings can be provided. Lots 6 and 7 are both generally conforming to the T-6 Zone for use, height, building type, etc.

The McGuire site is non-conforming for use as car dealerships are not a permitted use in the T-6 Zone due to their need for large areas of land and sprawling development pattern. The auto-oriented use is also inappropriate for a pedestrian-oriented downtown. In addition, the McGuire site is non-conforming for height and frontage build-out, where a minimum two story height is required and a minimum 80 percent of the frontage is required to be built out. These non-conformities negatively impact the pedestrian realm and the extensive parking and auto traffic from the site hinders pedestrian travel. Parking is also not permitted in the front yard, for example, where the show lots exist today. The front yard parking is a detriment to the area where buildings fronting the street provide for shopping activity and create a “draw” to the downtown.

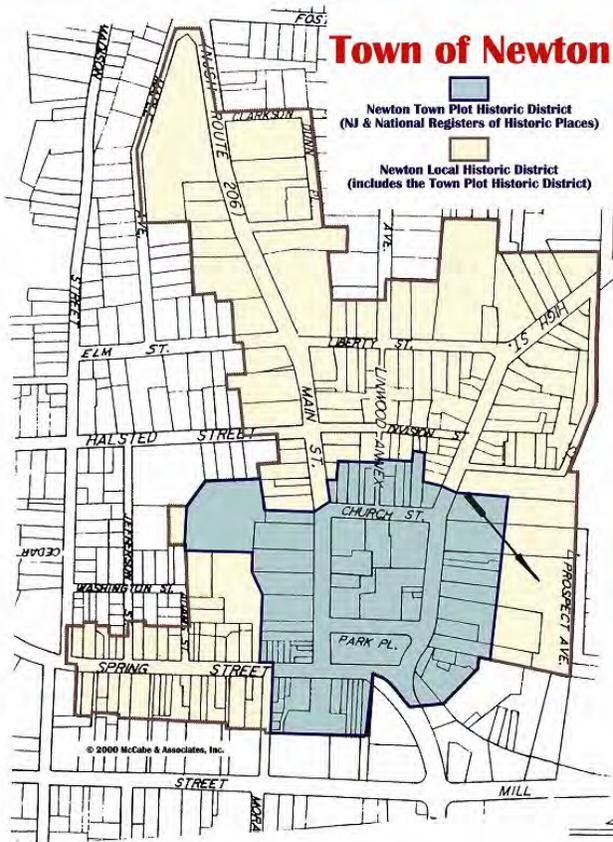
The U.S. Post Office is also non-conforming for building height with only one story existing, where a minimum of two stories is required. This creates an underutilization of the property where apartments or office uses on upper floors is encouraged to provide additional activity at the street level and support the consumer base for the shopping district. The U.S. Post Office site is also non-conforming for parking. The Newton Public Parking Lot #1 is conforming to the zoning as surface parking as a principal use is permitted in the T-5 Zone.

## E. Study Area Analysis

### Relationship to Surrounding Neighborhood

The study area is located in the heart of downtown Newton adjacent to the Newton Green. The study area also falls within the heart of the historic district and business center of Newton. The study area straddles both the T-5 and T-6 Transect Zones, the highest density zones within the Town. There are more intense uses on Main Street and Spring Street within and adjacent to the study area. Lesser intense residential uses mix with offices and transition to primarily residential as one travels south on Main Street. The area surrounding the study area contains some of the busiest transportation routes in Sussex County, including NJSH Route 94, U.S. Route 206 and Sparta Avenue. The Sussex County Administration Offices, County Courthouse and County Jail are all within walking distance of the study area. There is also a concentration of churches directly across Main Street from the study area which includes the Christ Episcopal Church and the First Presbyterian Church.

### History



The Town of Newton, settled in 1751, was incorporated in 1864 and is the County Seat of Sussex County. With its prime location along major transportation routes, Newton has grown over the last 150 years from a small village to an economic hub of the County. A majority of the buildings in the Town were built during the Town's economic boom as a manufacturing and mercantile center in the latter half of the 19<sup>th</sup> Century and the early decades of the 20<sup>th</sup> Century. As a result, the Town was developed as a historic main street Town around a "green" known as the Newton Green. The resulting charm of the Town is tied to the historic nature of development in the Town.

In 1987, the Town Council of the Town of Newton established a local ordinance creating the Historic Preservation

Commission and establishing boundaries for a local Historic District. Those boundaries are shown in yellow on the map above. In 1992, the area shown in blue on the map above was designated on the State and National Registers of Historic Places as the Newton Town Plot Area. The entire study area is located within the local Historic District. The portion of the study area that fronts on Main Street is also within the Newton Town Plot Area.

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. 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 McGuire Chevrolet building (Lots 8, 9 and 10) was built in in the early 20<sup>th</sup> 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 now 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 current show 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.



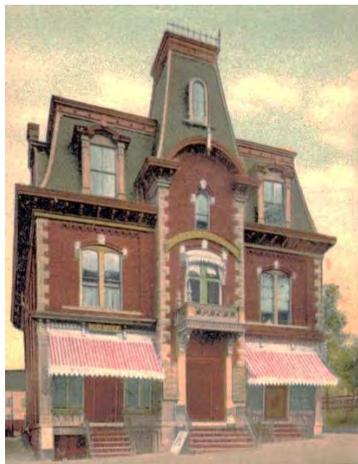
Historic McGuire Building Façade (Right)



Current McGuire Building Façade

The two photos above show the historic streetscape of Main Street with the McGuire building in its original form in the far right corner of the left side photo above. Next door in the historic photo, one can see the former Library Hall and Post Office building adjacent to the McGuire building. The above right photo shows the McGuire building as it exists today with the current Post Office building next door.

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 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.



**Library Hall (demolished 1958)**



**Current Post Office Replaced Library Hall**

Lots 29, 30 and 31 contain the Town of Newton Public Parking Lot #1. Little is known about the history of the lots; however as with many of the parking lots in Town, it is likely that buildings were demolished to make room for the lots.

### **Environmental**

The study 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 study area. This study area is also located outside of the New Jersey Highlands Planning and Preservation Areas.

There have been anecdotal reports that some environmental contamination is present on the dealership site, but the Town has not had access to any environmental reports regarding the site. Given the historic use of the site as an auto repair shop, soil contamination may have occurred over the years and there may be underground storage tanks that require removal and may have created some contamination as well. There is no indication of any severe contamination on the site. Environmental studies are ongoing on the site.

### **Transportation Access**

U.S. Route 206 is an Urban Principal Arterial that runs north-south through the Town of Newton. It becomes one way as it circles the Newton Green just north of the study 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) and 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” 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 nearest local bus stop is located on Trinity Street across from the Municipal Building. This bus service is provided by Sussex County and includes a circular route from Newton to Hampton, Lafayette Township, Branchville Borough, Sussex Borough, Wantage Township, Hardyston Township, Franklin Borough, Ogdensburg Borough and Sparta Township. Bus service is available Monday thru Friday from 5:30 am to 6:30 pm.

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 and has sidewalks on both sides of Main Street and Spring Street. The Town’s 2009 Circulation Plan Element outlined improvements to make Spring Street as pedestrian friendly as possible. Street trees, benches and bike racks, colored crosswalks and wayfinding signage were installed to support the pedestrian realm of the Spring Street area and to help increase foot traffic to the downtown businesses. Some possible future improvements include: bike lanes, sidewalk buffers, planters and public art.

## F. Findings

This investigation found that all of the tax lots within the study area meet at least three or more of the statutory criteria to qualify as being in need of redevelopment as shown in the table below.

**Tax Lots in the Study Area (Block 8.08) with Statutory Criteria Met for Each Lot**

Lot	Criterion a	Criterion b	Criterion c	Criterion d	Criterion h	Section 3*
6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
8	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
29			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

\* Section 3 of [N.J.S.A. 40A:12A-1 et seq.](#)

### **Qualifying Criteria: 79 Main Street: Lot 6, Block 8.08**

Tax Lot 6, Block 8.08, 79 Main Street, meets qualifying Criterion “a”, “b”, “d” and “h” of the Redevelopment Law as described below.

#### **Qualifying Criterion “a”**

Criterion "a" of the Redevelopment Law states: “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.”

79 Main Street (Lot 6, Block 8.08) meets the “a” Criterion because the generality of buildings on the site are unsafe, unsanitary and dilapidated so as to be conducive to unwholesome living or working conditions. The exterior of the main building is dilapidated, with peeling paint and rotting wood. The structure has been abandoned since approximately 1987 and is becoming more and more dilapidated as time goes on. The unattached garage behind the structure is being occupied by homeless people and is filled with garbage causing an unsanitary and unsafe condition. The exterior of the garage is dilapidated with peeling paint and rotting wood. Numerous code enforcement notices have been issued upon this property over the last 20 years. Police reports indicate four criminal trespass complaints in the last five years. For these reasons, 79 Main Street meets the “a” Criterion.

### Qualifying Criterion “b”

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – “The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

79 Main Street (Lot 6, Block 8.08) was last used as a commercial office space and vacated circa 1987. A preliminary site plan approval was granted by the Newton Planning Board to Lots 6 and 7, Block 8.08 on September 2, 1986 to provide for commercial conversion of both structures and create a shared parking area behind the two buildings; however improvements were never completed. As a result, the building was never reoccupied. The vacancy of the building has caused it to fall into a state of disrepair as noted in Criterion “a” above. In addition Town records show a history of neglect of the property with property maintenance violations dating back to 1984. Eleven violations were issued to the property owners between 1984 and 2009. Maintenance violations included overgrown grass, debris and trash in the yard, lack of snow and ice removal, dilapidated exterior paint, rotting wood on the porch and foundation issues. There have been four reports of criminal trespass on the property in the last five years. The building meets Criterion “b” due to its vacant dilapidated status which has caused the building to become untenable as demonstrated by its 20 plus years of vacancy.

### Qualifying Criterion “d”

The "d" Criterion states: “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”

79 Main Street (Lot 6, Block 8.08) as noted under both Criteria “a” and “b” is dilapidated and vacant, having fallen into such a state of disrepair, over a long term vacancy of more than 20 years, so as to be untenable. The dilapidation and vacancy has resulted in trespassing in the unsecure, unattached garage, which is filled with litter and debris. The vacancy and dilapidation of the building has caused it to be detrimental to the safety, health and welfare of the community. As a result, the site meets Criterion “d” due to its unsafe and unsanitary status.

### Qualifying Criterion “h”

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promote development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The Town of Newton adopted smart growth planning principles in the Town’s 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton’s plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable communities; creating distinctive attractive communities offering a sense of place; and promotion of development and redevelopment in areas with existing infrastructure.

The vacant commercial structure at 79 Main Street has become a blight to the community as noted under Criteria “a” and “b”. The vacancy of the building and its dilapidated exterior, presence of unhealthy conditions, debris and other public, health and safety issues, cause this structure to hinder the distinctive, attractive sense of place of the community. The site is in a location with existing water and sewer utilities, as well as frontage on an existing State Highway. For these reasons redevelopment of 79 Main Street would be consistent with Criterion “h”.

The following photos of 79 Main Street illustrate the findings noted above:



**Rotting wood siding and peeling exterior paint**



**Rotting floorboards on porch**



**Rotting siding and peeling paint**



**Broken trim and peeling paint**



**Broken trim and water damage**



**Garbage and molding/rotting wood on porch**



**Detached garage with dilapidated exterior**



**Interior of garage filled with garbage**



**Broken trim/disconnected gutter/water damage**



**Peeling paint/disconnected gutters**



**Roof joints separating over porch**

**Qualifying Criteria: 75 Main Street: Lot 7, Block 8.08**

Block 8.08, Lot 7, 75 Main Street, meets Criteria “a”, “b”, “d” and “h” of the Redevelopment Law as described below.

**Qualifying Criterion “a”**

Criterion "a" of the Redevelopment Law states: “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.”

75 Main Street (Lot 7, Block 8.08) exhibits every aspect of the “a” Criterion. The building is substandard, unsafe, unsanitary, dilapidated, obsolete and lacks characteristics that would be conducive to a wholesome living or working condition.

75 Main Street has been abandoned and boarded up for more than two decades, falling more and more into disrepair as time goes by. This investigation was limited to the exterior of the building; however an inspection conducted by the Town’s Construction Official in 2001 noted several repairs necessary to the interior of the structure. Exterior maintenance to the building was completed in 2008 including paint and plywood boards placed over the windows as a result of code violation enforcement. Exterior wood on the building is rotting and the stucco is deteriorating. Gutters are not attached and water sheet flows over the building when it rains, causing the stucco on the exterior to wear. Paint is also peeling on the exterior of the building. All windows and doors on the building are covered with plywood. There is no electrical service attached to the building. Evidence of foundation separation and bricks with deteriorating mortar around the foundation can be seen from the exterior of the building.

The building appears to be completely uninhabitable as it stands currently with no electricity, light or air and rotting wood creating unsafe conditions. The owners of the building have been cited for maintenance code violations over the years by the Town’s Zoning Officer. Exterior maintenance of the building has been limited to cutting the grass and weeds surrounding the building, repainting the exterior and boarding the windows to cover broken windows and limit trespassing or squatting in the building. The long term vacant and abandoned status of the building illustrates the obsolescence of the building. The building is substandard, unsafe, unsanitary, dilapidated and not conducive to wholesome living or working conditions. Police reports also indicate three instances of crime on the property in the last five years, with one incident each of burglary, criminal mischief and unsecured premises. For these reasons, 75 Main Street meets the “a” Criterion.

### Qualifying Criterion “b”

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – “The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

75 Main Street has been vacant and abandoned for more than two decades. The windows and doors are covered with plywood and the building has been allowed to deteriorate over a very long period of time to the point where it is untenable. While the building was converted to include residential uses at some point in time, it has been a commercial or mixed-use building for most of its lifetime. Preliminary site plan approval was granted to Lots 6 and 7, Block 8.08 on September 2, 1986 to provide for commercial conversion of both structures and create a shared parking area behind the two buildings. This work was never completed and the building remained vacant. The vacancy of the building has caused it to fall into a state of disrepair as noted in Criterion “a” above. In addition Town records show a history of neglect of the property with property maintenance violations dating back to 1984. Nine violations were issued between 1984 and 2009. Maintenance violations included overgrown grass, debris and trash in the yard, lack of snow and ice removal, dilapidated exterior paint, rotting wood on the porch and foundation issues. Three incidents of crime have occurred on the site over the last five years according to Town Police reports. The long-term vacancy and abandonment of 75 Main Street meets Criterion “b” of the Redevelopment Law.

### Qualifying Criterion “d”

The "d" Criterion states: “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”

75 Main Street as noted under both Criteria “a” and “b” has been vacant and abandoned for more than two decades. The building has been boarded up since 2005 and is not connected to electric utilities. Consequently, the structure is lacking in light, air, ventilation and sanitary facilities causing it to be detrimental to the safety, health, morals and welfare of the community. As a result, the site meets Criterion “d” due to its unsafe and unsanitary status.

### Qualifying Criterion “h”

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The Town of Newton adopted smart growth planning principles in the Town’s 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton’s plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable communities; creating distinctive attractive communities offering a sense of place; and promotion of development and redevelopment in areas with existing infrastructure.

The vacant commercial structure has become a blight to the community as noted under Criteria “a” and “b”. The vacancy of the building and its dilapidated exterior, presence of unhealthy conditions, debris and other public, health and safety issues, cause this structure to hinder the distinctive, attractive sense of place of the community. The site is in a location with existing water and sewer utilities, as well as frontage on an existing State Highway. Eliminating those conditions at 75 Main Street is consistent with Criterion “h”.

The photos below illustrate the findings described above.



Most windows and doors on the building have been boarded up and there is no access to the front porch



All entrances and most windows are covered with plywood



**There is currently no power going to the building**



**Rotting wood under porch**



**One chimney is missing and the other two are deteriorating and need repointing**



**Peeling paint and plywood covered window**



**Water damage from sheet flow over building exterior**



**Dilapidated and deteriorating exterior**



**Deteriorating brick mortar and separating foundation**



**Open gutter pouring into foundation**



Debris/tree growing on porch

**Qualifying Criteria: McGuire Site: 41-47, 59 & 63 Main Street: Lots 8, 9 and 10, Block 8.08**

Lots 8, 9 and 10, Block 8.08, the McGuire Site, meet Criteria “a”, “d”, “h” and Section 3 of the Redevelopment Law as described below.

**Qualifying Criterion “a”**

Criterion “a” of the Redevelopment Law states: “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.”

The McGuire Dealership (Lots 8, 9 and 10, Block 8.08) has been operated as a car dealership since the early 20th century. Now, just under 100 years old, the dealership has become obsolete according to dealership standards set by General Motors (GM) and industry standards for dealerships in general. As a response to bankruptcy in 2009, GM launched a program called “Essential Brand Elements” to incentivize dealers to upgrade, improve and move their facilities. The goal was to increase the marketability of each dealership by focusing on a standardized dealership model that would be competitive with import dealerships, which had already employed similar improvements. Starting in October 2010, GM sent inspectors to all its dealerships to grade them on their facilities and determine if they should upgrade their existing facility in place or move to a new location. As part of the program, GM offered large cash incentives for upgrades. It also looked to reduce its total number of dealerships in order to be more competitive<sup>6</sup>. Dealers that didn’t upgrade faced the possibility of losing their franchise.

GM’s Essential Brand Elements program is a response to a nationwide trend by car manufacturers to meet consumer demands for improved retail appearances and better in-store experiences<sup>7</sup>. Nearly all car manufacturers, not just GM, are leaning on dealers to update the look and feel of their facilities to match a consistent image across the nation. In response to the manufacturer’s push for upgrades, there has been a trend for car dealerships to move to the suburbs and away from downtown locations<sup>8</sup>.

As a result of the Essential Brand Elements Program and the national car dealership trends noted above, the McGuire Dealership is in the process of moving its facilities to “dealer row” in Hampton Township located on U.S. Route 206. McGuire Chevrolet purchased property on U.S. Route 206 in Hampton Township and gained site plan approval for a new dealership that meets the Essential Brand Elements Program’s requirements. The new location is in a highway commercial zone and is located on “dealer row” alongside Toyota, Subaru, Honda, Volkswagen, Audi, Mercedes and BMW dealerships. This colocation of dealerships is an important aspect of sales for car dealerships. Construction of the new dealership is underway and expected to be finished before the end of 2013.

<sup>6</sup> Welch, D. (2009, September). GM Will Push Dealers to Upgrade. Bloomberg Businessweek

<sup>7</sup> Buss, D. ((2012, March). GM’s Essential Brand Elements Gets Dealer Pushback. Brandchannel.com

<sup>8</sup> Morton, N. (2013, March). Downtown Will Lose a Landmark: Cavender Leaving. San Antonio Express News

With the trends in new dealership standards and location, the existing McGuire site has become obsolete. The small showroom, lack of customer waiting areas, lack of customer parking, small display lot and lack of space for vehicle deliveries, all hindered the ability of the dealership to meet the trends in demand for car dealerships. The site is also substandard for size and accessibility. The signage and building design are substandard according to General Motors corporate guidelines. The current site will be vacated by the end of 2013.

The McGuire site size and location limits any expansion of the building or the current use on the site. If the building were to be expanded, it would remove display lot space, which is already substandard. Because the site is specifically tailored to an automobile dealership, with a showroom, repair shops and display parking lot, the obsolete design of the site is not conducive to a different use without major alterations to the buildings and layout of the site. The overcrowding of the display lot results in parking cars along the public sidewalk and stacking cars within the lot. The lack of a sufficiently sized loading zone results in car deliveries on U.S. Route 206, causing a traffic safety hazard. Police reports show six motor vehicle accidents at the site over the last five years. The obsolescence and substandard aspects of the site meet the “a” Criterion of the Redevelopment Law.

#### Qualifying Criterion “d”

The "d" Criterion states: “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”

The McGuire’s site (Lot 8, 9 and 10, Block 8.08) meets the "d" Criterion due to faulty arrangement and design, overcrowding, deleterious land use and obsolete layout and design that result in a detriment to the health, safety and welfare of the community.

The McGuire site does not meet the standards of the modern GM car dealership or the nationwide trends in car dealership design and customer experience. The site limits any expansion of the building and lots due to the lack of excess space on the site and the developed nature of the surrounding area which prevents expansion onto adjoining parcels. If the building were to be expanded, it would remove display lot space, which is already less than the dealer requires. Because the site is specifically tailored to an automobile dealership, with a showroom, repair shops and display parking lot, the obsolete design of the site is not conducive to a different use without major alterations to the buildings onsite and layout of the site. The overcrowding of the display lot results in parking cars along the public sidewalk and stacking cars within the lot. The lack of a sufficiently sized loading zone results in car deliveries on U.S. Route 206, causing a traffic safety hazard. Police reports show six motor vehicle accidents at the site over the last five years. This faulty arrangement and design and obsolete layout of the

site hinders pedestrian and auto traffic in the study area resulting in a detriment to the health, safety, morals and welfare of the community.

As noted previously in the environmental section, there have been anecdotal reports that the long-term use of the site as an auto repair shop has created contamination of the soils on the site. Due to the historic lack of modern containment facilities for hazardous fluids used on the site and possible leaking of underground storage tanks, according to anecdotal reports contamination has occurred over time resulting in a deleterious land use. The environmental studies are ongoing on the site; however, it is clear that they will result in the need for an environmental clean-up on the site.

Under the current zoning, T-6 – Town Center Zone, a car dealership is not a permitted use. This auto-oriented use is not appropriate in an urban downtown setting with a focus on pedestrian scale development. The McGuire site is not in conformance with the Town's ordinances as it is non-conforming for building type, parking area and landscaping design and screening and buffering. The McGuire Dealership is a deleterious land use and when the dealership moves it will result in a vacant site expected to require environmental mitigation. For these reasons and reasons noted above, the McGuire site meets Criterion "d".

#### Qualifying Criterion "h"

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The Town of Newton adopted smart growth planning principles in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the redevelopment of the site include: creating walkable communities; creating distinctive attractive communities offering

a sense of place; mixing land uses, taking advantage of compact building design and promotion of development and redevelopment in areas with existing infrastructure.

The McGuire site is an obsolete use as noted under Criteria “a” and “d”. A large part of its obsolescence is that it is an auto-oriented use located in the heart of a pedestrian downtown. This use is not congruent with the Smart Growth Principals of creating walkable communities and creating distinctive attractive communities that offer a sense of place. The large open show lot does not provide a positive pedestrian experience when walking past the site. The clutter of cars on sidewalks, alleys and adjacent lots hinders the pedestrian experience. The one story building and the underbuilt frontage of the lot are not contributing to the character of the study area or fostering a sense of place. The site does not take advantage of the mixing of land uses or a compact building design. Both of these smart growth principles are important in downtowns to create a mix of retail, office and service uses that provides for a vibrant downtown. The underutilization of the site with large expanses of parking and the one story, single use structure on the site are not in keeping with smart growth principles. The site is in a location with existing water and sewer utilities, as well as frontage on an existing State Highway. For these reasons, redevelopment of the McGuire site is consistent with Criterion “h”.

### Section 3

Under Section 3 of the Redevelopment Law, a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

The McGuire site is centrally located within the study area and provides frontages along U.S. Route 206/Main Street and Spring Street. The relatively large size of the lot, 2.44 acres, coupled with its central location in the study area and connective street frontages, makes it a necessary piece of the study area to facilitate the effective redevelopment of the area. For these reasons, the McGuire site should be included within the area according to Section 3 of the Redevelopment Law.

The following photos of the McGuire site illustrate the findings described above.



**Car displays do not meet modern dealership standards**



**Cars parked directly adjacent to the building**



Cars are parked along the public sidewalk



Aisles are narrow and dead-end with no turn-around



All aisles are dead-end, circulation is poor and cars are stacked throughout the lot



Cars are delivered on U.S. Route 206/Main Street

**Qualifying Criteria: United States Post Office: 39 Main Street: Block 8.08 Lot 11**

Lot 11, Block 8.08, the United States Post Office, meets Criteria “d”, “h” and Section 3 of the Redevelopment Law as described below.

**Qualifying Criterion “d”**

The "d" Criterion states: “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.”

The U.S. Post Office site (Lot 11, Block 8.08) exhibits an obsolete layout, design and insufficient circulation for the use. The Post Office site is not in conformance with the Town’s ordinances as it is non-conforming for building type, parking area, landscape design, screening and buffering. The site is limited in size and allows no possible area for expansion of the current structure on the site. Other than an L-shaped area of asphalt around the north and east side of the site, the building covers almost the entire parcel. There is limited landscaping on the site. Customers coming to the Post Office must park along U.S. Route 206 at a lighted intersection, which makes it dangerous to exit vehicles with adjacent traffic being so close. It is also difficult to merge into traffic when vehicles are stopped at the light. There is very little room for employee and mail truck parking along the rear of the building, which results in parking along the alley connecting to U.S. Route 206. As the main postal hub for a very large area spanning Newton, Hampton and parts of Frankford, the building is small and vehicular circulation when traveling to and from the building is poor. Given the unique aspects of the Post Office use, it is not likely that the structure can be easily converted to another use or expanded to better accommodate the current use. Police reports have shown eight motor vehicle accidents at the site in the last five years. This site also does not conform to the T-6 Zone as it is nonconforming for building height, building type, landscaping design, screening and buffering. The non-conformities illustrate the faulty arrangement and design of the site. For these reasons, the Post Office site meets Criterion “d” of the Redevelopment Law.

**Qualifying Criterion “h”**

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The Town of Newton adopted smart growth planning principles in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles.. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable communities; creating distinctive attractive communities offering a sense of place; mixing land uses; and promotion of development and redevelopment in areas with existing infrastructure. The Post Office site has poor pedestrian and vehicle circulation on the site. The high level of use of postal vehicles in and out of the alleyway on the site creates a hazardous situation for pedestrians walking along the sidewalk. The single use aspect of the site and one story façade do not contribute to the mixed-use nature of the downtown area. For these reasons, redevelopment of the Post Office site is consistent with the "h" Criterion.

### Section 3

Under Section 3 of the Redevelopment Law, a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

The Post Office site provides frontage on U.S. Route 206/Main Street and the property has an alley that can provide access to the Town of Newton Public Parking Lot #1, if opened. The Post Office alley access meets the existing traffic light on U.S. Route 206/Main Street, which would facilitate circulation into the site at a lighted intersection rather than directly adjacent to one. For this reason, the Post Office site should be included within the area according to Section 3 of the Redevelopment Law.

The following photos illustrate the findings noted above.



On street parking is limited to three cars for a maximum of 10 minutes at the site



Employee parking along the Post Office alley to U.S. Route 206



**There is minimal room on the site for delivery truck circulation**

**Qualifying Criteria: Newton Public Parking Lot #1: 1, 3 & 11 Adams Street: Lots 29, 30 and 31, Block 8.08**

Lots 29, 30 and 31, Block 8.08, the Newton Public Parking Lot #1, meets Criteria “c”, “h” and Section 3 of the Redevelopment Law as described below.

**Qualifying Criterion “c”**

The "c" Criterion is as follows: Public and Vacant Land (N.J.S.A. 40A:12A-5.c) – “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.”

Lots 29, 30 and 31 are owned by the Town of Newton Parking Authority and encompass Newton Public Parking Lot #1 for the downtown area. The tax lots are owned by a public entity, the Town of Newton Parking Authority. Newton Public Parking Lot #1 is the most remote and difficult to access parking area that the Town owns due to its lack of frontage on any arterials or higher level two way streets. The only access to the lot is on Adams Street, which is a narrow, one-way street. There are two egress points, either back onto Adams Street or through an alley that connects to Spring Street. Additionally, the only frontage for the lot is on Adams Street, which is primarily a residential street. The site is located behind existing commercial structures on Spring Street and has provided access and parking for those structures from many years. For these reasons, the potential for private capital to invest in upgrading the parking area or developing the area for some other use is not likely. The topography of the site is also a limiting factor, with retaining walls surrounding several sections of the parking area. For these reasons, Newton Public Parking Lot #1 meets Criterion “c”.

**Qualifying Criterion “h”**

The "h" Criterion addresses smart growth consistency and provides that municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principles adopted pursuant to law or regulation. There are 10 accepted principles that define smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Promotion of development and redevelopment in areas of existing infrastructure
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

The Town of Newton adopted smart growth planning principles in the Town’s 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated a Regional Center consistent with the State Planning Act, which also promotes smart growth principles. In May 2013, the Town of Newton achieved Plan Endorsement from the State Planning Commission, also deeming the Town of Newton’s plans and ordinances as consistent with the State Plan. Smart growth principles that apply to the site include: creating walkable neighborhoods; providing a variety of transportation choices; and promotion of development and redevelopment in areas with existing infrastructure.

Lots 29, 30 and 31 encompass Newton Public Parking Lot #1 for the downtown area. Newton Public Parking Lot #1 provides circulation and parking for the study area and additional frontage on Adams Street, which is beneficial when the lot is combined with the surrounding parcels. The parking location is behind the street frontages of U.S. Route 206 and Spring Street, which permits buildings to front along the streets promoting a walkable neighborhood, while providing parking locations behind the buildings when all lots in the area are combined. The inclusion of the Newton Public Parking Lot #1 also provides the potential to create a structured parking lot on the site, increasing shared parking on the municipally-owned lot and providing for a variety of transportation choices to access the downtown. The site could also be used for bike storage. Newton Public Parking Lot #1 is located in an area of existing infrastructure with public water, sewer and street frontage. For these reasons, the redevelopment of Newton Public Parking Lot #1 is consistent with Criterion “h”.

### Section 3

Under Section 3 of the Redevelopment Law, a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Lots 29, 30 and 31 encompass Newton Public Parking Lot #1 for the downtown area. The parking area provides frontage to Adams Street, parking potential for the area and provides for additional circulation and additional ingress and egress locations. Without the inclusion of these lots, the remaining lots in the area would not be able to be effectively redeveloped because of the need for areas to provide for parking on those lots. For these reasons, the Newton Public Parking Lot #1 should be included in the area under Section 3 of the Redevelopment Law.

The following photos illustrate the findings noted above.



**Narrow Adams Street frontage along Newton Public Parking Lot #1**



**View of the backs of buildings along Spring Street**



**Alley access to Newton Public Parking Lot #1 from Spring Street**



**Retaining wall surrounding western and southwestern property lines**



Retaining wall along northern property line

#### IV. Recommendations

This investigation finds that the study area identified as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 meets the statutory criteria to qualify as an Area in Need of Redevelopment and recommends that the site be designated by the Town Council of the Town of Newton as an Area in Need of Redevelopment pursuant to N.J.S.A. 40:A-12A-1 et seq. More specifically, this investigation finds that the study area meets Criteria "a", "b", "c", "d", "h" and Section 3 of N.J.S.A. 40A:12A-1 et seq. as follows:

#### Tax Lots in the Study Area (Block 8.08) with Statutory Criteria Met for Each Lot

Lot	Criterion a	Criterion b	Criterion c	Criterion d	Criterion h	Section 3*
6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
8	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
29			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
30			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

\* Section 3 of N.J.S.A. 40A:12A-1 et seq.

The "a" Criterion: Deterioration (N.J.S.A. 40A:12A-5.a) – “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.” *As noted above, Lots 6, 7, 8, 9 and 10 in the area display a generality of buildings that are dilapidated and/or obsolescent to the extent that they are conducive to unwholesome living or working conditions.*

The "b" Criterion: Abandoned Commercial and Industrial Buildings (N.J.S.A. 40A:12A-5.b) – “The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.” *As noted above, Lots 6 and 7 have been abandoned for more than two decades and have fallen into a level of disrepair such as to make them untenable.*

The "c" Criterion: Public and Vacant Land (N.J.S.A. 40A:12A-5.c) – “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.” *As noted above, Lots 29, 30 and 31 comprising Newton Public Parking Lot #1 are owned by the Newton Parking Authority and by reason of location and topography are unlikely to be developed through private capital, meeting this Criterion.*

The "d" Criterion: Obsolete Layout and Design (N.J.S.A. 40A:12A-5.d) – “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.” *As noted above, Lots 6, 7, 8, 9, 10 and 11 have buildings and improvements which by reason of dilapidation, obsolescence, faulty arrangement and design, excessive land coverage, deleterious land use and obsolete layout are detrimental to the safety, health, morals and welfare of the community.*

The "h" Criterion: Smart Growth Consistency (N.J.S.A. 40A:12A-5.h) – “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.” *As noted above, designation of the area delineated is consistent with smart growth planning principles pursuant to law and regulation.*

Section 3: Definitions (N.J.S.A. 40A:12A-3) provides the following definition for redevelopment areas - "Redevelopment area" or "area in need of redevelopment" means an "area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined heretofore to be a "blighted area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part." *As noted above, Lots 8, 9, 10, 11, 29, 30 and 31 within the study area are needed for the effective redevelopment of the area of which they are a part.*

Conforming to the findings noted above, the study advises the Planning Board to recommend that the Town Council designate the study area an Area in Need of Redevelopment pursuant to N.J.S.A. 40:A-12A-1 et seq.