

**NEWTON PLANNING BOARD
NEWTON MUNICIPAL BUILDING
39 Trinity Street, Newton, NJ 07860
AGENDA
June 17, 2020**

Please take notice that the Town of Newton, Planning Board (the “Board”) will hold a public hearing remotely, thru **ZOOM, on June 17, 2020 at 7:00 p.m.** to review and take formal action upon Development applications, and various items as follows:

SUNSHINE STATEMENT

“Adequate notice of this meeting of the Newton Planning Board has been provided in accordance with the Open Public Meetings Act (Chapter 231.P.L. 1975).”

RULES

No new testimony after 10:30 p.m. Comments from each member of the public are limited to 5 minutes during the public portion of the meeting.

OATH OF OFFICE

None

SALUTE TO THE FLAG & ROLL CALL

Mr. Flaherty
Mr. Marion
Mr. Wink
Mrs. Vrahnos
Mrs. Hall-Romer
Mrs. Diglio
Mr. Flynn
Mr. Russo, Jr.
Mr. Ragsdale
Mr. Couce
Mr. Schick
Mr. Le Frois

CONSIDERATION OF MINUTES

May 20, 2020

HISTORIC RESOLUTIONS

None

RESOLUTIONS:

Samaritan Inn, Inc. (#P-2-2020)
23 Union Place
Block: 15.01, Lot: 46
T-5 Zone

The Resolution grants minor site plan approval and related bulk variance and design waiver relief.

OLD BUSINESS

None

COURTESY REVIEW:

Newton Board of Education
Merriam Avenue School – Modular Classroom Units
Block: 17.03, Lots: 12 & 13

NEW BUSINESS:

Newton Commons Condo Association, Inc. (#P-1-2020)
Portion of Common Area between 63 Plainfield Avenue & 68 Plainfield Avenue
Block: 12.01, Lot: 1 & Block: 12.09, Lot 1
T-3 Zone

The Applicant is requesting a minor subdivision and D-2 variance. (Applicant has requested an extension from the May 20, 2020 and June 17, 2020 meetings and to be heard at the July 15, 2020 meeting with no further public notice.)

Weis Markets, Inc. (#P-3-2020)
119 Water Street
Block: 9.03, Lot: 16

The Applicant is requesting site plan approval and associated variances for a “Gas N Go” drive-through facility with kiosk, canopy and six fueling positions.

121 Water Street Redevelopment Plan
Block: 10.01, Lot: 4

The Applicants may seek any additional approvals, bulk variances, design waivers, interpretations, or other approvals as may be determined to be necessary by the Board during the review of these applications.

This hearing will take place remotely – by videoconference or telephone conference only, via ZOOM application.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to
join. <https://us02web.zoom.us/j/82024217125?pwd=K3dGZzhiOG05VlljN2V6Y0NOQVpldz09>

Password: 634749

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 820 2421 7125

Password: 634749

International numbers available: <https://us02web.zoom.us/j/kvCwVEbU0>

CORRESPONDENCE

SC Resolution Authorizing Agreement with TON and Thorlabs for Traffic Control Signal at R 616 and 621 dated May 14, 2020.

PSE&G – Application for a Flood Hazard Area Individual Permit Extension in Support of PSE&G Electric Overhead Transmission System Rights-Of-Way Vegetation Maintenance to Permit the Continued use of Selective Herbicide Application within Riparian Zones.

EXECUTIVE SESSION

PUBLIC PORTION

ADJOURNMENT

*The Board Engineer and Board Planner are sworn in at the beginning of each year and are deemed to be under oath on a continuing basis.

PUBLIC ACCESS TO ZOOM MEETING:

To access the virtual hearing, you must join the ZOOM meeting. To access the ZOOM meeting, you will need access to a computer with internet access and/or dial in through a mobile or land line phone to log into the meeting. To join the ZOOM meeting, click on the link below and type in the Meeting ID and Password. You will join the meeting and be able to listen and view the evidence shared on the screen at the meeting.

PUBLIC PARTICIPATING IN ZOOM MEETING:

You will be able to participate when the Board Chairman opens the meeting to the public for the public participation portion of the meeting at the end for you to ask questions and/or cross examine witnesses and make statements. The Board Chair will limit public comments to 10 minutes per person. We ask that if you have questions of the applicant prepared, that you e-mail them to the Board Secretary at kcitterbart@newtontownhall.com prior to the meeting. Your questions will be acknowledged and read into the record and answered. If you have information or exhibits you wish to have considered and entered into the record, you will have to e-mail them to the Board Secretary at kcitterbart@newtontownhall.com in advance of the meeting so that they may be marked into evidence.

Legal Notice – Town of Newton Planning Board meeting of Wednesday, June 17, 2020 at 7 pm Eastern Time (US and Canada)

The public may obtain access to the meeting by the following methods:

You are invited to a Zoom webinar;

When: June 17, 2020 07:00 PM Eastern Time (US and Canada)

Topic: Newton Planning Board

Members of the public will be able to participate in the meeting, including providing public comment at the appropriate time, and are politely asked to mute their microphones to limit background noise when not speaking. The Planning Board agenda and backup meeting materials can be viewed at www.newtontownhall.com.

Questions may be directed to the Planning Board Secretary at 973-383-3521, 227.

AGENDA – June 17, 2020 7 p.m. via ZOOM

The hearing may be continued without further notice on such additional or other dates as the Board may determine. The application and its supporting materials will be posted on the Town of Newton website at www.newtontownhall.com ten (10) days prior to the meeting. If you do not have access to a computer to review these materials on the website, you may inspect them, beginning ten (10) days prior to the public hearing, by calling the Board Secretary, Katherine Citterbart, Office of Planning Board & Zoning Board of Adjustment, Town of Newton, 39 Trinity Street, 2nd Floor, Newton, NJ 07860.

PLEASE NOTE: TOWN OF NEWTON PLANNING BOARD MEETINGS WILL BE HELD VIRTUALLY THROUGH ZOOM UNTIL THE GOVERNOR'S EXECUTIVE ORDERS ARE LIFTED AND TOWN HALL HAS BEEN REOPENED.

Katherine Citterbart
Administrator
Newton Planning Board

June 4, 2020
ES 8811.00

Town of Newton Planning Board
Municipal Building
39 Trinity Street
Newton, NJ 07860
973-383-3521

Attention: Katherine Citterbart Administrator

Subject: ***Merriam Avenue School – Modular Classroom Units
81 Merriam Avenue, Newton, NJ 07860
Lots 12 & 13, Block 17.03 - Town of Newton, Sussex County, NJ
NJDOE Project No. 37-3590-070-20-1000***

Dear Ms. Citterbart:

On behalf of the Newton Board of Education, and as required by the New Jersey Department of Education (NJDOE), EI Associates is forwarding this submittal for the new modular classroom units intended for the Merriam Avenue Elementary School as referenced above.

Per our phone conversation with your office on Monday June 1, 2020 we have enclosed twenty (20) signed and sealed drawing sets along with this transmittal letter for submission of this project to the Planning Board for appearance at the June 17, 2020 public meeting. It is our understanding this will be a curtesy review by the Planning Board since this is for the Board of Education and a full standard application is not required.

An electronic PDF copy will also be emailed to your attention for use at the Planning Board Meeting, we understand the meeting will be held virtually and EI will join in for our presentation.

If you have any questions or require additional information please contact the undersigned at robert_walsh@eiassociates.com or mobile: (908) 720-4553.

Sincerely yours,
EI Associates



Robert E. Walsh, PE, PP
Chief Civil & Environmental Engineer

Town of Newton Planning Board
Merriam Avenue School
Page 2 of 2
June 4, 2020

Enclosures

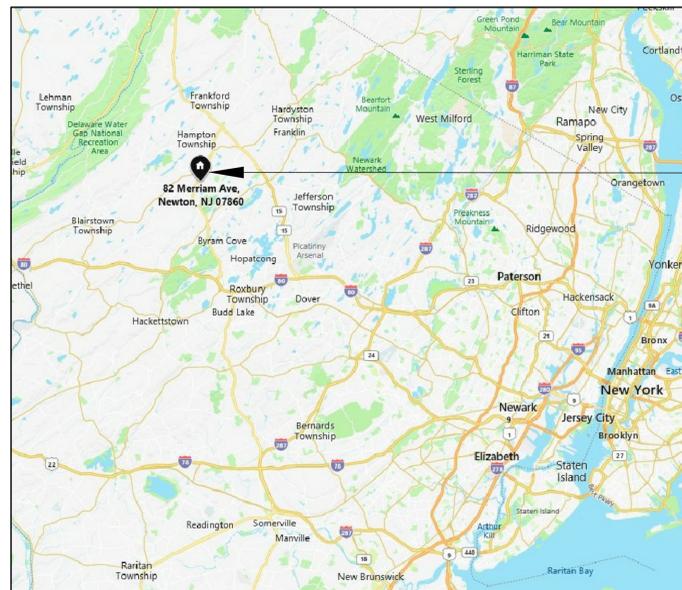
cc: Dr. Alfred Savio District Business Administrator/Board Secretary
Dr. Kennedy G. Greene, Superintendent
Michael Wozny EI Associates
Richard P. Scheick EI Associates

G:\Projects\Newton Board Of Education\ES8811.00-MES-Pre-K Modular Classrooms\ISSUES\Issued to Planning Board\2020.06.04-KC.docx

NEWTON PUBLIC SCHOOL DISTRICT

PRE-K TCU INSTALLATION AT MERRIAM AVENUE ELEMENTARY SCHOOL

82 MERRIAM AVENUE
NEWTON, NJ 07860



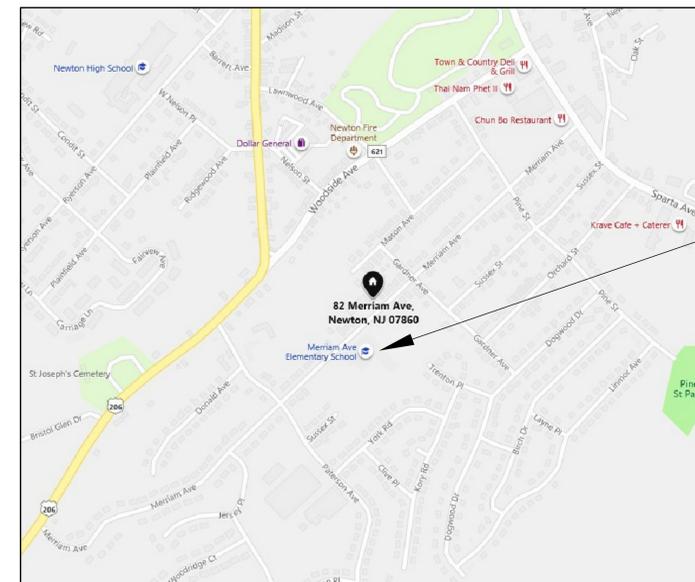
VICINITY MAP
N.T.S.

SITE

TRUE
NORTH

LIST OF DRAWINGS

- TITLE SHEETS
- T00 VICINITY MAP, SITE MAP & LIST OF DRAWINGS
- CIVIL
- S-1 EXISTING CONDITION PLAN
- C10 SITE PLAN
- ARCHITECTURAL
- A01 OVERALL FIRST FLOOR PLAN
- A11 PRE-SCHOOL KINDERGARTEN TEMPORARY CLASSROOM UNITS FURNITURE PLAN
- A30 ELEVATIONS



SITE MAP
N.T.S.

SITE

TRUE
NORTH

PLAN
NORTH

NOT FOR CONSTRUCTION

NJDOE STATE PROJECT NO.: 35-3590-070-20-1000

REV	REVISION DESCRIPTION	BY	DATE
A	ISSUED FOR PLANNING BOARD	RPS	04 JUNE 20

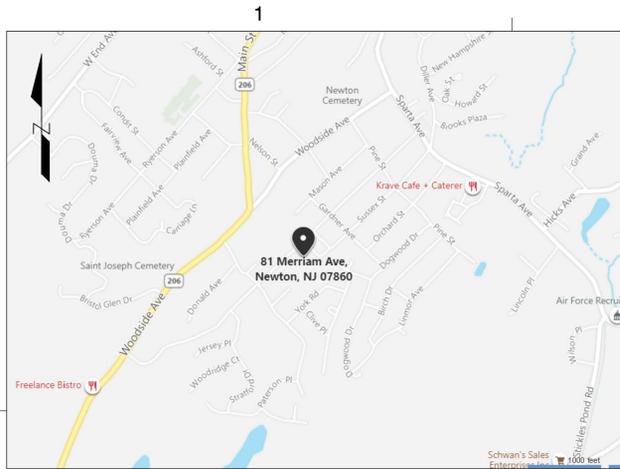
EI Associates
ARCHITECTS & ENGINEERS, PA
8 RIDGEDALE AVENUE • CEDAR KNOLLS NJ 07927 • 973.775.7777

RICHARD F. BASTA, AIA REGISTERED ARCHITECT LICENSE NO. NJ 10149 ARCHITECTURE

SCALE AS NOTED	PROJECT	EIA DRAWING NO.
DRAWN BY: [Signature]	NEWTON PUBLIC SCHOOL DISTRICT PRE-K TCU INSTALLATION AT MERRIAM AVENUE ELEMENTARY SCHOOL NEWTON NEW JERSEY	T00
DESIGNED BY: [Signature]		
CHECKED BY: [Signature]		
APPROVED BY: [Signature]		
PROJECT MANAGER: [Signature]	TITLE	CLIENT DWG. NO. _____
	VICINITY MAP, SITE MAP & LIST OF DRAWINGS	EIA PROJECT NO. ESB811.00

President, Board of Education

Superintendent



Location Map
(Not to Scale)

Legend

Communication Line	COMM
Conduit	100
Edge Of Pavement	
Fence	X
Guardrail	X
Property Line	
Overhead Utility	OHU
Storm Drain	SD
Sanitary Sewer	SS
Underground Electric	UCE
Underground Gas	UCG
Underground Water	UGW
Wood Line	
Benchmark	
Bush	
Ballard	
Catch Basin	
Clearcut	
Deciduous Tree	
Drain Inlet	
Evergreen Tree	
Gas Meter	
Gas Valve	
Guy Wire	
Hydrant	
Iron Pipe or Bar	
Light Post	
Mailbox	
Manhole Drainage	
Manhole Electric	
Manhole Sanitary	
Manhole Telephone	
Manhole Unknown	
Manhole Water	
Monument	
Monitor Well	
Parking Meter	
Photograph Location	
And Direction Of View	
Sampling Station Location	
Sign	
Test Pit / Soil Boring	
Tree Evergreen Drip Line	
Tree Deciduous Drip Line	
Utility Pole	
Water Meter	
Water Valve	
Well	
Wetland Flag & Number	A1

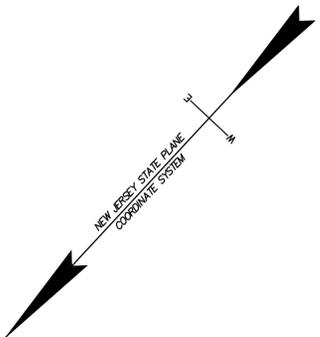
Notes

- Subject to the findings of a current title search and boundary survey.
- This drawing is not intended to delineate or define property boundaries.
- Not all physical features of the subject property are shown. This plan is designed to reflect a specified area of detail only and not to be used for purposes other than originally intended.
- Based on field work performed 05-29-2020.
- According to the Flood Insurance Rate Map this property is located in an area designated as Zone X - "Areas determined to be outside the 0.2% annual chance floodplain", per map number 34037C0292E, community of the Town of Newton, Sussex County, New Jersey. Effective date: September 29, 2011.
- This plan is not intended to delineate or define underground utilities. The user is cautioned to contact New Jersey One Call for utility markouts at 1-800-272-1000.
- Coordinate system: NJ State Plane.
- Control: Established with global positioning systems utilizing Real Time Kinematic navigation (RTK). Referencing CORS_ID NJSC.
- Horizontal datum: NAD83.
- Vertical datum: NAVD88.
- References:
 - 11.1. Tax map sheet 17.

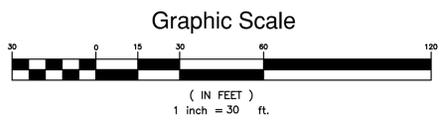
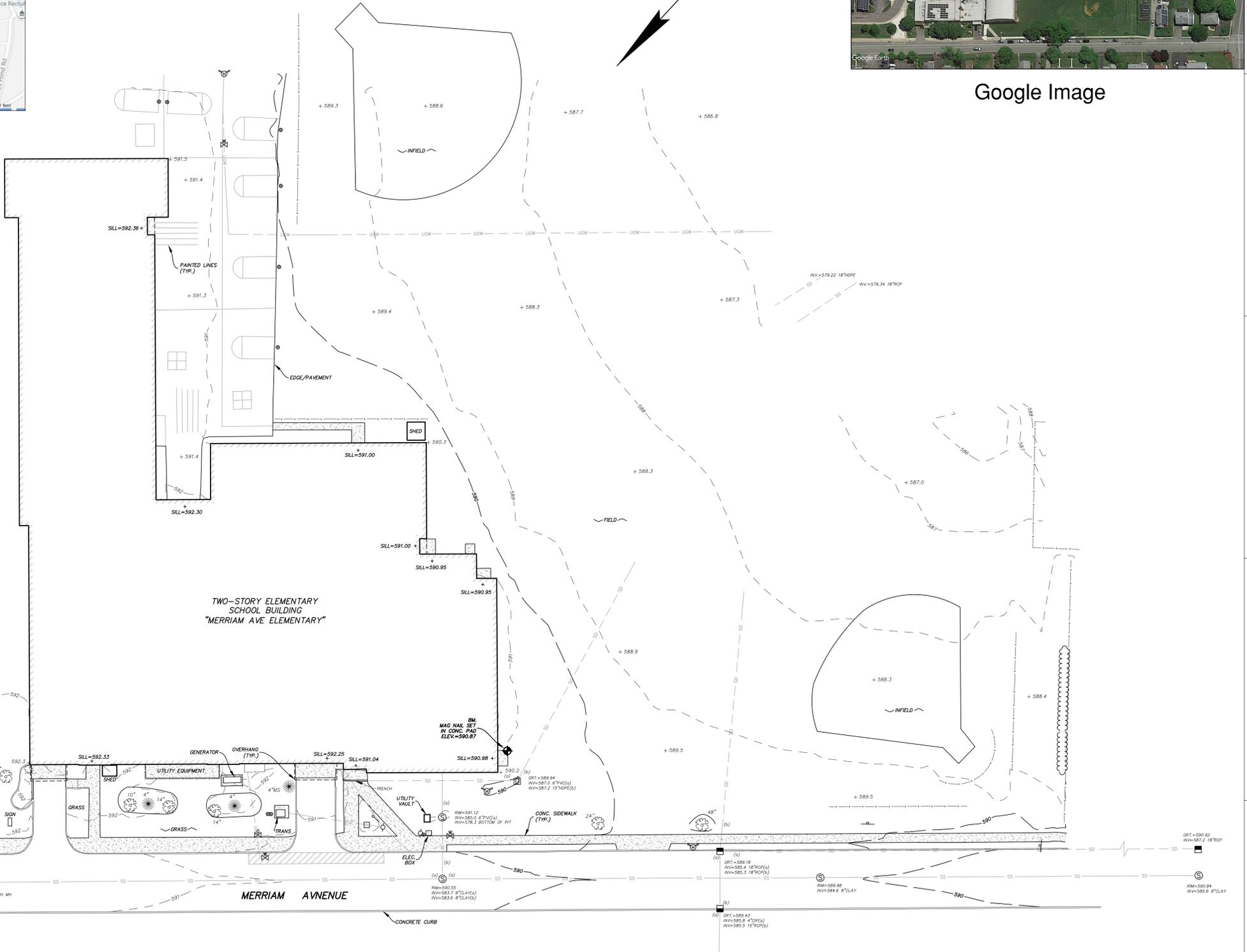
Survey Certification

Certified to:
-EI Associates

I certify that, to the best of my knowledge and belief, this plan is based on a field survey made in May 2020, under my direct supervision, in accordance with the rules and regulations promulgated by the NJ State Board of Professional Engineers & Land Surveyors. The information shown hereon correctly represents the conditions found as of the date of the field survey, except such improvements or easements, if any, below the surface and not visible.



Google Image



811 Keep what's below. Call before you dig.

MERRIAM AVENUE
ELEMENTARY SCHOOL

81 MERRIAM AVENUE
BLOCK 17.03
LOT 12
TOWN OF NEWTON
SUSSEX COUNTY
NEW JERSEY

**VS
LAND DATA**

PO Box 186
Phillipsburg, NJ 08865
P 888.676.4435
F 800.220.6214
www.vslanddata.com
NJ Certificate Of Authorization
#24GA28113500

SEAL

John J. Hanlon
John J. Hanlon
Professional Land Surveyor
New Jersey License No. GS37589
Pennsylvania License No. SU060784

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SCALE

AS SHOWN

REVISIONS	

DRAWN BY: KJC
APPROVED BY: JJH
CHECKED BY: JJH
DATE: 06-01-2020

TITLE

EXISTING CONDITIONS PLAN

VS PROJECT NO. 20054

S - 1

SHEET NO.

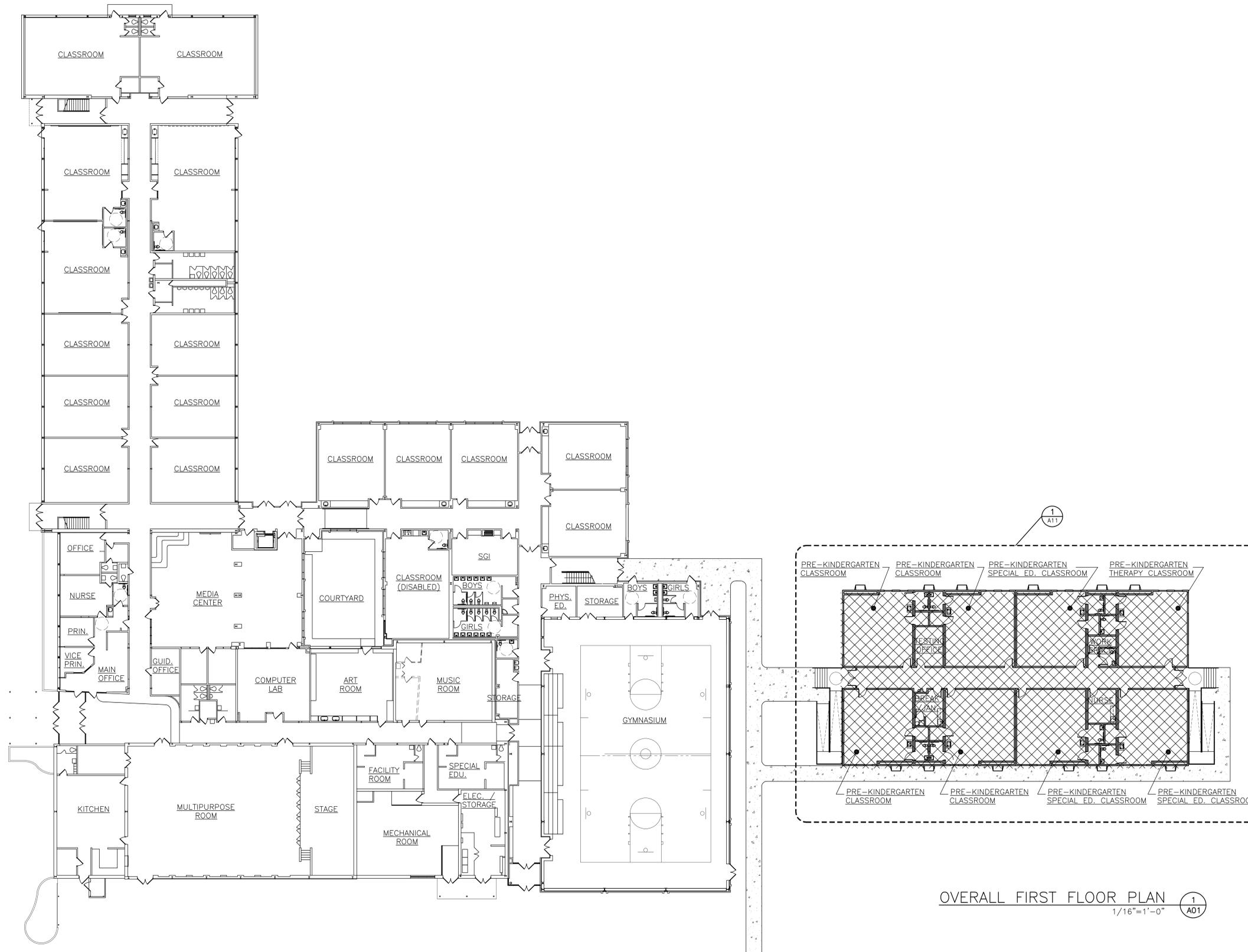
GENERAL LEGEND

EXISTING WALL/PARTITION TO REMAIN

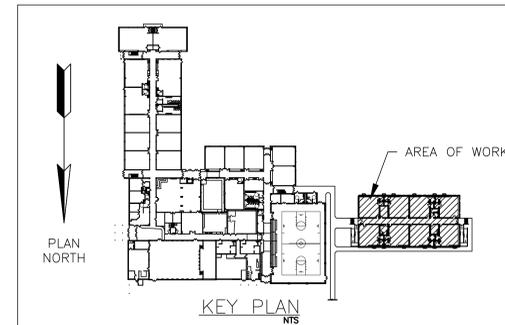
NEW WALL/PARTITION



NEW TCU ADDITION - SEE SHEET A11 FOR FURNITURE AND EQUIPMENT LAYOUTS



OVERALL FIRST FLOOR PLAN
1/16"=1'-0" (1 A01)



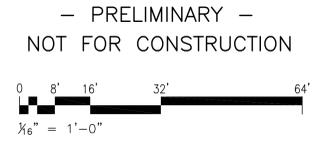
NJDOE STATE PROJECT NO.: 35-3590-070-20-1000

REV	REVISION DESCRIPTION	BY	DATE
A	ISSUED FOR PLANNING BOARD	RPS	04 JUNE 20

EI Associates
ARCHITECTS & ENGINEERS, PA
8 RIDGEDALE AVENUE CEDAR KNOLLS NJ 07927-973.775.7777

RICHARD F. BASTA, AIA REGISTERED ARCHITECT LICENSE NO. NJ 10149 ARCHITECTURE

SCALE AS NOTED	PROJECT	EIA DRAWING NO.
DRAWN BY: [Signature]	NEWTON PUBLIC SCHOOL DISTRICT PRE-K TCU INSTALLATION AT MERRIAM AVENUE ELEMENTARY SCHOOL NEWTON NEW JERSEY	A01
DESIGNED BY: [Signature]		
CHECKED BY: [Signature]		
APPROVED BY: [Signature]		
PROJECT MANAGER:	TITLE	CLIENT DWG. NO.
	OVERALL FIRST FLOOR PLAN	ESB811.00



DO NOT SCALE DRAWING USE DIMENSIONS ONLY

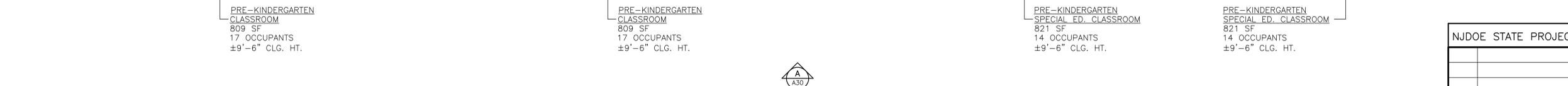
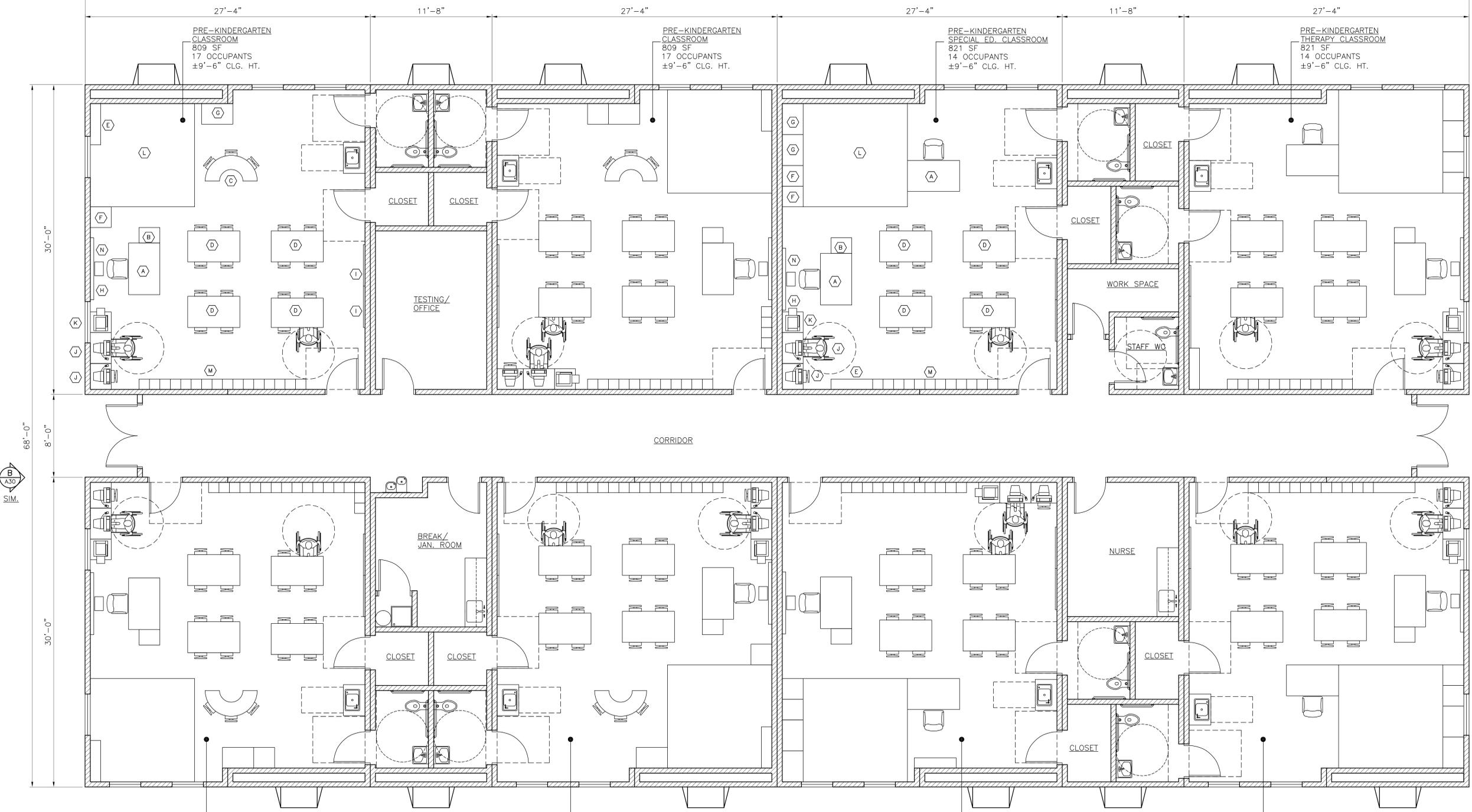
A30 SIM. 132'-8"

GENERAL LEGEND

- BARRIER FREE ACCESSIBLE STATION
- ADA SINK W/ BUBBLER D.F.
- NEW WALLS / PARTITIONS

FURNITURE AND EQUIPMENT LEGEND:

- A TEACHER'S DESK AND CHAIR.
- B FILE CABINET.
- C ACTIVITIES TABLE.
- D STUDENT TABLE WITH CHAIRS.
- E BOOKCASE.
- F TEACHER'S SECURE CABINET.
- G TEACHER'S WARDROBE.
- H SMART BOARD.
- I WALL BULLETIN BOARD.
- J COMPUTER STATION.
- K PRINTER STATION.
- L GROSS MORTAR SKILLS AREA.
- M STUDENT CUBBIES.
- N OVERHEAD PROJECTOR.



B30 SIM.

A30

PRE-K TCU FURNITURE PLAN 1/A11
1/4"=1'-0"

— PRELIMINARY —
NOT FOR CONSTRUCTION



DO NOT SCALE DRAWING
USE DIMENSIONS ONLY

NJDOE STATE PROJECT NO.: 35-3590-070-20-1000

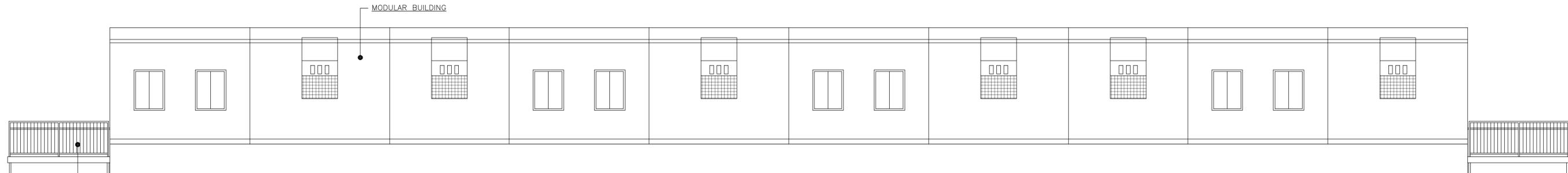
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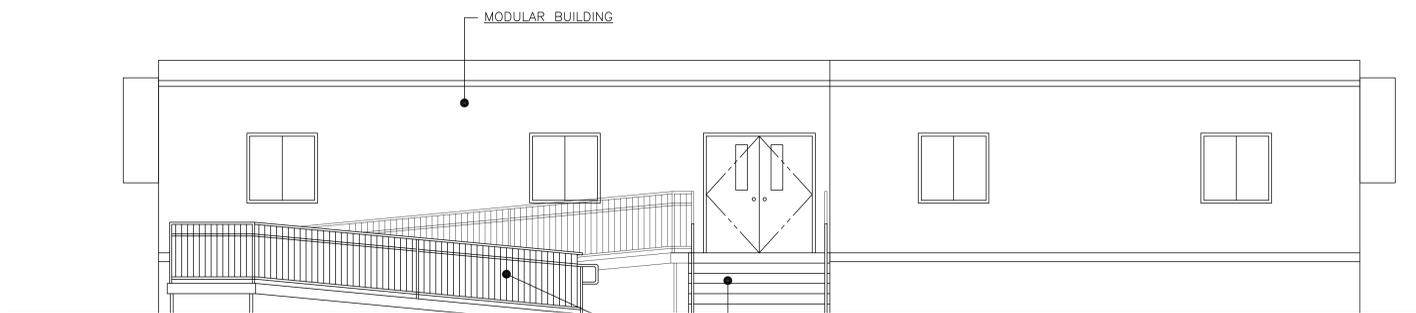
SCALE AS NOTED	PROJECT	EIA DRAWING NO.
DRAWN BY: [Signature]	NEWTON PUBLIC SCHOOL DISTRICT PRE-K TCU INSTALLATION AT MERRIAM AVENUE ELEMENTARY SCHOOL NEWTON NEW JERSEY	A11
DESIGNED BY: [Signature]		
CHECKED BY: [Signature]		
APPROVED BY: [Signature]		
PROJECT MANAGER:	PRE-SCHOOL KINDERGARTEN TEMPORARY CLASSROOM UNITS FURNITURE PLAN	CLIENT DWG. NO. _____ EIA PROJECT NO. ES8811.00

XX



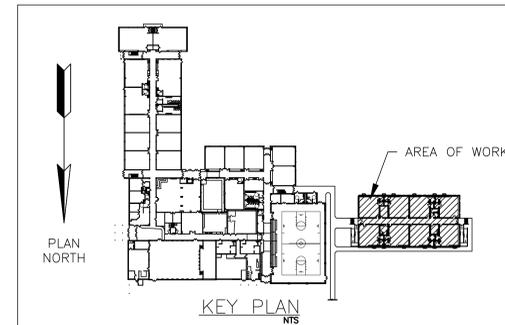
STAIR AND RAMP BY
MODULAR BUILDING
COMPANY

ELEVATION A 1
1/4"=1'-0" A30



STAIR AND RAMP BY
MODULAR BUILDING
COMPANY

ELEVATION B 1
1/4"=1'-0" A30



NJDOE STATE PROJECT NO.: 35-3590-070-20-1000

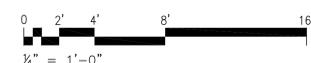
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8 RIDGEDALE AVENUE CEDAR KNOLLS NJ 07927-973.7777

RICHARD F. BASTA, AIA REGISTERED ARCHITECT
LICENSE NO. NJ 10149 ARCHITECTURE

SCALE	AS NOTED	PROJECT	EIA DRAWING NO.
DRAWN BY:	DESIGNED BY:	CHECKED BY:	APPROVED BY:
NEWTON PUBLIC SCHOOL DISTRICT PRE-K TCU INSTALLATION AT MERRIAM AVENUE ELEMENTARY SCHOOL NEWTON NEW JERSEY			A30
TITLE ELEVATIONS			CLIENT DWG. NO. _____
PROJECT MANAGER:			EIA PROJECT NO. ESBB11.00

— PRELIMINARY —
NOT FOR CONSTRUCTION



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XX



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1969

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ANN PELLOW WAGNER
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NJ - P.E.

March 12, 2020

MEMORANDUM TO: Town of Newton Planning Board

FROM: David B. Simmons, Jr., P.E., L.S., C.M.E.

SUBJECT: Application #P-3-2020 – Site Plan for Weis Markets, Inc.
Block 9.03, Tax Lots 16
Located at 119 Water Street
Town of Newton, Sussex County
HPA No. 19-278

Dear Board Members:

The Applicant is proposing to construct a gas station with a canopy, kiosk and six (6) fueling stations in the northern corner of the existing parking lot. The subject property is located in the SD-3 Retail-Manufacturing zone.

Based on a review of the documents submitted and an on-site inspection, I have the following comments:

1. The documents reviewed include the following:
 - a. Site Plan prepared by First Capital Engineering, consisting of the following sheets:

Sheet No.	Title	Latest Revision Date
CS	Cover Sheet	2/24/2020
C-1	General Notes	11/19/2019
C-2	Existing Conditions Plan	11/19/2019
C-3	Site Layout Plan	11/19/2019
C-4	Grading and Utility Plan	11/19/2019
C-5	Erosion and Sedimentation Control Plan	11/19/2019
C-6	Building – Canopy – Signage Plan	11/19/2019
C-7	Lighting Plan	11/19/2019

- b. Stormwater Management summary for Weis marks #143, prepared by First Capital Engineering, Inc, John K. Luciani. P.E. dated 11/13/2019.

- c. As-Built Survey Plan of Weis Markets, Inc.- 119 Water Street, Prepared by Arthur A. Swallow Associates, dated 1/23/2013, last revised 5/21/2014.

2. **ZONING**

- a. The subject property is located in the SD-3 Retail-Manufacturing Zone.
- b. Based on the proposed site plan, a use variance may be required for the proposed gas station. I defer to the town planner's report of 3/11/2020 regarding this issue.

3. **SITE PLAN**

- a. The applicant to note the hours of operation of the gas station. Will the hours coincide with the supermarket, or is the gas station proposed to be 24 hours?
- b. The site layout plan suggests there may be some items for sale on the exterior of the kiosk, and possibly inside the kiosk.

The applicant should elaborate on what merchandise will be displayed and sold in the kiosk area.

- c. My understanding is a portion of one of the 15,000 gallon underground fuel tanks will be for diesel fuel.

Will the proposed gas station allow tractor trailers to fuel at the facility? Will small dump/utility trucks with equipment trailers be allowed to fuel at the facility?

- d. The truck turning exhibit at sheet C-3 shows a WB-50 fuel tanker entering and exiting the site via South Park Drive. Based on the wheel path shown, a larger tanker may not be able to negotiate around the site. The applicant should confirm that a WB-50 tanker is the largest unit that will deliver fuel to the site.
- e. The applicant to provide an analysis to show whether any modification to the existing NJDOT access permit is required.
- f. The applicant to advise if any provisions are being made for an emergency generator at the gas station.

4. **PARKING.**

- a. The existing parking lot has a total of 322 parking spaces. The construction of the gas station will eliminate 40 parking spaces. The net remaining parking spaces will be 282.

The parking spaces required for the supermarket based on the existing building area is 60,750 SF X 4 spaces per 1000 SF = 243 parking spaces.

5. **STORMWATER MANAGEMENT**

- a. The proposed gas station is being constructed on existing pavement. Therefore, there is essentially no change in impervious coverage to increase storm water runoff.

6. **UTILITIES**

a. **Water**

- i. A rest room is proposed in the kiosk for employees only.
- ii. A new 1” water service line is proposed from the kiosk to the existing watermain that runs in front of the supermarket building. This line to be type K copper.

b. **Sanitary Sewer**

- i. A sanitary sewer lateral is proposed to serve the employee only restroom in the kiosk.
- ii. A new 4” PVC sanitary sewer lateral is proposed to tie the kiosk into the existing sewer main in front of the supermarket buildings.

7. **LIGHTING**

- a. The lighting plan shows 72 foot candles of light under portions of the gas station canopy, which is very bright, and should be cut down.
- b. An additional pole mounted light should be added to the northerly corner of the parking lot to help illuminate the area by the proposed air station.
- c. The hours that the canopy lights will be left on to be specified.

8. **LANDSCAPING.** The applicant to advise if any additional landscaping will be provided around the base of the existing freestanding sign.

9. **SIGNAGE**

- a. I defer to the town planners report dated 3/11/2020 regarding the proposed signs and the variances she indicates are required.

- b. I note that in addition to the gas and diesel price signs on the modified Weis freestanding sign, the product prices are also shown on two sides of the gas canopy, facing Route 206 and the supermarket building.

10. **BUILDING PLANS**

- a. Will there be any HVAC equipment mounted on top of the proposed kiosk?

11. **ENVIRONMENTAL IMPACT STATEMENT (EIS)**

- a. An EIS was not provided for this application.
- b. The applicant to outline the NJDEP approvals and safeguards for the proposed gas station.

12. **CONSTRUCTION DETAILS**

- a. Rebar reinforcement to be provided for the concrete pad in the canopy area.
- b. Additional details are needed for the following:
 - i. Water Main Tie-In:
 - 1) Corporation stop
 - 2) Curb stop
 - 3) Curb box and protective covering
 - iii. Sanitary Sewer Tie-In:
 - 1) Tapping Saddle

13. **APPROVALS REQUIRED**

- a. Newton Construction Official
- b. Newton Fire Subcode Official
- c. Sussex County Planning Board (or waiver)
- d. Newton Water & Sewer Utility

Town of Newton Planning Board
RE: Application #P-3-2020 – Site Plan for Weis Markets, Inc.
Town of Newton, Sussex County
March 12, 2020

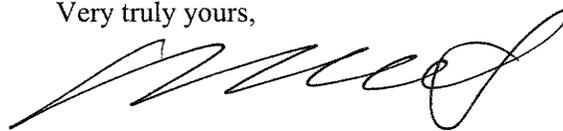
Page 5

- e. Newton Utility Advisory Board
- f. Sussex County Soil Conservation District
- g. NJDEP – Proposed fueling systems/ underground tanks
- h. NJDOT-(or waiver justification)
- i. Town of Newton – Soil Importation/ Exporting permit.

15. **MISCELLANEOUS.**

- a. Upon completion of the project, an as-built plan of the site to be prepared by the Applicant's licensed New Jersey professional land surveyor.
- b. Each sheet to have applicant's engineer title block with signature and seal.

Very truly yours,



David B. Simmons, Jr., P.E., L.S., C.M.E. for
HAROLD E. PELLOW & ASSOCIATES, INC.
Town of Newton Engineers

DBS:mv
K:\Projects\Municipal\Newton\PB\19-278 -Site Plan Weis Markets, Inc\PB1.docx

Attachment

cc: VIA E-MAIL
Kathy Citterbart, Newton Planning/Zoning Administrator (& USPS 1st Class Mail)
David Soloway, Esq., Newton Planning Board Attorney
Jessica Caldwell, P.P., Newton Planner
Frank McGovern, Esq.



March 11, 2020

MEMORANDUM TO: Newton Planning Board

FROM: Jessica C. Caldwell, P.P., A.I.C.P., Planning Board Planner

SUBJECT: Site Plan Application for Weis Markets, Inc.
Block 14.04, Lot 14
175 Main Street
Town of Newton, Sussex County
#PB-3-2020

Dear Board Members:

The Applicant is seeking site plan approval to construct a gas station with a kiosk, canopy and three (3) fueling stations (six (6) fueling positions) at the existing Weis Supermarket site, known as Block 9.03, Lot 16. The subject property is 8.9896 acres and located in the SD-3 Special District 3 Retail Manufacturing Zone. The property in question has frontage along Water Street (U.S. Route 206). Existing development on the property includes the Weis Supermarket and 321 parking spaces, eight (8) of which are dedicated to handicapped parking.

The Applicant is applying for the gas station facility as a drive-through retail facility, which is permitted in the SD-3 Zone. Gas stations are not listed as permitted uses in the SD-3. They are listed as conditional uses in the T-4 and T-5 Zones. If the Board determines that a gas station is not a drive through retail facility, then the application would require a use variance.

1. **Items Submitted:** The Applicant has submitted the following:

- i. Eight (8) sheets of plans entitled, "Minor Site Plan for Weis Markets, Inc. at 121 Water Street," prepared by First Capital Engineering, Inc., dated February 24, 2020.
- ii. One (1) sheet of plans entitled, "As Built Survey Plan – Weis Market #143," prepared by First Capital Engineering, Inc., dated January 24, 2013 and Revised May 21, 2014.
- iii. Stormwater Management Summary Report, prepared by First Capital Engineering, Inc., dated November 13, 2019.
- iv. Copy of application, checklist and additional supporting documents.

2. Site Plan Review:

a. Parking:

- i. As per Section 320-23A, four (4) parking spaces per 1,000 square feet is required for retail establishments therefore, 243 spaces are required. The existing parking lot has 322 spaces and the installation of the proposed facility will remove 40 parking spaces. This will result in 282 remaining spaces on the site. The Applicant has identified six (6) spaces at the fueling stations as parking spaces; however, I don't believe they count towards on-site parking.

Parking Note
<p><u>Parking Spaces Required:</u></p> <p>Section 320.23 – 4 Spaces Per Each 1,000 Sq. Ft. of Building Floor Area</p> <p>4 x 60,750 Sq. Ft. / 1,000 Sq. Ft. = 243 Spaces Required</p>
<p><u>Existing Parking Spaces Provided:</u></p> <p>305 Existing Parking Spaces</p> <p>11 Existing Handicapped Spaces 6 Handicapped Spaces 6 Online Shopping Spaces</p> <hr/> <p>322 Existing Spaces Total Provided</p> <p>Plus 2 Loading Spaces (Truck Dock)</p>
<p>40 Parking Spaces Eliminated Per This Plan:</p>
<p>282 Total Parking Spaces Proposed</p>

b. Signs:

- i. As per Section 320-25(B)(1), one (1) freestanding/ground-mounted sign per one (1) principal building is permitted in the SD-3 Retail Manufacturing Zone. In addition, up to two (2) awning, canopy, façade, wall, projecting or blade signs are permitted per road frontage as well as an additional one (1) of the above-mentioned sign types per non-frontage side per business are permitted in the SD-3 Zone. The Applicant proposes one (1) modified freestanding sign, an illuminated canopy sign and a kiosk vinyl decal façade sign on the subject property. This complies with the ordinance.
- ii. As per Section 320-25(B)(2), the maximum area permitted for freestanding/ground-mounted signs are forty (40) square feet, eight (8) square feet for awning/canopy signs and one (1) square foot per lineal foot of façade for façade/wall signs.
 - a. The Applicant is proposing a gas price cabinet sign to the existing freestanding sign on the property. The gas price cabinet sign is approximately 40.25 square feet. This does not comply with the ordinance. **A variance is required.**
 - b. The Applicant is proposing a canopy sign that has an area of thirty (30) square feet, which does not comply with the ordinance. **A variance is required.**
 - c. The Applicant is proposing a kiosk wall decal sign that has an area of approximately 21.25 square feet. The permitted sign area is 6 square feet. **A variance is required**
- iii. As per Section 320-25(D)(2), internally illuminated signs that are larger than eight (8) square feet may be permitted following Planning Board approval via minor site plan application, if not included in a major site plan application. The Planning Board must find that the sign is in keeping with the surrounding area and the architectural features of the building, is not in conflict with the goals of the master plan for that zone and is not a nuisance to adjacent properties. The Applicant is proposing a thirty (30) square foot internally illuminated canopy sign with an acrylic face and vinyl graphics. The vinyl graphics are proposed to be translucent and red, white and yellow in color to match the Weis Supermarket color scheme.
- iv. As per Section 320-25(D)(3), freestanding, ground-mounted or wall/blade signs utilizing digital/LED lettering, also known as "electronic message boards (EMB)," may be permitted following Planning Board approval via

a minor site plan application, if not included in a major site plan application. The EMB shall be measured around the edges of the board. The EMB may be a portion of or all of the sign area. The EMB must be fitted with a dimmer to adjust the lighting intensity so that it doesn't cause a nuisance or glare. The maximum luminance of the EMB shall be 10,000 nits during daylight hours and 500 nits during nighttime hours for full color displays. Monochrome displays shall have a maximum of 8,000 nits during daylight hours and 400 nits during nighttime hours. Lettering on the sign may change at a maximum of one message per 15 seconds. The Planning Board must find that the sign will not cause any traffic concerns and is not a nuisance to adjacent properties. The Applicant is proposing to modify the existing the Weis Market freestanding sign and add a double-faced fuel pricing illuminated sign to replace the existing "Pharmacy" sign. **The Applicant should confirm the daylight and nighttime luminance of the proposed EMB sign.**

3. **Area and Bulk Requirements:** The site is located in the SD-3 Special District 3 Retail Manufacturing Zone. The following table notes the area and bulk requirements of the zone and development's compliance and non-compliance with the same.

SD-3 Special District 3 Retail Manufacturing Zone

Standard	SD-3 Zone	Existing	Proposed
Min. Lot Area	---	37391,587sq. ft. 8.9896 acres	No Change
Min Lot Width	50 ft.	347 ft.	No Change
Min. Front Yard	6 Ft.	Complies	No Change
Max. Front Yard	18 Ft.	ENC	ENC
Min. Side Yard	10 Ft.	Complies	31 ft.
Min. Rear Yard	3 Ft.	Complies	No Change
Min. Building Setbacks Accessory Structure (Kiosk)			
Min. Front Yard	20 ft.*	N/A	152± ft.
Min. Side Yard	5 ft.	N/A	87 ft.
Min. Rear Yard	5 ft.	N/A	>5 ft.
Min. Building Setbacks Accessory Structure (Canopy)			
Min. Front Yard	20 ft.*	N/A	132 ft.
Min. Side Yard	5 ft.	N/A	31 ft.
Min. Rear Yard	5 ft.	N/A	>5 ft.
Max. Building Coverage	70%	64.86%	64.83%
Max. Principal Building Height	50 ft. 4 Stories (2 Story Min. Facade)	ENC (1 Story)	No Change

Standard	SD-3 Zone	Existing	Proposed
Max. Accessory Building Height (Kiosk)	25 ft. 2 Stories	N/A	9.11 ft.
Total Area (Kiosk)	---	N/A	224 sq. ft.
Max. Accessory Building Height (Canopy)	25 ft. 2 Stories	N/A	19 ft.
Total Area (Canopy)	---	N/A	2,268 sq. ft.

(V) = Variance required

(ENC) = Existing Non-Conforming

*Plus principal building setback 6'-18'.

4. **USE:** The Applicant is applying for the use as a drive-through facility rather than a gas station. The two uses are defined in the ordinance as follows:

DRIVE-THROUGH FACILITY

A facility associated with a use that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services and/or obtain goods while remaining in their motor vehicles.

GASOLINE SERVICE STATION OR FILLING STATION

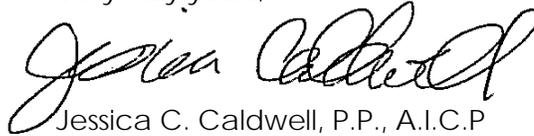
Any building, structure, or area of land used for the retail sale of automobile fuels, oils and accessories, and where repair service and sale of propane and/or kerosene, if any, is incidental.

The Applicant appears to be requesting an interpretation from the Board. While I think the use could meet the drive-through facility definition, it more closely meets gasoline service station, which is also defined by the ordinance. If the Board agrees, a use variance pursuant to N.J.S.A. 40:55D-70d(1) is required.

5. **Granting D(1) Use Variances:** The application requires a "D(1)" variance if the Board determines that the use is a gas station under the ordinance not a drive-through facility. The Board has the power to grant "d" variances "in particular cases and for special reasons." This is the so-called positive criteria of the "d" variance. The courts have held that the promotion of the general welfare is the zoning purpose that most clearly amplifies the meaning of "special reasons." *Medici v. BPR Co.*, 107 N.J. 1 (1987).

- a. For non-inherently beneficial uses, the benefit to the general welfare comes from the development of a site in the community that is particularly suited for the proposed use. Providing proofs that the proposed application promotes at least one of the purposes of zoning found in MLUL, Section 40:55D-2, also provides one aspect of the positive criteria for a non-inherently beneficial use application. The Applicant does not have to demonstrate that there are no other viable locations for the project. *Price v. Himeji*, 214 N.J. 263, 292-293 (2013). For this criterion, the Applicant should identify those aspects of the site that render it particularly suitable to the use. Additionally, any proposed mitigating factors for the use should also be discussed.
 - b. The Applicant must also satisfy the "negative criteria." The negative criteria require a two-part proof: (1) that the proposed use can be granted without any substantial detriment to the public and (2) the proposed use will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.
 - c. As to the zone plan and zoning ordinance, the Medici court held that the applicant must prove an "enhanced quality or proof" that there will be no substantial impairment to the zone plan and ordinance. The Applicant must "reconcile" the use proposed with the ordinance's omission of the use from those permitted in the zone.
6. **Granting "C" Variances:** The application requires c variances for various signs proposed. "C" or bulk variances can be granted by the Board, pursuant to N.J.S.A. 40:55d-70c where two provisions exist for the granting of bulk variances:
- a. The first provision for granting a "c" variance is under N.J.S.A. 40:55D-70c(1) where the Board must find whether there has been a showing of peculiar exceptional practical difficulties or exceptional undue hardship arising out of the exceptional narrowness, shallowness, or shape of a piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting this specific piece of property or the structures lawfully existing thereon.
 - b. The second provision for granting a "c" variance is under N.J.S.A. 40:55D-70c(2) where the Board must find that the application relates to a unique situation on a specific piece of property, that the purposes of the MLUL would be advanced by the requested deviation, that the variance can be granted without substantial detriment to the public good, that the benefits of granting the variance outweigh any detriments and that the variance will not substantially impair the zone plan or ordinance. Under c(2), the Applicant should show that the proposal is a better zoning alternative to that which is permitted by the ordinance and provides benefits to the community as a whole, not just the applicant.
 - c. In both cases, the negative criteria must be met, which includes a showing that the proposed variances will not cause a substantial detriment to the public good (the neighborhood) or substantial impairment of the master plan and zoning ordinance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jessica Caldwell". The signature is fluid and cursive, written over the typed name.

Jessica C. Caldwell, P.P., A.I.C.P.

J. Caldwell & Associates, LLC

Newton Planning Board Planner

cc: Via Email Only

Kathy Citterbart, Board Secretary

David Soloway, Esq., Board Attorney

David B. Simmons, Jr., P.E., P.P., C.M.E., L.S., Board Engineer

Francis J. McGovern, Esq., Applicant's Attorney

McGOVERN AND ROSEMAN, P.A.

(MACKERLEY AND FRIEDMAN)
ACKERSON J. MACKERLY (1913-1950)
PETER FRIEDMAN (1932-1960)
COUNSELORS AT LAW

FRANCIS J. MCGOVERN

STEPHEN ROSEMAN - RETIRED

WILLIAM J. MCGOVERN
1960-2000

HAROLD T. MCGOVERN
1960-2013

115 SPRING STREET
CORNER OF SPRING & MORAN STREETS
P.O. BOX 8
NEWTON, NEW JERSEY 07860
(973)383-1200
FAX (973)383-1064

mrfirm@embarqmail.com

June 1, 2020

Katherine Citterbart, Planning Board Administrator
Newton Municipal Building
39 Trinity Street
Newton, New Jersey 07860

Via Hand Delivery

Re: Applicant: Weis Markets, Inc.
Property: 119 Water Street, Block 9.03, Lot 16, Newton, New Jersey
Zone: SD-3
Hearing Date: June 17, 2020
Application #: P-3-2020

Dear Ms. Citterbart:

On behalf of Weis Market, Inc., I enclose 20 sets of:

1. Application for Site Plan;
2. Application for Variance;
3. Summary of Relief and of Checklist Waivers and Justification;
4. Application Checklist;
5. Affidavit of Ownership/Authorization Form;
6. Site Inspection Authorization;
7. Corporate Disclosure Statement;
8. Certification of Taxes, Liens, Assessments;
9. Certified List of Property Owners;
10. Photographs of similar improvement at another location (2);
11. Photographs of the property (3);
12. Copy of the NJDEP GeoWeb map;
13. First Capital Engineering compliance submission letter (3/31/2020);
14. Sussex County Department of Engineering & Planning exemption letter (3/18/2020);
15. Sussex County Soil Conservation approval letter (3/18/2020);
16. Newton Water & Sewer Utility letter re: capacity (3/10/2020);
17. Stormwater Management Report (11/13/19);
18. Traffic Generation Executive Summary (3/11/2020);
19. Weis Markets, Inc. Fueling Stations/Operating and Best Management Practices manual;

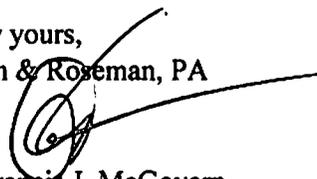
McGOVERN AND ROSEMAN, P.A.

20. Resolution approving preliminary site plan & ancillary variance relief decided 12/18/91 and memorialized 1/15/92;
21. Resolution approving site plan, decided 3/21/12 and memorialized 4/18/12;
22. Copies of title policy, title deed, and recorded easements, reservations and restrictions affecting the property;
23. As-Built Survey Plan (5/26/14); and
24. Gas N Go Amended Site Plan (9 pages) (5/26/2020).

If you require anything further or have any questions, please let me know. Thank you.

Very truly yours,
McGovern & Roseman, PA

By:


Francis J. McGovern

FJM:ms

Enclosures

cc: Client

The Newton Planning Board
Town of Newton
Application for Site Plan

SECTION I. Variance required: Yes No
If yes, complete application for variance as well.

SECTION II.

- Name of Applicant: WEIS MARKETS INC. Phone No.: 570.286.3618
Address: PO BOX 471, 1000 SOUTH SECOND STREET SUNBURY PA 17801
- Owner of Record: WEIS MARKETS INC. Phone No.: 570.286.3618
Address: PO BOX 471, 1000 SOUTH SECOND STREET SUNBURY PA 17801
- Location of Site: 119 WATER STREET NEWTON NJ 07860 Total Area: 8.9896 ACRES (GROSS)
Dimensions: 347± ft. x 855± ft. Zone: SD.3 RETAIL MANUFACTURING
Block: 9.03 Lot: 16 Tax Map Sheet No.: MAP 9
Road Frontage: 347± ft. Historic District N/A
Setback of proposed structure: KIOSK 194± FROM FRONT P.L, 88± FROM SIDE P.L
CANOPY 176± FROM FRONT P.L, 33± FROM SIDE P.L

SECTION III.

- Engineer's or Surveyor's name: FIRST CAPITAL ENGINEERING, INC.
ENGINEER JOHN J. LUCIANI, P.E., PRESIDENT License No. 24GE05060700
SURVEYOR RICHARD S. HUDSON License No. 24GS02462700

48 S RICHLAND AVE YORK PA 17404 Phone No.: 717.845.3227

Address: 30 COLONIAL ROAD MORRISTOWN NJ 07960 Phone No.: 973.540.8855

- Proposed site plan is for: (check all that apply)

Residential Use Commercial Use
 Industrial Use Tract Development
 Individual Lot

- Do any protective covenants or deed restrictions apply to the land?

Yes No

If yes, attach copy of covenants or restrictions.

~~STATE OF NEW JERSEY~~ Commonwealth of Pennsylvania
S.S.

COUNTY OF Northumberland

Sworn to and signed before me this 25th day of February, 2020.

Joslyn L. Guyer

A Notary Public of New Jersey
Pennsylvania

Commonwealth of Pennsylvania - Notary Seal
Joslyn L. Guyer, Notary Public
Northumberland County
My commission expires August 31, 2022
Commission number 1340000
Member, Pennsylvania Association of Notaries

Harold G. Graber
Signature of Applicant

HAROLD G. GRABER
Senior Vice President
Real Estate and Development

The Newton Planning Board
Town of Newton
Affidavit For Appeal or Variance

SECTION I (Check one) _____ Appeal Variance

SECTION II Application is being made to: (Check one) Planning Board _____ Historic Commission

SECTION III TO BE COMPLETED BY ALL APPLICANTS

- Name of Applicant: WEIS MARKETS INC
Address: P O BOX 471, 1000 SOUTH SECOND STREET SUNBURY PA 17801 Phone Number: 570.286.3618
- Owner of Record: WEIS MARKETS INC.
Address: PO BOX 471, 1000 SOUTH SECOND STREET SUNBURY PA 17801 Phone Number: 570.286.3618
- Location of Site: 119 WATER STREET NEWTON NJ 07860 Phone Number: 973.383.1912
Dimensions: 347± ft. x 855± ft. Total Area: 8.9896 ACRES (GROSS)
Block 9.03 Lot 16 Tax Map Sheet No. MAP 9
Road Frontage: 347± ft. Zone: SD-3 RETAIL MANUFACTURING

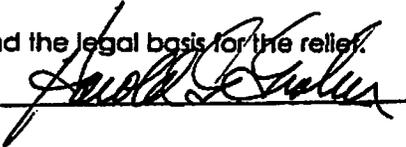
SECTION IV

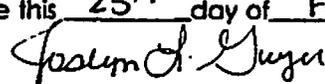
Proposed Setback: *SEE BELOW ft. Height of Building: KIOSK 9'11" CANOPY 19' ft.
 Building Measurements: KIOSK 11.16' CANOPY 94.5'feet front KIOSK 20.10' CANOPY 24' feet deep
 Total Area of Proposed Structure: KIOSK 224 sq. ft CANOPY 2268 sq. ft
 Percentage of Site Occupied by Building (s): EXISTING: 15.51% PROPOSED: 15.57%
 Intended Use of Structure: PROPOSED WEIS MARKETS GAS N GO FACILITY WITH KIOSK, CANOPY AND SIX FUELLING POSITIONS

Request is hereby made for permission to erect, convert or use a GAS STATION

_____ contrary to the requirements of
Section(s) 320-13- SPECIAL DISTRICT 3 of the Zoning Ordinance.

A narrative statement is required setting forth the relief requested and the legal basis for the relief.
Commonwealth of Pennsylvania
STATE OF NEW JERSEY
COUNTY OF SUSSEX- Northumberland

* 

Sworn to and signed before me this 25th day of February, 2020.
A Notary public of New Jersey  Signature of Applicant or Petitioner

* KIOSK 194'± FROM FRONT P.L, 88'± FROM SIDE P.L.
CANOPY 176'± FROM FRONT P.L, 33'± FROM SIDE P.L.

HAROLD G. GRABER
Senior Vice President
Real Estate and Development

Commonwealth of Pennsylvania - Notary Seal
Joslyn L. Guyer, Notary Public
Northumberland County
My commission expires August 31, 2022
Commission number 1340000
Member, Pennsylvania Association of Notaries

**APPLICATION FOR MINOR SITE PLAN AND BULK VARIANCE APPROVALS
with Request for Interpretation and, If Deemed Necessary, Use Variance
Applicant: Weis Markets, Inc.
Property: 119 Water Street, Newton, NJ**

SUMMARY OF RELIEF AND OF CHECKLIST WAIVERS AND JUSTIFICATION:

Applicant Weis Market, Inc. submits this application for minor site plan, together with such waivers, variances and/or other relief as required or deemed appropriate.

The primary purpose is to install a gasoline drive-through facility on Weis' property along Route 206 (Water Street). The facility will consist of a 205-square-foot kiosk with six fueling positions and underground fuel tanks to be located in the northern-most corner of the existing parking lot which serves Weis' supermarket (known as Weis Store #143).

The subject property is known as 119 Water Street, Block 9.03, Lot 16, in the Town of Newton. It is located in the Special District 3 – Retail/Manufacturing (SD-3) Zone. It consists of 8.624 acres. It was purchased in 1992 by the applicant and developed to include the supermarket and parking area.

There are two methods of access to the supermarket and parking lot: directly from Route 206 and further north on a service road (South Park Drive) between the Weis property and the nearby Shop Rite supermarket. No changes are requested or needed with regard to the location, design or construction of the access areas.

The impact on parking spaces available for the supermarket will be minimal. The parking lot currently has 321 parking spaces, eight of which are dedicated to handicapped parking. The installation of the proposed facility will be at the "far end" of the lot, away from the supermarket, and will eliminate 36 parking spaces, none of which are dedicated for handicapped parking. Since the proposed facility is a drive-through facility accessory to the supermarket, no additional parking for that addition is needed, although motor vehicles will be temporarily "parked" in the drive-through area while fueled. Applicant calculates that 244 spaces are required by ordinance; so, even with the proposed facility, there will be more spaces than required.

Written description of area surrounding the site so prevailing zoning and actual uses in the area are clear: The proposed drive-through facility is located on a site actively devoted to and approved for a large supermarket and extensive parking lot. The subject property is in an area intensely devoted to commercial uses. Directly to the north are a large Shop-Rite supermarket and extensive parking area. To the east is a scrap yard and area used for recycling by the Town of Newton. To the west and north are banks (Wells Fargo, PNC and Lakeland) with drive-through services; pharmacy/retail store with drive-through service (Walgreens); large automotive repair facility (Mavis, Firestone, and Midas); mini-market/fuel station (Quickchek); fast food/drive-through restaurants (McDonald's, Dunkin' Donuts, Kentucky Fried Chicken and Burger King) and larger mall complexes and major retail stores (e.g., Home Depot, Kohl's), restaurants (e.g., Applebee's), hotel (Holiday Inn), etc. To the south are the Speedway gas station with mini-mart (former Hess station) and the Exxon gasoline station with mini-mart; car wash (Chuck's); and other businesses.

Applicant requests a use variance in the event the Board shall determine such relief is required. The applicant believes a use variance is not required for the following reasons: The property is in an SD-3 Zone

in which drive-through retail is permitted. Newton Code, Section 320-13(A)(6). A “drive-through facility” is one that is “associated by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services and/or obtain goods while remaining in their vehicles.” Newton Code, Section 320-3. Accessory use is a “use subordinate to the main use of land or of a building on a lot and customarily incidental thereto.” Newton Code, Section 320-3. Drive-through facilities are specifically permitted as an accessory use in the SD-3 Zone. Newton Code, Section 320-2 (Tables). Applicant submits that its proposed facility is a drive-through facility as defined in Newton’s ordinances in that it is designed to provide fuel for customer while they stay in their vehicles; and that the proposed use will be accessory to the central use of the property which is to sell goods on a retail basis. Applicant submits that the Board can take notice that the combined uses on properties of supermarkets (and mini markets) and fuel station have become common, not only generally in the region but locally along Route 206 (e.g., Exxon station at the corner of Route 206 and Clinton Street; Speedway station on Route 206, south of Weis; and Quickchek on Route 206 across the highway from the subject property).

The Board may determine that the proposed facility is a motor vehicle service station, which is a conditional use per Newton Code, Section 320-28(H). In such case, Applicant will satisfy the conditions required by that section; i.e., there will be no storage or maintenance of vehicles involved in motor vehicle accidents, or otherwise; and Applicant will comply with requirements pertaining to propane gas-tank refilling if such service is ever provided.

In the event the Board determines that the proposed use is technically not permitted in the SD-3 Zone, Applicant requests a variance to permit such use on its property. The proposed facility will generally conform to the uses observed along the Route 206 corridor from Clinton Street in Newton through neighboring Hampton Township. (Special reason, NJSA 40:55D-2(d)). The facility makes use of an under-utilized portion of the Weis property and will benefit those customers looking for convenience in terms of grocery shopping and fueling their vehicles. (Special reason, NJSA 40:55D-2(m)). The proposed facility makes use of existing access points already in place and designed to minimize traffic congestion on Route 206, which serves as another special reason in support of the variance request. NJSA 40:55D-2(h). The site is particularly suited for the proposed use in terms of location (along a major highway) and ease of access. Applicant further submits that its proposed facility will not result in a “substantial detriment to the public good” and will not “substantially impair the intent and purpose of the zone plan and zoning ordinance.” NJSA 40:55D-70. To the contrary, Applicant cannot conceive of a detriment to the public welfare from its proposed development and submits that the proposed use is a natural fit with the general zoning and existing uses along the Route 206 corridor. No further alternatives were considered since Applicant believes the location of the proposed structure and the nature of the proposed use which is in harmony with surrounding uses enhance the area and promote Newton’s zoning purposes.

In addition, the Applicant requests bulk variances regarding proposed signage (see Town of Newton Code Section 320-25) as follows: (1) modification of the existing freestanding sign to include a gas price cabinet sign; (2) an illuminated canopy sign with an area of 30 square feet; and (3) a kiosk wall decal sign with an area of about 21.25 square feet. Applicant submits that the proposed signage will benefit the general public and its customers by providing clearly visible information regarding product and pricing without hindering safety or creating a nuisance or adverse impact on neighboring properties; and that the proposed signage is consistent with the signage of businesses along the Route 206 commercial corridor and will blend well with the general appearance and architectural design of applicant’s building and property.

Waivers are requested including, without limitation, the following (with reference to the enclosed Application Checklist):

1. Checklist item 15: No modifications to existing driveways and no new access from the state highway are proposed. Disturbance by proposed development will be less than one acre. Requirement for NJDOT and NJDEP applications are not triggered.
2. Checklist item 35: This item does not apply to minor site plans. Applicant seeks bulk variances for signage and, if required by the Board, a use variance. A metes and bounds description is not relevant to those requests.
3. Checklist item 37: Since there is no subdivision requested, there will be no "remaining tract".
4. Checklist item 52: The application/Minor Site Plan proposes no new entrances and the existing entrances that serve the site are not being altered by the proposed plan.
5. Checklist item 64: Although an environmental impact statement is not required as a checklist item, the applicant refers to its Fueling Stations Operating and Best Management Practices Manual included with its application.
6. Checklist item 70: A copy of the NJDEP GeoWeb map is provided with this submission. A search of the NJDEP Geoweb site indicates no wetlands within 150 feet of the area where the proposed facility will be located.

APPLICATION CHECKLIST
TOWN OF NEWTON, SUSSEX COUNTY, NEW JERSEY

Applicant's Name & Address: Wes McKelvey, INC. Date Received _____
 Application No. P-3-2020 Tax Block(s) 9.02 Tax Lot(s) 16
 Adjacent Roads RT 206 Present Zoning SD-3 Proposed Use GASOLINE DRIVE THROUGH FACILITY

COMPLETE	INCOMPLETE	WAIVER	NA	ADMINISTRATIVE	MINOR SUBDIVISION	MINOR SITE PLAN	PRELIMINARY SITE PLAN	PRELIMINARY MAJOR SUBDIVISION	FINAL SITE PLAN	FINAL MAJOR SUBDIVISION	VARIANCE REQUEST (C-1)	APPEAL ZONING INTERPRETATION
✓				1. Application Form Original plus 5 copies for Completeness/Technical Review Committee Once deemed complete: Original Plus 18 Copies	X	X	X	X	X	X	X	X
✓				2. Fees and Escrow Deposits	X	X	X	X	X	X	X	X
✓				3. Certification of Taxes, Liens, Assessments Paid	X	X	X	X	X	X	X	X
✓			✓	4. Tax Map Maintenance Update Fee	X							
✓				5. One original plus five Copies of Proposed Plan for Completeness Review/ Twenty (20) Copies of Proposed Plan Once Deemed Complete	X	X	X	X	X	X	X	X
✓				6. Affidavit of Ownership/Autorization Form	X	X	X	X	X	X	X	X
✓				7. Site Inspection Authorization	X	X	X	X	X	X	X	X
✓				8. Compliance with Legal Notice Requirements a. Proof of Publication b. Affidavit of Service	X	X	X	X	X	X	X	X
✓				9. Corporation or Partnership Form	X	X	X	X	X	X	X	X
✓				10. Listing of All Variances, Design Standards and Checklist Waivers and Justification	X	X	X	X	X	X	X	X
✓				11. Copies of All Prior Resolutions Pertaining to this Property	X	X	X	X	X	X	X	X
✓				12. Two Recent Photographs of the Property	X	X	X	X	X	X	X	X
✓				13. Copy of Sussex County Planning Board Application	X	X	X	X	X	X	X	X
✓				14. Copy of Soil Erosion/Sediment Control Application	X	X	X	X	X	X	X	X
✓		✓		15. Copy of HUD/IND/DEP Applications	X	X	X	X	X	X	X	X
COMPLETE	INCOMPLETE	WAIVER	NA	PLANS/REPORTS/SPECIFICATIONS								
✓				16. Plan Clearly and Legibly Drawn or Reproduced at a Scale not Smaller Than 1 inch Equals 50 Feet	X	X	X	X	X	X	X	X
✓				17. Sheet Size: 24" x 36"	X	X	X	X	X	X	X	X
✓				18. Name, Address, License Number of Plan Preparer, Signature, Original Raised Seal	X	X	X	X	X	X	X	X
✓				19. Title Block	X	X	X	X	X	X	X	X
✓				20. Record Owner(s) Name and Address	X	X	X	X	X	X	X	X
✓				21. Applicant's Name, Address, Phone Number, Fax Number and E-Mail	X	X	X	X	X	X	X	X

Document and E-File/Upload and E-File/Upload Temporary Income Franchise Ordinance/PLANNING BOARD Checklist - April 2014

①

COURT	REQUIRE	WAVES	MA	PLANS/REPORTS SPECIFICATIONS	MINOR SUBDIVISION	MINOR PLAN	PRELIMINARY SITE PLAN	PRELIMINARY MAJOR SUBDIVISION	FINAL SITE PLAN	FINAL MAJOR SUBDIVISION	VARIANCE REQUEST FC-5-07	APPEAL ZONING INTERPRETATION
✓				22. Name of Project, if any	X	X	X	X	X	X	X	X
✓				23. Date of Map Preparation and Each Subsequent Revision	X	X	X	X	X	X	X	X
✓				24. Zoning District of Parcel and Surrounding Lands	X	X	X	X	X	X	X	X
✓			✓	25. Zoning Chart Listing Existing/Proposed Requirements for Area, setbacks, lot coverage height, density, parking	X	X	X	X	X	X	X	X
✓				26. Proposed Developer's Agreement								
✓				27. Existing Structures within 200 Feet (60') and Distance to Property Line	X	X	X	X	X	X	X	X
✓				28. Quota Each Block and Lot Numbered in Conformity with the Municipal Tax Map as Determined by the Municipal Tax Assessor and Other Street Address from the 911 Coordinates	X	X	X	X	X	X	X	X
✓				29. Scale of Map, Both Written and Graphic	X	X	X	X	X	X	X	X
✓				30. North Arrow Giving Reference Meridian	X	X	X	X	X	X	X	X
✓				31. Properties within 200 Feet, Lot and Block Number and Owner, Outline of 200 Foot (60') Perimeter, 500 feet for lots over 50 acres in size.			X	X	X	X	X	X
✓				32. Tax Map Sheet Number	X	X	X	X	X	X	X	X
✓				33. Key Map Showing Location of Tract to be Considered in Relation to Surrounding Area, Within 200 feet, Section and Less Than 1 inch Equals 400 Feet and North Arrow.	X	X	X	X	X	X	X	X
✓				34. Area of Entire Tract	X	X	X	X	X	X	X	X
✓		✓		35. Meters and Bounds of Proposed Lot(s)	X	X	X	X	X	X	X	X
✓			✓	36. Area and Frontage of Proposed Lot(s)	X	X	X	X	X	X	X	X
✓				37. Area/Frontage of Remaining Tract	X	X	X	X	X	X	X	X
✓				38. Property Lines to the Nearest Hundredth	X	X	X	X	X	X	X	X
✓				39. Bearings to the Nearest Second	X	X	X	X	X	X	X	X
✓				40. Lot Area/Acreage to the Nearest Hundredth	X	X	X	X	X	X	X	X
✓				41. Building Envelopes	X	X	X	X	X	X	X	X
✓			✓	42. Location of Existing Railroad, Bridges, Culverts, Drainage Pipe, Water and Sewer, Utility Poles & Underground Utilities	X	X	X	X	X	X	X	X
✓			✓	43. Natural Features Including Existing Vegetation, Wet Areas, Watercourse, Flood Plain Limit, Rock Outcroppings	X	X	X	X	X	X	X	X
✓			✓	44. Open Space, Buffer Zone, Recreation Areas, Municipal and Public Areas and Lands to be Conveyed to the Town if Applicable	X	X	X	X	X	X	X	X
✓			✓	45. Plan and Profiles of Road Locations, Type, Size, Width of Right-of-Way, Paving Materials, Edge of Pavement, Curb, Sidewalks, Catch Basins, Drainage Structures, All Utilities, Right-of-Way Easements, Existing Buildings or Other Structures. Profile Shall be at a Scale of 1 inch Equals 5 Feet Vertical, 1 inch Equals 50 Feet Horizontal.	X	X	X	X	X	X	X	X
✓			✓	46. Road Cross Sections Every Fifty Feet (50') Along Centerline at a Scale of 1 inch Equals 5 Feet Horizontal and	X	X	X	X	X	X	X	X

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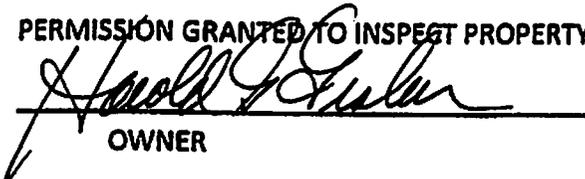
**TOWN OF NEWTON
PLANNING BOARD**

NOTICE TO ALL APPLICANTS:

As part of the review process for subdivision and site plan applications, it is often necessary and advisable that various members of the administrative staff, boards and committees visit the property in question. We are hereby requesting your permission to authorize such inspections by the appropriate Town representatives with respect to this application for a GAS STATION on Block 9.03, Lot 16, Newton, Sussex County, New Jersey.

Your cooperation will be appreciated. Should you have any problem with this request, please contact the Planning Department, 39 Trinity Street, Newton, New Jersey 07860.

PERMISSION GRANTED TO INSPECT PROPERTY:


OWNER

02/25/2020
DATE

HAROLD G. GRABER
Senior Vice President
Real Estate and Development

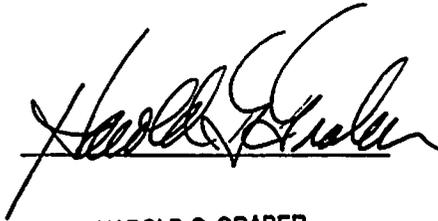
CORPORATE DISCLOSURE STATEMENT

Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., corporations or partnerships must list the names and addresses of all stockholders owning at least 10 percent of stock of any class or those owning at least 10 percent or more of the interest in the partnership.

Applicant Weis Markets, Inc., whose address is 1000 S. Second Street, Sunbury, PA 17801-0471, is a publicly traded corporation with no individual person or entity owning 10 percent or more of stock of a class therein except as follows:

Jonathan H. Weis – 27%
1000 S. Second Street
Sunbury, PA 17801-0471

Ellen W.P. Wasserman 12.4%
1000 S. Second Street
Sunbury, PA 17801-0471



HAROLD G. GRABER
Senior Vice President
Real Estate and Development

Dated: February 25, 2020

Mayor
Sandra Lee Diglio

Deputy Mayor
Daniel G. Flynn

Council Members
Matthew S. Dickson
Jason J. Schlaffer
Helen R. Le Frois



Town Manager
Thomas S. Russo, Jr.

Town Clerk
Lorraine A. Read

Telephone: (973) 383-3521
Facsimile: (973) 383-8961
39 Trinity Street
Newton, NJ 07860

Francis J. McGovern
McGovern & Roseman, P.A.
115 Spring St., PO Box 8
Newton, NJ 07860

February 18, 2020

**Re: Block 9.03, Lot 16
119 Water St.**

Dear Mr. McGovern:

Attached please find the Tax Record printout for the above-mentioned property.

The taxes are paid through the 1st quarter of 2020. There are no delinquencies or liens at this time.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'T. Schlosser'.

Theresa Schlosser, CTC
Tax Collector

Property Information

Block : 9.03	Lot: 16	Qualification :	Deductions:
Tax Account Number : 11570			Senior: 0
Dimension : 00008.624 AC.			Vet : 0
Property location : 119 WATER ST			Widow : 0
Property Class : 4A			Survivor: 0
Bank code :			Disabled: 0
Additional Lots :			Deduction amount: 0.00

Owner Information

WEIS MARKETS, INC
 PO BOX 1332
 BUFFALO, NY 14205

Property Information

2019 Net Tax :	304,306.01	Land value:	3,449,600
2020 Net Tax :	0.00	Improvement value:	3,650,400
2020 Total Tax:	0.00	Net taxable value:	7,100,000

Special Tax codes : Special Tax Amount : 0.00

Tax Quarter History: 2020

	Due Feb. 1st 1st Quarter	Due May 1st 2nd Quarter	Due Aug. 1st 3rd Quarter	Due Nov. 1st 4th Quarter	1/2 next yr
Tax Due:	76,076.51	76,076.50	0.00	0.00	0.00
Tax Paid:	76,076.51	0.00	0.00	0.00	0.00
Balance:	0.00	76,076.50	0.00	0.00	0.00

NOTE:

2020 Balance Summary

Totals Due: 152,153.01 Paid : 76,076.51 Adjust: 0.00 Bal: 76,076.50

Transaction History

Tax Year	Tax Due	Tax Paid	Interest	Date Paid	Total Paid	Dep#
2020 Tax Year						
Bal Forward	0.00					
1st Quarter	76,076.51	76,076.51	0.00	2/04/20	76,076.51	38
2nd Quarter	76,076.50					
3rd Quarter	0.00					
4th Quarter	0.00					
Ending Bal	76,076.50					

Summary of Transactions for All Years Listed Above By Dates:

mode	paid	tax	int	date
	76,076.51	76,076.51		2/04/20

Town of Newton
39 Trinity Street
Newton, NJ 07860

Scott J. Holzhauer, CTA
Tax Assessor

Phone: (973) 383-3521 x234
Fax: (973) 383-8961
Email: assessor@newtontownhall.com

Francis J. McGovern
115 Spring St.
Newton, NJ 07860

May 22, 2020

RE: Certified List of Property Owners @ 200-ft: (Cama List #651)
Property Owner: Weis Markets, Inc & G&H Service, Inc.
Property Location: Water St., Newton
Block / Lot(s) ID: 9.03 / 16 & 10.01 / 4

Dear Applicant:

Attached please find a complete list of all property owners in the Town of Newton (Sussex County) that appear to be situated within 200-feet of the above referenced parcel(s). This information is certified as that which appears in the Town of Newton Tax Book, including any ownership changes that have been recently received in the form of new deeds.

The initial printout titled "Owner & Address Report" takes data directly from the Mod IV file in the Assessor's computer. The properties provided on the list were determined by taking scaled offsets from the subject property as identified on the most recent Tax Map for the municipality. The attached "Addendum" includes any other entities that require notification in accordance with the provisions of the M.L.U.L. and pursuant to Subsection (h) of N.J.S.A. 40:55D-12 (agencies that have registered to receive notice with regard to Planning and/or Zoning applications).

If you have any questions, feel free to contact my office.

Sincerely,

Town of Newton


Scott J. Holzhauer, CTA, SCGREA
Tax Assessor

Attch.

Cc: Planning Board/Board of Adjustment

(LIST CERTIFIED FOR 90 DAYS FROM DATE OF ISSUE)

List Date: May 21, 2020

ADDENDUM

Pursuant to Subsection (h) of N.J.S.A. 40:55D-12, the following entities marked “**X**” must also be included in the 200-ft notification for the subject property in question:

INCLUDE	ROADS/ ASSOCIATIONS / UTILITIES	ADDRESS / CONTACT INFO
X	State Highways: <ul style="list-style-type: none"> • Route 206 	State of NJ – DOT 1035 Parkway Ave CN 600 Trenton, NJ 08625 ----- NJDOT Permit Section 200 Stierli Court Mt. Arlington, NJ 07856
X	County Roads: <ul style="list-style-type: none"> • All County Roads 	Sussex County Planning Board Administration Building One Spring St Newton, NJ 07860
	Railroads: <ul style="list-style-type: none"> • 	
	Associations: <ul style="list-style-type: none"> • 	None known or specified
X	Utilities Companies: <ul style="list-style-type: none"> • NJ Bell Telephone 	NJ Bell Telephone Co. 540 Broad St Newark, NJ 07101
X	<ul style="list-style-type: none"> • United Telephone 	United Telephone Co. c/o Embarq 5454 West 110 th St Overland Park, KS 66207
	Adjacent Municipalities: <ul style="list-style-type: none"> • 	Subject is within 200-ft of adjacent municipality. You must obtain a list of additional Property Owners from them.

OWNER & ADDRESS REPORT

REQUESTED BY FRANK MCGOVERN
FROM SUBJECT PROPERTIES 9.03 / 16 & 10.01 / 4

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
3.03	2		4A	SOMERSET TIRE SERVICE, INC 358 SAW MILL RIVER RD MILLWOOD, NY 10546	134 WATER ST	
3.03	3		4B	WATER ST AND NORTH PARK DRIVE, LLC 15 RT 206 PO BOX 158 NEWTON, NJ 07860	WATER ST AND NORTH PARK DRIVE	
3.04	1		1	WATER ST AND NORTH PARK DRIVE, LLC 15 RT 206 PO BOX 158 NEWTON, NJ 07860	127 MILL ST TO WATER	
3.04	16		4A	206 & NORTH PARK DR-C/O ENERNOC INC PO BOX 2440 SPOKANE, WA 99210	126 WATER ST	
3.04	16	CBLD2	4A	206 & NORTH PARK DR/CO DUNKIN BRAND 130 ROYALL STREET CANTON, MA 02021	128 WATER ST	
3.04	18		4A	WATER ST AND NORTH PARK DRIVE, LLC PO BOX 158 NEWTON, NJ 07860	124 WATER ST	
3.04	19		4A	WATER ST AND NORTH PARK DRIVE, LLC PO BOX 2609 CARLSBAD, CA 92018	122 WATER ST	
3.04	20		15C	STATE OF NEW JERSEY D O T 1035 PKWY AVE TRENTON, NJ 08625	110-112 WATER ST	
9.03	13		4A	NEPTUNE PRODUCTS, INC PO BOX 829 DOVER, NJ 07802	105 WATER ST	
9.03	14		4A	SUSSEX CAR WASH T/A CHUCKS CAR WASH 115 WATER ST NEWTON, NJ 07860	115 WATER ST	
9.03	15		4A	SULLIVAN, CATHERINE M 8949 HIGH BANKS DR EASTON, MD 21601	117 WATER ST	
9.03	16		4A	WEIS MARKETS, INC PO BOX 705 AMHERST, NY 14226	119 WATER ST	
9.03	17		1	MILLER, GEORGE M. III 10 SOUTH PARK DR NEWTON, NJ 07860	SOUTH PARK DR REAR	
9.03	18		2	119 WATER STREET, LLC/ZIOGAS, R 35 FOX TRAIL RD SPARTA, NJ 07871	119 WATER ST REAR	
9.03	19		1	RONETCO SUPERMARKETS, INC 1070 RT 46 LEDGEWOOD, NJ 07852	119 WATER ST REAR	
9.03	20		2	GEORGE & LINDA MILLER, LLC 157 HUNTS POND RD NEWTON, NJ 07860	119 WATER ST REAR	
9.03	21		2	GEORGE & LINDA MILLER, LLC 157 HUNTS POND RD NEWTON, NJ 07860	119 WATER ST REAR	CAPE COD
9.03	22		15C	TOWN OF NEWTON 39 TRINITY ST NEWTON, NJ 07860	111 MORAN ST EXT	
10.01	1		15C	TOWN OF NEWTON 39 TRINITY ST NEWTON, NJ 07860	117 MORAN ST EXT	

OWNER & ADDRESS REPORT

NEWTON

05/21/20 Page 2 of 2

REQUESTED BY FRANK MCGOVERN
FROM SUBJECT PROPERTIES 9.03 / 16 & 10.01 / 4

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
10.01	3		4A	MILLER, III GEORGE M 10 SOUTH PARK DR NEWTON, NJ 07860	10 SOUTH PARK DR	
10.01	4		4A	G & H SERVICE, INC 150 ROUTE 521 NEWTON, NJ 07860	121 WATER ST.	
10.01	5		4A	NEWTON 213, LLC C/O RONETCO 1070 RT 46 LEDGEWOOD, NJ 07852	125 WATER ST	
10.01	6		15C	STATE OF NEW JERSEY D O T EGGERTS CROSSING RD CN34 TRENTON, NJ 08625	5 SOUTH PARK DR.	



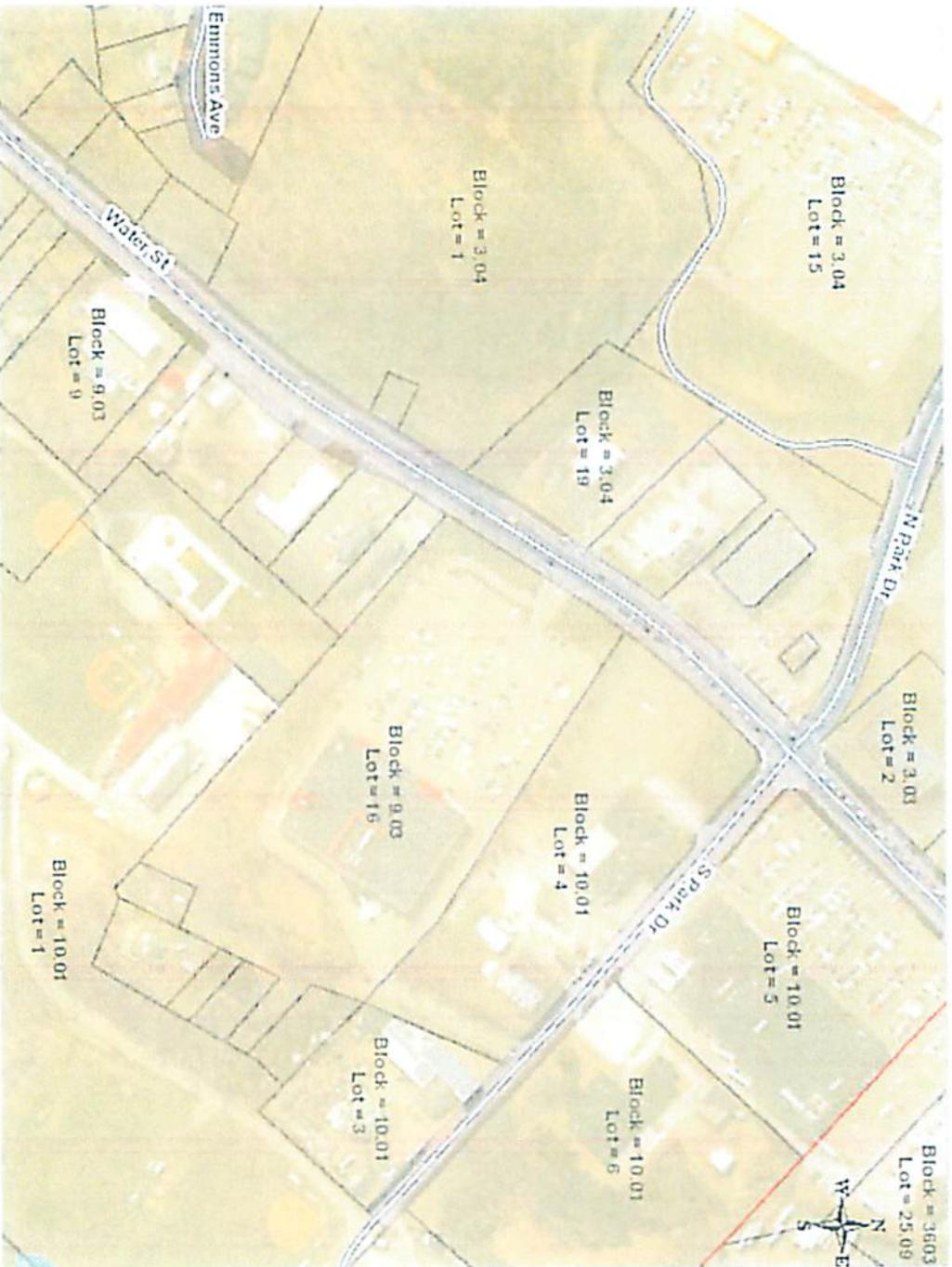








WEIS MARKET WETLANDS



Copyright NJDEP - Map Printed On 2019-11-13 16:12

LEGEND

- Applications/NJGW_Base_Layers
- Roads (H)(Centerlines) (1:4999 to 1:999 scale)
- Municipalities
- Parcels Data (Block and Lot)
- Counties
- Mid-Atlantic States Boundary
- Applications/NJGW_Land wetlands (2012)

OVERVIEW MAP



NJDEP, NJ Geospatial



FIRST CAPITAL ENGINEERING

March 31, 2020

David B. Simmons, Jr., P.E., L.S., C.M.E.
Harold E. Pellow & Associates, Inc. (HPA)
17 Plains Road
Augusta, NJ 07822-2009

Re: Application #P-3-2020 – Site Plan for Weis Markets, Inc. #143 Gas N Go
Block 9.03, Tax Lots 16
Located at 119 Water Street
Town of Newton, Sussex County, NJ
HPA No. 19-278
FCE Job #117-50A

Dear Mr. Simmons,

Please accept the attached compliance submission as a formal response to your review letter dated March 12, 2020. Our responses to the review comments are as follows:

ZONING

- a. The subject property is located in the SD-3 Retail-Manufacturing Zone.

Response: Acknowledged.

- b. Based on the proposed site plan, a use variance may be required for the proposed gas station. I defer to the town planner's report of 3/11/2020 regarding this issue.

Response: On February 27, 2020 an application for a Minor Site Plan and Variance was made to the Town of Newton.

SITE PLAN

- a. The applicant to note the hours of operation of the gas station. Will the hours coincide with the supermarket, or is the gas station proposed to be 24 hours?

Response: The hours of operation of the fueling facility will coincide with the hours of operation of the store. Weis Gas-n-Go facilities typically operate from 6:00 am to 11:00 pm, seven days a week.

- b. The site layout plan suggests there may be some items for sale on the exterior of the kiosk, and possibly inside the kiosk.

48 South Richland Ave. ★ York, PA 17404 ★ 717-845-3227 ★ FAX: 717-852-7891

★ info@fcap.com

The applicant should elaborate on what merchandise will be displayed and sold in the kiosk area.

Response: Per our meeting with HPA, Inc. on March 6, 2020 we have revised Amended Site Plan Sheet C-3 to better identify the merchandise displayed and sold in the kiosk area. The plan identifies pallet locations for seasonal items, propane, oil/chemical, and anti-freeze and windshield washer locations. Additionally, the kiosk offers snacks, candy, and cigarettes for sale through the security window.

- c. My understanding is a portion of one of the 15,000-gallon underground fuel tanks will be for diesel fuel.

Will the proposed gas station allow tractor trailers to fuel at the facility? Will small dump/utility trucks with equipment trailers be allowed to fuel at the facility?

Response: Per our meeting with HPA, Inc. on March 6, 2020 we have revised Amended Site Plan Sheet C-2, General Note # 19 has been added restricting WB 62 and WB 67 from fueling at this facility. Weis Markets Gas N Go facilities are not equipped with high speed fuel pumps found at facilities that service tractor trailers, utility trucks, or dump trucks.

- d. The truck turning exhibit at sheet C-3 shows a WB-50 fuel tanker entering and exiting the site via South Park Drive. Based on the wheel path shown, a larger tanker may not be able to negotiate around the site. The applicant should confirm that a WB-50 tanker is the largest unit that will deliver fuel to the site.

Response: Per our meeting with HPA, Inc. on March 6, 2020 we have revised Amended Site Plan Sheet C-2, General Note # 19 has been added restricting WB 62 and WB 67 from fueling at this facility. To confirm, the maximum size tanker truck to deliver fuel to this facility will be a WB-50.

- e. The applicant to provide an analysis to show whether any modification to the existing NJDOT access permit is required.

Response: Attached to this compliance submission you will find a Trip Generation Summary analyzing the impact this project will have on traffic generation. Based on this analysis an additional 48 new PM peak hour trips will be generated. This is below the State Highway Access Management Code threshold of a "significant increase in traffic" of 100 or more trips in any peak hour. Therefore, no permit shall be needed for the expansion of the land use on the lot as stated in 16:47-8.1(a)3 of the New Jersey Administrative Code.

- f. The applicant to advise if any provisions are being made for an emergency generator at the gas station.

Response: The plans propose a freestanding electrical meter arrangement fitted with a transfer switch and an electrical docking station. This arrangement allows for quick

connection of an emergency power generator to be brought on site in case of electrical service interruptions.

PARKING

- a. The existing parking lot has a total of 322 parking spaces. The construction of the gas station will eliminate 40 parking spaces. The net remaining parking spaces will be 282.
The parking spaces required for the supermarket based on the existing building area is 60,750 SF X 4 spaces per 1000 SF= 243 parking spaces.

Response: Sufficient parking remains to service the existing and proposed uses as well as meet the zoning ordinance parking requirements.

STORMWATER MANAGEMENT

- a. The proposed gas station is being constructed on existing pavement. Therefore, there is essentially no change in impervious coverage to increase storm water runoff.

Response: A decrease in impervious coverage of 111 square feet is proposed.

UTILITIES

a. Water

- i. A rest room is proposed in the kiosk for employees only.
- ii. A new 1" water service line is proposed from the kiosk to the exiting watermain that runs in front of the supermarket building. This line to be type K copper.

Response: Attached to this compliance submission you will find a letter of water service approval from the Newton Sewer and Water Utility dated March 10, 2020.

b. Sanitary Sewer

- i. A sanitary sewer lateral is proposed to serve the employee only restroom in the kiosk.
- ii. A new 4" PVC sanitary sewer lateral is proposed to tie the kiosk into the existing sewer main in front of the supermarket buildings.

Response: Attached to this compliance submission you will find a letter of sanitary sewer service approval from the Newton Sewer and Water Utility dated March 10, 2020.

LIGHTING

- a. The lighting plan shows 72 foot candles of light under portions of the gas station canopy, which is very bright, and should be cut down.

Response: Per our meeting with HPA, Inc. on March 6, 2020 we have revised Amended Site Plan Sheet C-7 to lessen the foot candle at and around the kiosk to approximately 44 to 55 foot-candles.

- b. An additional pole mounted light should be added to the northerly corner of the parking lot to help illuminate the area by the proposed air station.

Response: Nearby site light pole and fixture will be relocated to better illuminate the area by the proposed air station. Reference the attached revised Amended Site Plan Set Sheet C-3 for relocated light pole location.

- c. The hours that the canopy lights will be left on to be specified.

Response: The canopy light fixtures will go into "night light" mode, i.e., no more than two fixtures on, between closing time and opening time.

LANDSCAPING

- a. The applicant to advise if any additional landscaping will be provided around the base of the existing freestanding sign.

Response: No additional landscaping is proposed at the existing freestanding sign. All proposed landscaping is indicated on Sheet C-3 of the revised Amended Site Plan set.

SIGNAGE

- a. I defer to the town planners report dated 3/11/2020 regarding the proposed signs and the variances she indicates are required.

Response: Acknowledged.

- b. I note that in addition to the gas and diesel price signs on the modified Weis freestanding sign, the product prices are also shown on two sides of the gas canopy, facing Route 206 and the supermarket building.

Response: All proposed signage is indicated on Sheet C-6 of the Amended Site Plan.

BUILDING PLANS

- a. Will there be any HV AC equipment mounted on top of the proposed kiosk?

Response: A small (1 Ton), self-contained cooling/heating, roof top unit will serve the attendant's kiosk.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

- a. An EIS was not provided for this application.

Response: Weis Markets Fueling Stations Operating and Best Management Practices Manual is attached to this compliance submission for review.

- b. The applicant to outline the NJDEP approvals and safeguards for the proposed gas station.

Response: Weis Markets Fueling Stations Operating and Best Management Practices Manual is attached to this compliance submission for review. Additionally, prior to construction, the installer will apply for all state and local permits required.

CONSTRUCTION DETAILS

- a. Rebar reinforcement to be provided for the concrete pad in the canopy area.

Response: Reference Amended Site Plan Set Sheet C-4, Concrete Pad for Canopy Area detail has been provided and indicates fiber reinforcement on the 8" thick, 4000 psi concrete.

- b. Rebar reinforcement to be provided for the concrete pad in the canopy area.

- i. Water Main Tie-In:

- 1) Corporation stop
- 2) Curb stop
- 3) Curb box and protective covering

- iii. Sanitary Sewer Tie-In:

- 1) Tapping Saddle

Response: Per telephone conversation with Joe Carr of the Newton Water and Sewer Utility FCE has revised the attached Amended Site Plan, Sheets C-1 and C-4. Those revisions involve the following.

- **C-1, Utility Profile**
 - **1" water lateral revised to ¾" K Copper lateral**
 - **¾" tap has been indicated**
 - **Sanitary lateral noted to be Schedule 40 PVC**
 - **Romac Industries Sanitary Service Saddle has been indicated**
- **C-4, Grading/Utility Plan**

- **Curb Stop Valve Box location indicated and noted to be constructed flush with existing grade.**

APPROVALS REQUIRED

a. **Newton Construction Official**

Response: On March 9, 2020 FCE contacted Joe Butto, Construction Official at the Town of Newton reviewed the plans. Mr. Butto asked to include the location of the UST Vents on the plan. See Sheet C-3 of the attached revised Amended Site Plan

b. **Newton Fire Subcode Official**

Response: Scott Verkion, Newton Fire Chief provided the following review comment per an email to David Simmons dated March 18, 2020.

“Will there be emergency utilities shut off in on spot? Can there be two shut offs?”

Response to Newton Fire Chief’s comments were provided via email from Weis Markets, Inc. to David Simmons on March 18, 2020.

Response: The attendant’s kiosk is equipped with two emergency shut-off push-type switches that completely disable the facility. One is located inside the kiosk, the other is located outside the kiosk’s front wall. These items will be available for review in the building permit set.

c. **Sussex County Planning Board (or waiver)**

Response: Attached to this compliance submission you will find a letter from the County of Sussex, dated March 18, 2020 exempting this site plan from review by the Sussex County Planning Commission Board.

d. **Newton Water & Sewer Utility**

Response: Attached to this compliance submission you will find a letter of sanitary sewer and water service approval from the Newton Sewer and Water Utility dated March 10, 2020.

e. **Newton Utility Advisory Board**

Response: Attached to this compliance submission you will find a letter of sanitary sewer and water service approval from the Newton Sewer and Water Utility dated March 10, 2020.

f. **Sussex County Soil Conservation District**

Response: Attached to this compliance submission you will find Soil Erosion Control Plan approval letter dated March 18, 2020

- g. NJDEP – Proposed fueling systems/ underground tanks

Response: The applicant will obtain the required permitting from NJDEP prior to construction of the Gas N Go facility.

- h. NJDOT- (or waiver justification)

Response: Attached to this compliance submission you will find a Trip Generation Summary analyzing the impact this will have on traffic generation. Based on this analysis an additional 48 new PM peak hour trips will be generated. This is below the State Highway Access Management Code threshold of a “significant increase in traffic” of 100 or more trips in any peak hour. Therefore, no permit shall be needed for the expansion of the land use on the lot as stated in 16:47-8.1(a)3 of the New Jersey Administrative Code.

- i. Town of Newton – Soil Importation/ Exporting permit.

Response: The applicant will obtain the required permitting prior to construction.

MISCELLANEOUS

- a. Upon completion of the project, an as-built plan of the site to be prepared by the Applicant’s licensed New Jersey professional land surveyor.

Response: As-Built plans will be provided to the Town of Newton upon completion of construction.

- b. Each sheet to have applicant’s engineer title block with signature and seal.

Response: Attached to this compliance submission you will find the revised Amended Site Plan with engineer’s signature block on each sheet.

Sincerely,
First Capital Engineering, Inc.



Joseph M. Gurney, RLA, PLA
Director of Land Development

cc:

File: <F:\Jobs\117-50A\0-Project Administration\Letters\Response Letters\117-50A Compliance Letter for Harold E. Pellow 03.13.2020.docx>



DEPARTMENT OF ENGINEERING AND PLANNING
Division of Planning and Economic Development
Sussex County Administrative Center
One Spring Street
Newton, N.J. 07860
Tel. 973-579-0500
FAX 973- 579-0513

County of Sussex

March 18, 2020

Weis Markets, Inc.
1000 South Second Street
P.O. Box 471
Sunbury, PA 17801

Re: Application: Exempt Site Plan
 SCP# : X5/20
 Applicant: Weis Markets, Inc.
 Premise: Block 9.03, Lot 16
 Address: State Route 206, Town of Newton

Dear Applicant:

We have received Site Plan information for the above property. It is exempt from review by the Sussex County Planning Board as the property does not front on a County road, affect County bridges and proposed impervious surface does not exceed one acre.

Please contact me at 973-579-0500, ext. 1329 if you have any questions. Thank you for informing us of this Site Plan.

Sincerely,

A handwritten signature in cursive script that reads "Antoinette Wasiewicz".

Antoinette Wasiewicz
Technical Land Use Assistant

cc: County Engineer
 Newton Planning Board
 John J. Luciani, P.E.
 Joseph M. Gurney



**Sussex County Soil Conservation
District**

224 W. Stiger St., Hackettstown, NJ 07840
Phone: 908-852-2579
Web Site: sussexscd.org

March 18, 2020

Weis Markets, Inc
PO Box 471
Sunbury, Pa 17801

Pursuant to the New Jersey Soil Erosion and Sediment Control Act, Chapter 251, P.L. 1975 as amended, the Sussex County Soil Conservation District has reviewed this project application and:

- Approves the Soil Erosion Control Plan
- Approves the Soil Erosion Control Plan with Conditions (see attached)
- Rules the Plan incomplete (see attached)
- Denies the application without prejudice (see attached)

Name of Project: Weis #143

Project # NE185

Township: Newton

Approval Date: 3/18/2020

Block(s):9.03 Lot(s): 16

Expiration Date: 9/2023

Plan Date: 12/30/19

The District shall be represented at the project pre-construction meeting with the township engineer, excavating contractors, utility representatives, and applicant. If the township engineer does not schedule a pre-construction meeting, it is the responsibility of the owner/applicant to schedule the meeting prior to any land disturbance.

This letter is not an endorsement of this project. Plan approval is strictly for compliance with the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et. seq., (l. 1975, c. 251, as amended, L. 1979, c. 459). This plan approval is limited to the erosion and sediment controls as specified in this application and accompanying documents. It is not authorization to engage in a proposed land use or other activity that may be governed or regulated by other Township, County, State or Federal government agencies.

Formal written notification at least 48 hours prior to commencing **ANY SOIL DISTURBANCE** on this project is required.

A handwritten signature in black ink, appearing to read "Matt Fox".

Matt Fox
District Chairman

Mayor
Sandra Lee Diglio

Deputy Mayor
Daniel G. Flynn

Council Members
Matthew S. Dickson
Jason J. Schlaffer
Helen R. Le Frois



Town Manager
Thomas S. Russo, Jr.

Town Clerk
Lorraine A. Read

Telephone: (973) 383-3521
Facsimile: (973) 383-8961
39 Trinity Street
Newton, NJ 07860

March 10, 2020

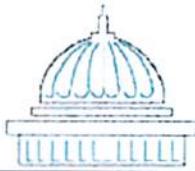
Joseph M. Gurney
48 South Richland Avenue
York PA 17404

Dear Mr. Gurney:

The Town of Newton has the capacity to supply The Weis Markets at 121 Water Street with water and sewer services. This is dependent on the approval of the Town of Newton Utility Advisory Board and subject to payment of all fees and permits. If you have any other questions, please contact me at 973-383-2090.

Sincerely


Joseph Carr
Newton Water & Sewer Utility



FIRST CAPITAL ENGINEERING, INC.

48 S. Richland Ave. York, PA 17404 | Phone: 717.845.3227 | Fax: 717.852.7891 | www.FCAP.com

Stormwater Management Summary

Weis Markets #143

119 Water Street
Newton, Sussex County, NJ

FCE Job # 117-50A

Date: November 13, 2019


PREPARED BY:  5/22/2020



First Capital Engineering, Inc.

48 South Richland Avenue, York, PA 17404

(717) 845-3227 Fax (717) 852-7891

www.FCAP.com



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Stormwater Management Summary

Stormwater management is used to prevent or reduce detrimental flood effects. Floods begin when soil and vegetation cannot absorb rain or snow; water then runs off the land in quantities that cannot be contained by infiltration, evaporation, evapotranspiration, or sublimation. Some of the water is retained by the soil, some is absorbed by vegetation, some evaporates, and the remainder, which reaches stream channels, is called runoff. About 30 percent of all precipitation is runoff; this amount may be increased by melting snow masses.

Urbanization changes a watershed's response to precipitation. The most common effects are reduced infiltration and decreased travel time, which significantly increase peak discharges and runoff. Runoff is determined primarily by the amount of precipitation and by infiltration characteristics related to soil type, soil moisture, antecedent rainfall, cover type, impervious surfaces, and surface retention. Travel time is determined primarily by slope, length of flow path, depth of flow, and roughness of flow surfaces. Peak discharges are based on the relationship of these parameters and on the total drainage area of the watershed, the location of the development, the effect of any flood control works or other natural or manmade storage, and the time distribution of rainfall during a given storm event.¹

Existing Conditions

The site is located at 119 Water Street in the Town of Newton, Sussex County, NJ. Currently the project site consists of a grocery store and the parcel size is 8.98 acres. Runoff from the building and parking lot drains to a detention basin East of the property. This land is classified as UduaB- Udortheents Urban Land Complex by the United States Department of Agriculture. There are no existing wetlands located within 150 feet of the project site as per the NJ Department of Environmental Protection's Web Map.

Proposed Development

The applicant is proposing a Gas N Go facility on the North-West corner of the parking lot. The limit of disturbance for the proposed development is 0.51 acres. The proposed development decreases the impervious area by 111.8 sq. ft. Due to the project size and the decrease in post-development impervious area, no additional volume or rate controls are proposed.

Method of Analysis

Section 258-3 of the Town of Newton Stormwater Ordinance requires stormwater management for "Nonresidential major developments". According to the ordinance; "Any

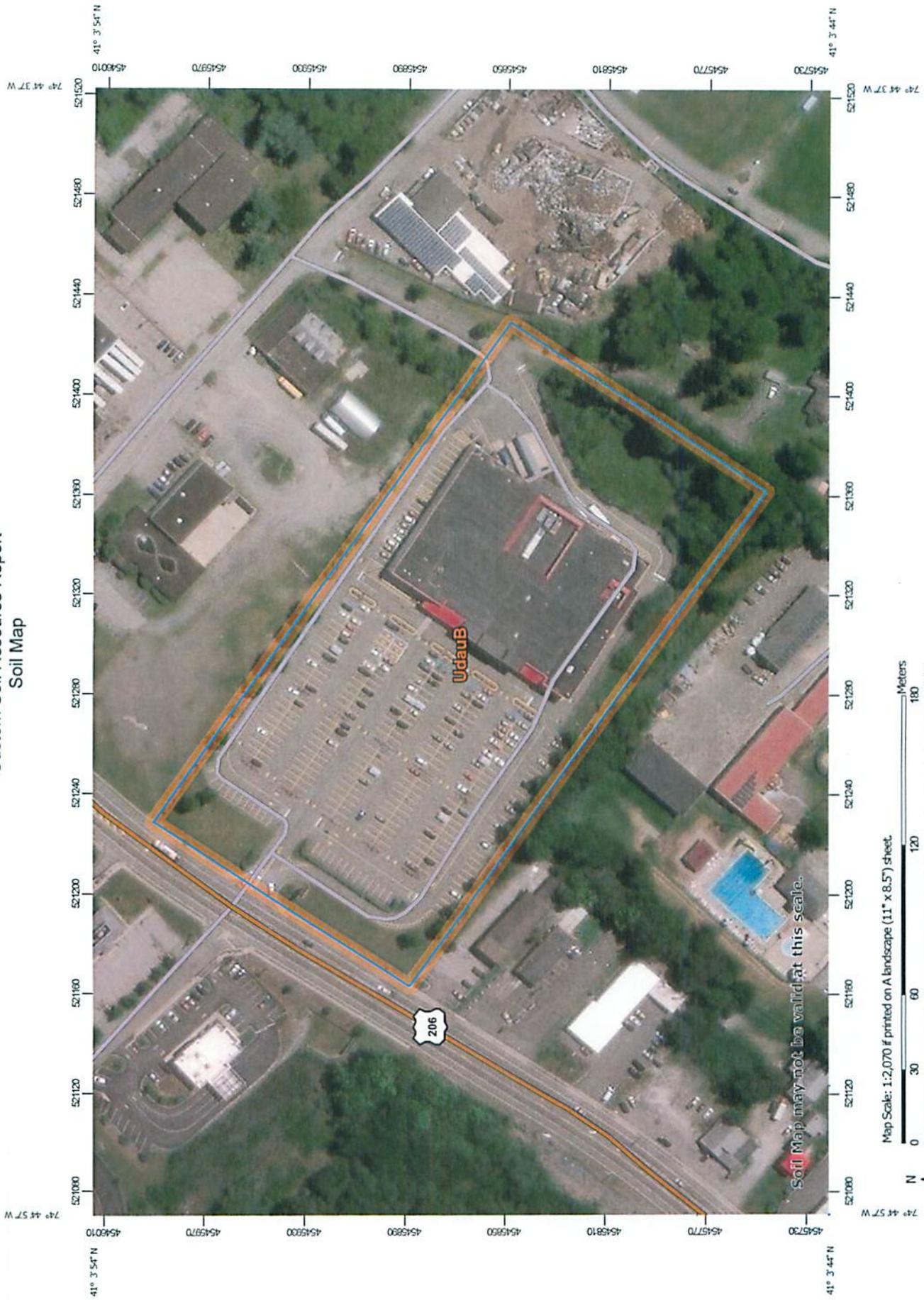


development that disturbs one or more acres of land is considered major development.” The proposed development of the Gas N Go will disturb 0.51 acres and is exempt from the stormwater management requirements of the ordinance. The runoff from the proposed canopy and kiosk is conveyed to the existing stormwater inlet through 8” P.V.C pipe and has been designed to convey the 100-year storm event.



Soils Information

Custom Soil Resource Report Soil Map



Soil Map may not be valid at this scale.

Map Scale: 1:2,070 if printed on A landscape (11" x 8.5") sheet.



Sussex County, New Jersey

UdauB—Udorthents-Urban land complex, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: b0b8
Elevation: 400 to 1,500 feet
Mean annual precipitation: 30 to 64 inches
Mean annual air temperature: 46 to 79 degrees F
Frost-free period: 131 to 178 days
Farmland classification: Not prime farmland

Map Unit Composition

Udorthents and similar soils: 60 percent
Urban land: 40 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Udorthents

Setting

Landform: Low hills
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Fill and/or disturbed original soil material

Typical profile

A - 0 to 12 inches: loam
C - 12 to 72 inches: loamy sand

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Moderate (about 6.7 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3w
Hydrologic Soil Group: D
Hydric soil rating: No

Description of Urban Land

Setting

Landform: Low hills
Landform position (three-dimensional): Lower third of mountainflank
Down-slope shape: Convex, linear
Across-slope shape: Linear
Parent material: Buildings, pavement, and other impervious surfaces over fill and/or disturbed original soil material

Custom Soil Resource Report

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8s

Hydric soil rating: Unranked



USGS Topographical Map



NOAA Atlas 14, Volume 2, Version 3
 Location name: Newton, New Jersey, USA*
 Latitude: 41.0648°, Longitude: -74.7459°
 Elevation: 594.86 ft**
 * source: ESRI Maps
 ** source: USGS



POINT PRECIPITATION FREQUENCY ESTIMATES

G.M. Bonnin, D. Martin, B. Lin, T. Parzybok, M.Yekta, and D. Riley

NOAA, National Weather Service, Silver Spring, Maryland

[PF_tabular](#) | [PF_graphical](#) | [Maps & aerials](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches/hour)¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	3.91 (3.52-4.37)	4.67 (4.20-5.21)	5.59 (5.02-6.23)	6.34 (5.66-7.06)	7.28 (6.47-8.10)	8.05 (7.10-8.95)	8.87 (7.75-9.85)	9.71 (8.41-10.8)	10.9 (9.36-12.3)	12.0 (10.1-13.5)
10-min	3.07 (2.76-3.43)	3.68 (3.31-4.10)	4.40 (3.94-4.90)	4.95 (4.42-5.51)	5.65 (5.01-6.28)	6.20 (5.47-6.90)	6.78 (5.93-7.54)	7.39 (6.41-8.25)	8.24 (7.05-9.23)	8.93 (7.54-10.1)
15-min	2.52 (2.27-2.82)	3.02 (2.72-3.38)	3.64 (3.26-4.06)	4.10 (3.66-4.56)	4.70 (4.17-5.22)	5.17 (4.56-5.75)	5.66 (4.95-6.30)	6.17 (5.35-6.88)	6.88 (5.89-7.72)	7.46 (6.30-8.40)
30-min	1.69 (1.52-1.89)	2.05 (1.84-2.28)	2.52 (2.26-2.81)	2.89 (2.58-3.21)	3.37 (2.99-3.75)	3.76 (3.32-4.18)	4.17 (3.65-4.64)	4.60 (3.99-5.13)	5.22 (4.47-5.85)	5.74 (4.85-6.47)
60-min	1.04 (0.936-1.16)	1.27 (1.14-1.41)	1.60 (1.43-1.78)	1.85 (1.66-2.06)	2.21 (1.96-2.46)	2.50 (2.21-2.78)	2.82 (2.47-3.14)	3.16 (2.74-3.53)	3.66 (3.13-4.11)	4.09 (3.45-4.61)
2-hr	0.632 (0.571-0.701)	0.770 (0.696-0.853)	0.973 (0.876-1.08)	1.14 (1.02-1.26)	1.37 (1.22-1.52)	1.57 (1.39-1.74)	1.80 (1.58-1.98)	2.04 (1.77-2.26)	2.41 (2.06-2.68)	2.73 (2.31-3.05)
3-hr	0.471 (0.427-0.523)	0.570 (0.516-0.633)	0.715 (0.647-0.794)	0.833 (0.751-0.923)	1.00 (0.897-1.11)	1.15 (1.02-1.27)	1.31 (1.15-1.45)	1.48 (1.29-1.65)	1.74 (1.50-1.95)	1.97 (1.67-2.21)
6-hr	0.306 (0.280-0.339)	0.368 (0.336-0.407)	0.458 (0.417-0.506)	0.533 (0.484-0.588)	0.645 (0.580-0.709)	0.743 (0.662-0.817)	0.851 (0.751-0.937)	0.973 (0.849-1.07)	1.16 (0.993-1.28)	1.32 (1.12-1.47)
12-hr	0.190 (0.172-0.212)	0.229 (0.207-0.255)	0.286 (0.259-0.318)	0.336 (0.302-0.372)	0.410 (0.365-0.453)	0.476 (0.420-0.526)	0.551 (0.480-0.608)	0.635 (0.547-0.703)	0.766 (0.647-0.849)	0.881 (0.731-0.982)
24-hr	0.111 (0.103-0.120)	0.133 (0.124-0.145)	0.166 (0.154-0.180)	0.194 (0.179-0.210)	0.236 (0.216-0.254)	0.271 (0.248-0.292)	0.311 (0.282-0.334)	0.355 (0.319-0.381)	0.421 (0.374-0.452)	0.478 (0.420-0.513)
2-day	0.065 (0.061-0.070)	0.078 (0.073-0.085)	0.098 (0.091-0.106)	0.114 (0.106-0.123)	0.138 (0.127-0.148)	0.158 (0.145-0.169)	0.180 (0.164-0.193)	0.204 (0.185-0.219)	0.241 (0.215-0.258)	0.271 (0.240-0.290)
3-day	0.046 (0.042-0.049)	0.055 (0.051-0.059)	0.068 (0.064-0.073)	0.079 (0.074-0.085)	0.096 (0.088-0.102)	0.110 (0.101-0.117)	0.125 (0.114-0.133)	0.141 (0.128-0.151)	0.166 (0.149-0.177)	0.187 (0.166-0.199)
4-day	0.036 (0.033-0.038)	0.043 (0.040-0.046)	0.053 (0.050-0.057)	0.062 (0.058-0.066)	0.075 (0.069-0.080)	0.085 (0.079-0.091)	0.097 (0.089-0.103)	0.110 (0.100-0.117)	0.129 (0.116-0.137)	0.144 (0.129-0.154)
7-day	0.024 (0.023-0.026)	0.029 (0.027-0.031)	0.035 (0.033-0.038)	0.041 (0.038-0.044)	0.049 (0.046-0.052)	0.056 (0.052-0.060)	0.063 (0.058-0.068)	0.072 (0.065-0.078)	0.084 (0.075-0.089)	0.094 (0.084-0.100)
10-day	0.019 (0.018-0.021)	0.023 (0.022-0.025)	0.028 (0.026-0.030)	0.032 (0.030-0.034)	0.038 (0.035-0.041)	0.043 (0.040-0.046)	0.048 (0.044-0.051)	0.054 (0.049-0.057)	0.062 (0.056-0.065)	0.068 (0.061-0.072)
20-day	0.013 (0.012-0.014)	0.015 (0.015-0.016)	0.018 (0.017-0.019)	0.021 (0.019-0.022)	0.024 (0.022-0.025)	0.026 (0.025-0.028)	0.029 (0.027-0.031)	0.032 (0.030-0.034)	0.036 (0.033-0.038)	0.039 (0.036-0.041)
30-day	0.011 (0.010-0.012)	0.013 (0.012-0.014)	0.015 (0.014-0.016)	0.017 (0.016-0.017)	0.019 (0.018-0.020)	0.021 (0.019-0.022)	0.022 (0.021-0.024)	0.024 (0.023-0.025)	0.027 (0.025-0.028)	0.029 (0.026-0.030)
45-day	0.009 (0.009-0.010)	0.011 (0.010-0.011)	0.012 (0.012-0.013)	0.014 (0.013-0.014)	0.015 (0.014-0.016)	0.016 (0.016-0.017)	0.018 (0.017-0.019)	0.019 (0.018-0.020)	0.020 (0.019-0.022)	0.022 (0.020-0.023)
60-day	0.008 (0.008-0.009)	0.010 (0.009-0.010)	0.011 (0.011-0.012)	0.012 (0.012-0.013)	0.013 (0.013-0.014)	0.014 (0.014-0.015)	0.015 (0.015-0.016)	0.016 (0.015-0.017)	0.018 (0.017-0.019)	0.019 (0.017-0.020)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS). Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values. Please refer to NOAA Atlas 14 document for more information.

[Back to Top](#)

PF graphical

WEIS MARKET WETLANDS



Copyright NJDEP - Map Printed On 2019-11-13 16:12

LEGEND

- Applications/NJGW_Base_Layers
- Roads NJ (Centerlines) (1:4999 to 1:999 scale)
- Municipalities
- Parcels Data (Block and Lot)
- Counties
- MidAtlantic States Boundary
- Applications/NJGW_Land
- Wetlands (2012)

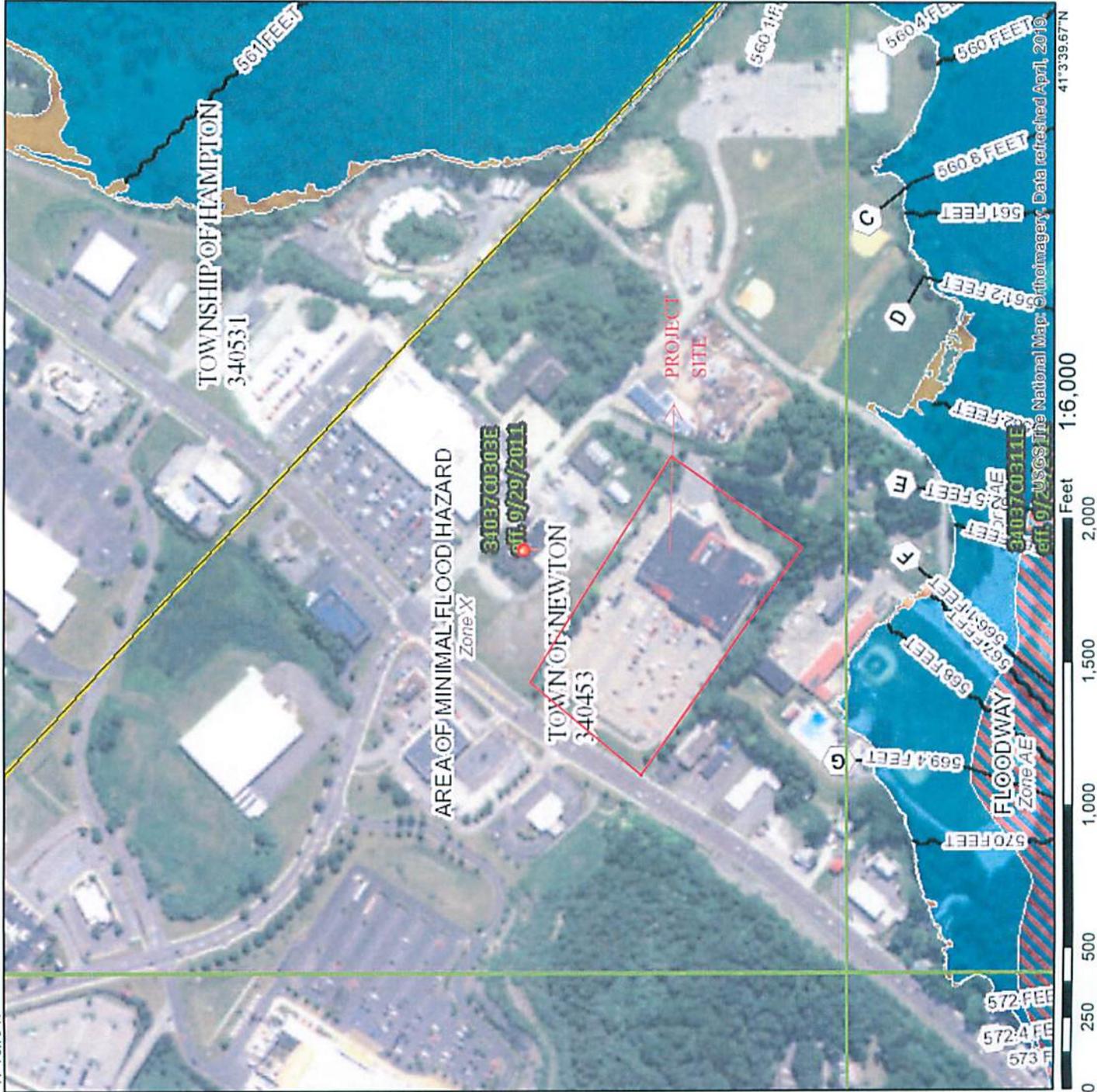
OVERVIEW MAP



National Flood Hazard Layer FIRMette



74°45'4.06"W
41°4'6.79"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, AH, AO
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone D

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

CROSS SECTIONS WITH 1% ANNUAL CHANCE

- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

OTHER FEATURES

- Digital Data Available
- No Digital Data Available
- Unmapped

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/24/2019 at 3:35:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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FIRST CAPITAL ENGINEERING

JOB No. 117-50A

Weis Markets #143
 Storm Sewer Design
 100-Year Storm

Computation Table - Storm Sewer Design

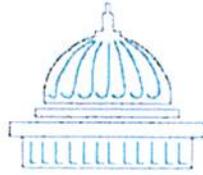
Structure No.	Description	Area (acres)	'c' Value	c*A	SUM c*A	Intensity (in./hr)	Q into grate (c.f.s.)	Q Total (c.f.s.)
Roof Leader	Type C	0.06	0.95	0.057	0.057	8.87	0.51	0.51

Computation Table - Storm Sewer Design

Structure No.	Required Q (cfs)	Description	Length (ft)	No. Pipes	Actual Diameter (in)	Type	Manning's 'n'	Invert In	Invert Out	Slope (ft/ft)	Velocity (fps)	Capacity (cfs)	% Capacity
	0.44	Roof Leader	218	1	8	PVC	0.012	595.51	589.50	0.0100	3.75	1.31	33.46

Determination of 'c' value

Structure No.	Lawn area (acres)	'c' value	Impervious area (acres)	'c' value	Weighted 'c' value
Roof Leader	0	0.20	0.06	0.95	0.95



FIRST CAPITAL ENGINEERING, INC.

48 S. Richland Ave. York, PA 17404 | Phone: 717.845.3227 | Fax: 717.852.7891 | www.FCAP.com

TRAFFIC GENERATION EXECUTIVE SUMMARY FOR **WEIS MARKET'S #143 GAS N' GO**

Town of Newton
Sussex County, NJ

March 11, 2020

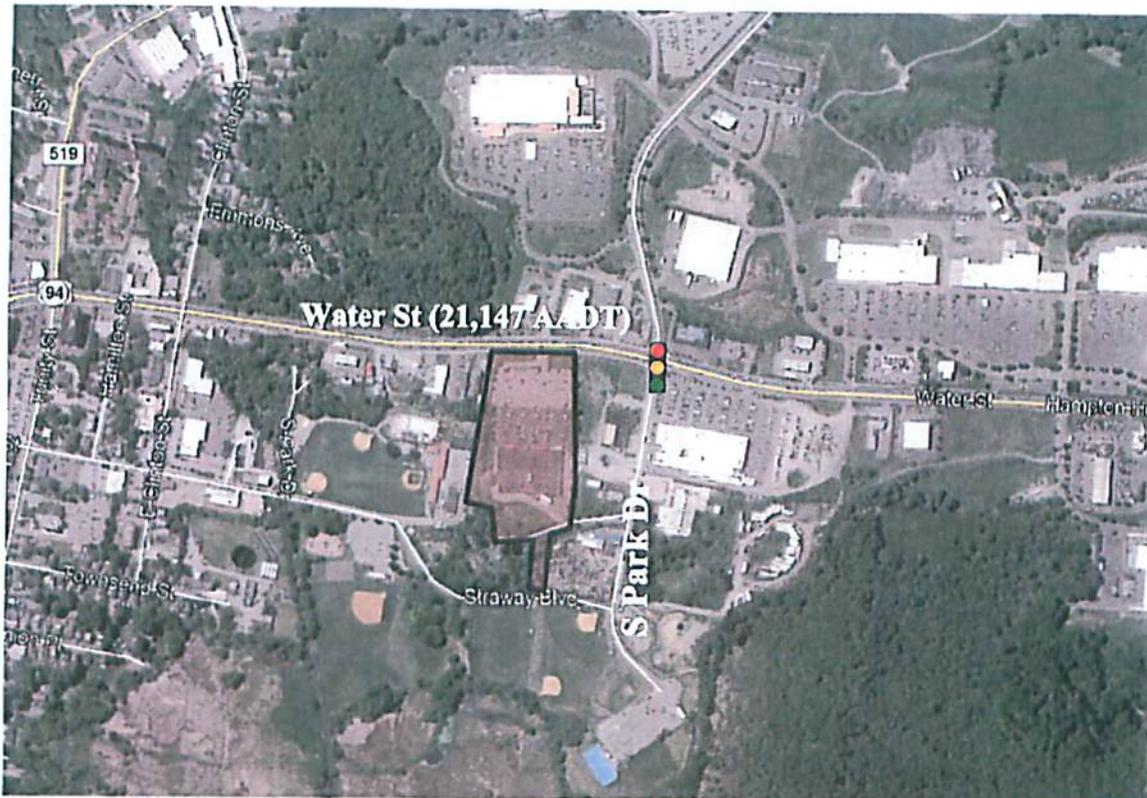


FCE Job # 117-50A



Location of Proposed Development:

- Municipality: Town of Newton
- 119 Water Street



Project Summary:

The project proposes the construction of a new Gas N' Go facility at the existing Weis Markets store on Water Street in Newton, New Jersey. The facility will consist of 6 fueling positions and an employee kiosk.

Trip Generation Summary:

The traffic summary below was calculated using the Institute of Transportation Engineers Trip Generation data; specifically, the existing Grocery Store was analyzed as Land Use Category 850, Supermarket and the proposed Gas N' Go was analyzed as Land Use Category 944 Gasoline/Service Station. Supermarkets include free-standing retail stores selling a complete assortment of food; food preparation and wrapping materials; and household cleaning items. Includes. Gasoline/Service Station includes gasoline/service stations where the primary business is the fueling of motor vehicles.

The tables below compare the Average Trip Generation data for the site as it currently exists and the effect the addition of the proposed fueling facility will have on the trip generation of the

site. The trip generation does not take into account internal capture which can be significant between the grocery store and the fueling facility.

**Existing Supermarket (ITE Land Use 850)
60,000 S.F. G.F.A**

Weekday, AM Peak Hr

	Enter	Exit	Total
Total	126	78	204
Passby	0	0	0
New	126	78	204

Weekday, PM Peak Hr

	Enter	Exit	Total
Total	290	279	569
Passby	105	100	205
New	185	179	364

Saturday, Peak Hr

	Enter	Exit	Total
Total	326	313	639
Passby	0	0	0
New	326	313	639

**Proposed Gasoline/Service Station (ITE Land Use 944)
6 Vehicle Fueling Positions**

Weekday, AM Peak Hr

	Enter	Exit	Total
Total	37	36	73
Passby	21	21	42
New	16	15	31

Weekday, PM Peak Hr

	Enter	Exit	Total
Total	42	41	83
Passby	18	17	35
New	24	24	48

Conclusions/Recommendations:

1. The addition of the gasoline fueling facility with 6 vehicle fueling positions will result in the addition of 48 new trips during the PM peak hour. This is below the State Highway Access Management Code threshold of a "significant increase in traffic" of an increase of 100 or more trips in any peak hour. As such, no permit shall be needed for the expansion of the land use on the lot as stated in 16:47-8.1(a)3 of the New Jersey Administrative Code.

Weis Markets, Inc. Fueling Stations
Operating and Best Management Practices

Weis Markets, Inc.

Store #143 Gas-n-Go

**Town of Newton,
Sussex County, NJ**

**Prepared by:
Weis Markets, Inc.**

FUELING STATIONS OPERATING AND BEST MANAGEMENT PRACTICES MANUAL

Description:

The purpose of this Operating and Best Management Practices (BMP) Manual is to reduce or prevent the impact of fueling operations to the stormwater system and natural streams. A combination of proper structural controls, alert and trained employees, good habits, and adequate supply of spill response materials will prevent environmental impacts to streams and natural channels.

General Operating Safety Guidelines

- Maintain on-site trained personnel at the fueling station (attendant's kiosk) at all times during which the fueling station is open for business.
- Fuel station attendant shall request additional store personnel, as may be required, to guide customer traffic during peak times for fueling in order to help avoid vehicles from blocking main driveway aisles accessing the fueling area.
- Maintain fueling equipment in good condition. Comply with all federal and state requirements regarding the installation of aboveground and underground storage tanks, including requirements for secondary containment.
- Train employees in proper fueling and cleanup procedures, including the location of absorbent spill materials. Use absorbent materials on small spills (never rinse off a spill with water); remove absorbent materials promptly and dispose of properly. Maintain an adequate supply of clean absorbent materials in an easily accessible location.
- Discourage customers from "topping-off" of fuel tanks. The vehicle operator shall remain with the vehicle during fuel operations.
- When filling storage tanks, the fuel delivery truck operator must remain with the vehicle during fuel transfer operations. Place a secondary containment around potential locations of accidental spills or releases, such as at the hose connections or valves. Temporarily cover or otherwise block nearby catch basins or storm drains so that a spill or leak will be controlled. Always notify emergency responders, immediately in the event of a large spill or leak. Refer to Fuel Deliveries Safety Procedures Section.

Permanent Fueling Facility Design Features:

- The fueling area is paved with Portland cement concrete rather than asphalt, which can be damaged by gasoline and other petroleum products. Suitable sealants to adjoining asphalt are applied to all joints surrounding the concrete pavement and along the perimeter of all fueling islands.
- Underground fuel storage tanks shall be double walled fiberglass tanks with liquid and vapor leak detection system.
- All fueling dispensers shall include internal leak sumps with liquid and vapor detection system.
- All fueling dispenser hoses shall be double wall and equipped with emergency disconnect breakaway valves to limit any fuel spills (less than 1/2 oz.).
- Computer monitoring system controls and advises of potential leaks. Emergency shutoff controls are provided.
- Attendants' kiosk is supplied with "PIG" drive-over drain blocker drain cover mats (as required to protect inlets that may potentially be affected by spills).
- Attendant's kiosk is supplied with fire extinguisher, protective apparel, and fuel spill cleanup kit – refer to emergency procedures.

Maintenance:

- Use dry methods to clean the fueling area whenever possible. If the fueling area is to be cleaned by water (such as power washing or steam cleaning), verify that there are no product spills first. Any spills must be removed by dry methods prior to cleaning by water.
- Keep ample supplies of spill cleanup materials nearby. Dispose of used cleanup materials in an environmentally safe way—for proper disposal contact Northridge Group (570) 473-2319.
- Inspect fueling areas and storage tanks daily. Maintain good records concerning fuel storage volumes, fuel usage, and fuel delivery schedules. Adequate record keeping will make it possible to detect a potential leak in the underground storage units.
- Periodically inspect the storm water/ oil separator tank. Request maintenance monthly or as required by any spill incident.
- Refer to Equipment Maintenance Checklists section for more specific information.

Emergency Procedures- Gasoline Spills:

Weis Markets, Inc. is committed to providing an exceptional shopping experience while being good stewards of the environment. Our mission not only applies to our stores, but especially to our fueling facilities. Great customer service includes particular care of our fueling facilities to prevent and/or respond immediately to fueling incidents related to regular customer dispensing operations as well as re-stocking the facilities fuel supply.

Please be aware that a spill at the pump could range from ½ oz. (drive-off hose or nozzle disconnect) to a few gallons if customer is dispensing into an approved gasoline container.

All spills are to be dealt with immediately and with great concern.

Attendant shall be thoroughly familiar with all equipment and spill response procedures listed below.

In the event of a gasoline spill on the property of the service station, use the following steps to ensure safety of all persons and limit contamination:

- Evacuate all persons from the area.

- If it is safe to do so, push the “Emergency Stop” button to turn off power and flow of gasoline to the area.

- Identify the size and severity of the spill and alert the Weis store manager or lead person. If it is a large spill, generally greater than 5 gallons and/or any spill that has left the concrete area of the station, contact the cleanup contractor:

Northridge Group Inc., Northumberland, PA (570) 473-3219

Be prepared to provide detail information to the company representative.

- If it is safe to do so, remove all ignition sources from the area to prevent the ignition of a fire.

- If the spill is manageable, 5 gallons or less, open the “Emergency Spill Kit” and put on all safety gear (i.e. gloves, goggles, boots, gown, etc.).

- Use materials in the “Emergency Spill Kit” to contain the spill. If the spill is moving, focus on that area first. First place absorbent pads/sock in a “U” shape about 2 feet in front of running material. This will dam up the spill and absorb it into the pads. It may be necessary to place another “U” shape ahead of the first to stop all of the running material.

- Once the boundaries of the spill are stabilized, sprinkle granular absorbent material such as vermiculite or activated charcoal over the area of the spill and let it set. Once the material has absorbed the spill, gather up all material and place in an approved container. Do not wait for materials to dry before cleaning them up and storing them. **NEVER use water to hose down the area or dispose of material in a storm drain or non-approved area. Store all material appropriately until proper services are contacted for removal of used material.**

- Contact Northridge Group Inc. at (570)473-3219 to request disposal of used spill containment materials and inspection and clean-up of any affected storm water inlets.

- Request/reorder expended supplies.

In case of a Fire Emergency:

- Contact and notify 911, necessary emergency services and Weis store manager of the situation.
- Safely evacuate the area of all persons and retreat a safe distance from the area.
- If it is safe to do so, push the "Emergency Stop" button to shut off all power and flow of gasoline.
- If it is safe to do so, use the available approved carbon dioxide fire extinguisher to put out small, controlled fires. **NEVER use water or other liquid to put out a gasoline fire. It will only serve to spread the gasoline around and create a larger fire.**
- Complete and submit incident report to Weis Markets Asset Protection Department.
- Facilities equipment shall be thoroughly inspected prior to restarting operations.

Northridge Standard Fuel Spill Response Protocol:

The following protocol is standard operating procedure followed by our preferred emergency environmental contractor. All spills must be reported to Weis Markets Asset Protection Department and Northridge Group without exceptions.

This protocol is for information purposes; the contractor will prepare a site specific Spill Response Plan and adapt their procedure as required to appropriately respond to the incident at hand.

Prepared by:

Northridge Group, Inc.
Emergency Environmental Response
PH: 1-866-473-3219

Our supervisors are trained to manage every fuel spill incident on a case by case basis. Northridge is a PEMA certified contractor and follows or State and Federal applicable regulations.

Below is a brief summary of a typical incident response.

- A typical response for a gasoline and/or diesel fuel request is; 1-supervisor, 2-Field Technicians, 1-Response Truck and 1-Spill Response Trailer.
- Each truck and trailer is fully equipped to handle a release. Additional equipment is then dispatched as requested to assist, per the supervisor.

These first 5-steps occur within the first few minutes of arrival.

- Crew arrives on site for a release.

- A quick review is conducted to determine amount and size of release as well as any additional hazards to be concerned with (snow, rain, traffic, etc.).
- Are all ignition sources reduce and/or eliminated?
- Are there any storm-drains, broken asphalt or concrete, drainage swale and/or additional pathways for the released product to flow into?
- Determine if absorbents applied by facility personnel are sufficient to clean-up release. If not, place additional absorbents to contain release.

Once the initial steps are taken, the actual clean-up activities begin:

- Clean-up activities may be as simple as sweeping and picking up the previously placed absorbents.
- All removed impacted absorbents and debris is placed into DOT approved shipping drums and/or roll-off containers for transportation and disposal.
- If a release is able to migrate to a catch basin, personnel have the needed equipment such as pumps and retrieval units to collect this product.
- For a larger scale incident, vacuum trucks would be deployed to assist with clean-up operations.

Equipment Maintenance Procedures and Checklists

General Maintenance Notes:

- All attendants shall be trained/ certified as DEP UST Class C operator and always present during hours of operation.
- Only qualified personnel are allowed to perform inspection and maintenance of the fueling equipment.
- Safety measures from vehicles and people hazards are paramount when conducting equipment inspections. Use safety cones to isolate the work area. Do not remove safety equipment until all work is completed and the dispenser is ready to be returned to service.
- Always wear personal protective equipment (appropriate clothing, gloves, and eye goggles).
- Be familiar with the location and operation of appropriate fire extinguishers and fire-suppression systems at the facility before beginning any dispenser inspection or maintenance tasks.
- Never permit a dispenser that is leaking fuel or vapor to remain in service. If a leak is discovered, deactivate the dispenser, label it "out of service," and notify Weis Markets Asset Protection Department.

- **Any procedure requiring access to electrical components or the electronics of a dispenser requires complete electrical shutoff of all circuits within that unit.**
Request qualified personnel for this type of repairs – request that a work-order be issued by Weis Markets Asset Protection Department.
- **In an emergency, use the clearly identified emergency stop switch to turn off ALL power to the dispenser area and fuel-dispensing system. All facility employees and service technicians shall know the location of the emergency stop switch.**
- **In the event that a fuel spill occurs during dispenser maintenance activities, take precautions to avoid igniting the spilled fuel. Immediately remove people from the area and verify that there are no open flames or other sources of ignition. Do not allow starting of vehicles in the area. Follow standard cleanup procedures – refer to “Emergency Procedures: Gasoline Spills” section of this manual.**
- **Refer to the following equipment maintenance checklists for required inspections. Contact Weis Markets Asset Protection Department with any questions.**

DAILY EQUIPMENT CHECKLIST – Conventional Fueling System

Equipment to be Checked
1. Nozzle spout tight, round, no cracks, no excessive wear
2. Automatic shutoff hole open and in good condition
3. Nozzle hold-open latch straight, moves freely, return spring operates
4. Nozzle body and scuff guard clean, in good condition, warnings easily read.
5. Nozzle/hose connection clean and dry
6. Swivel fitting clean, dry, and moves easily (if present)
7. Hose in good condition, no cuts, cracks, bulges, blisters, flat spots, kinks or
8. Dispenser/hose connection clean and dry
9. Breakaway is clean and dry
10. Whip hose in good condition, no cuts, cracks or blisters. Fittings at end of whip
11. Island or pavement around the dispenser shows no sign of recent spills or leaks
12. Correct pricing for each product, price displays easy to read

NOTES:

INSTRUCTIONS:
Prepare a form for each fueling position where a defect is observed and refer to assigned pump number. Write any additional information describing the problem in the notes section.
If a defect is found: 1) Place the nozzle, dispenser or product Out of Service. 2) Notify Weis Markets Asset Protection Department.

MONTHLY FUELING SYSTEM CHECKLIST

Equipment to be Checked

- 1. All dispenser components inside cabinet clean and dry
- 2. Dispenser sump dry (if present)
- 3. Filter clean, dry, and dated
- 4. Meters clean and dry; meter calibration mechanism sealed
- 5. Union clean and dry
- 6. Emergency shutoff valve clean and dry, trip arm not obstructed (if present)
- 7. Suction pump and air eliminator clean and dry, air eliminator vent not
- 8. Hose retriever in good working condition (if present)
- 9. Hose not touching the ground or island (balance Stage II systems only)
- 10. No more than 6 inches of hose touching the ground (vacuum- assist Stage II)
- 11. Nozzle, swivel and breakaway Remove By date has not passed
- 12. Warnings and fueling instructions posted and readable
- 13. Stage II nozzle instructions posted and readable
- 14. Emergency stop switch easy to see and accessible
- 15. Spill clean-up & dispenser out-of-service supplies on hand

NOTES:
Contact Northridge Group to request inspection and clean-up of any affected storm water inlets.

INSTRUCTIONS:
Prepare a form for each fueling position where a defect is observed and refer to assigned pump number. Write any additional information describing the problem in the notes section.
If a defect is found: 1) Place the nozzle, dispenser or product Out of Service.
2) Notify Weis Markets Asset Protection Department.

ANNUAL FUELING SYSTEM CHECKLIST

Equipment to be Checked

- 1. Dispenser components inside cabinet clean and dry; sump dry
- 2. Anchor bolts and dispenser frame solid and in good condition
- 3. Emergency shutoff valve properly anchored, positioned and tested
- 4. Vapor-shear valve properly anchored and positioned (if present)
- 5. Filter(s) within owner's expected service life
- 6. Suction pump strainer cleaned and in good condition
- 7. Meter(s) calibrated within last 12 months
- 8. Fire extinguisher has proper pressure and is in good condition
- 9. Dispenser door panels and lock(s) operate easily
- 10. Nozzle flow rate within tolerances
- 11. Nozzle automatic shutoff working properly
- 12. Nozzle no-pressure/no-flow feature working properly
- 13. Stage II vapor recovery installed and properly tested (if present)
- 14. Stage II piping connected, compatible hanging hardware installed
- 15. Bellows interlock feature tested and working properly (if present)
- 16. Electrical conduit, junction boxes, and wiring in good condition
- 17. Hanging hardware continuity tested and passed
- 18. Dispenser properly grounded
- 19. Emergency stop switch(es) tested and working properly

NOTES:

Contact Northridge Group to request inspection and clean-up of any affected storm water inlets.

INSTRUCTIONS:

Prepare a form for each fueling position where a defect is observed and refer to assigned pump number. Write any additional information describing the problem in the notes section.

If a defect is found: 1) Place the nozzle, dispenser or product Out of Service.
2) Notify Weis Markets Asset Protection Department.

POST-INCIDENT FUELING SYSTEM CHECKLIST

Equipment to be Checked

- 1. Dispenser sump dry
- 2. No visible leaks or damage inside the dispenser
- 3. Filters are clean, dry and properly positioned
- 4. No visible leaks or damage to meters
- 5. Unions are clean, dry, in good condition
- 6. Emergency shutoff valve(s) anchored and operating properly
- 7. Vapor-shear valve properly anchored and positioned (if present)
- 8. No leaks or damage to suction pump(s)
- 9. Fire extinguisher has proper pressure and is in good condition
- 10. Anchor bolts and dispenser frame solid and in good condition
- 11. No leaks or damage to any part of hanging hardware
- 12. Nozzle hold-open latch/automatic shutoff working properly
- 13. Nozzle flow rate within tolerances
- 14. Electrical conduit, junction boxes and wiring in good condition
- 15. Hanging hardware continuity tested and passed
- 16. Dispenser properly grounded
- 17. Test emergency stop switch
- 18. Hose retriever in good working condition (if present)
- 19. Dispense fuel, check for leaks, meter creep/jump, liquid in vapor path

NOTES:

Contact Northridge Group to request inspection and clean-up of any affected storm water inlets.

INSTRUCTIONS:

Prepare a form for each fueling position where a defect is observed and refer to assigned pump number. Write any additional information describing the problem in the notes section.

If a defect is found: 1) Place the nozzle, dispenser or product Out of Service.
2) Notify Weis Markets Asset Protection Department.

Fuel Deliveries Safety Procedures

- **Fueling station attendant shall be present during fuel deliveries.**
- **Delivery truck shall not obstruct internal vehicle circulation nor block customers' vehicles and prevent them from departing the facilities.**
- **The delivery driver shall exercise extreme care to avoid any spills during deliveries.**
- **The delivery driver shall strictly adhere to the Standard Safety Checklist –see attached for reference.**
- **The delivery driver is required to check the current volume in the tank prior to making his drop to be certain the volume in the tank will allow the drop.**
- **Each tank has an overfill protection drop tube that stops the flow into the tank before it is overfilled and allows the driver to close his offloading valve and drain his hose prior to disconnecting.**
- **Immediately address and report any spill incidents – refer to Emergency Spill Procedures section above.**

**RESOLUTION
TOWN OF NEWTON
PLANNING BOARD
IN THE MATTER OF WEIS MARKETS, INC.
APPLICATION #SP10-4-91
DECIDED ON DECEMBER 18, 1991
MEMORIALIZED ON JANUARY 15, 1992
PRELIMINARY SITE PLAN APPROVAL AND ANCILLARY VARIANCE RELIEF**

WHEREAS, Weis Markets, Inc. has made application to the Newton Planning Board for preliminary site plan approval along with ancillary variance relief for property known as Block 803, Lots 48.03 and 48.04, as shown on the Tax Map of the Town of Newton, located on Route 206 North in the C-3 Zone; and,

WHEREAS, public hearings were conducted on November 14 and December 18, 1991, after the Board determined it had jurisdiction; and,

WHEREAS, the applicant was represented by Christopher D. Quinn, Esq.;

NOW, THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which records were made.

The application before the Board is a request for preliminary site plan approval so as to permit Weis Markets to erect a 60,000 square foot supermarket on a roughly rectangularly shaped parcel of land containing 8.99 acres; said property being identified as Lots 48.03 and 48.04, Block 803, as shown on the Tax Map of the Town of Newton, located on Route 206 North and situate in the C-3 Zone.

Witnesses appearing on behalf of the applicant included Frederick Bremer, a licensed architect; Michael Semeraro and William Lothian, both of Langan Engineering. The application before the Board initially consisted of a request to construct a supermarket in two phases. The first contained a 50,000 square foot building and the second contained a proposed future expansion of an additional 15,000 square feet.

Mr. Bremer testified the applicant was a 79 year old supermarket chain based in central Pennsylvania, presently having 124 stores in New York, Pennsylvania, Maryland, West Virginia and Virginia, employing approximately 15,000 people.

Mr. Semeraro testified, as a licensed civil engineer, that the parcel will be reduced to 8.59 acres as a result of the State Department of Transportation taking additional right of way along Route 206. He indicated that development standards with respect to Phase I would require 286 parking spaces and the applicant has provided 308; however, after development of the Phase II expansion, the parking requirements would increase to 372 spaces which the applicant will provide at that time. As part of the proposal, the applicant provided 9.5 x 19 foot parking spaces rather than the 9 x 19 foot as required by ordinance for the entire parking lot but for the southern row of parking spaces which will be 9 x 19. Mr. Semeraro indicated that it is Weis' policy to provide this additional space in order to better protect its customers' cars.

It was anticipated that sewer and water usage would be 6,250 gallons per day during Phase I and 8,125 gallons per day during Phase II. The applicant would interconnect with Town water and sewer lines traversing the site. The proposed storm drainage system consisted of a closed conduit with piping to a storm water management basin designed to handle two, ten and 100 year frequency storms. The outflow from this system will be handled by an oversized storm water management basin.

A waiver was specifically requested from the Town requirement that at least one loading space be provided for every 5,000 square feet of building area. The applicant indicated that his client, based on his past experience in the 124 existing stores, confirmed that three bays were more than adequate. Specifically, it was indicated that unlike other supermarkets, trucks are not kept on-site as part of this operation, but rather once a vehicle arrives, it is immediately unloaded and sent to its next destination.

Next, through counsel, the applicant addressed the issue as to whether front yard parking was a specifically permitted use within the zone. Mr. Quinn noted that §20-8.3(f) of the ordinance prohibits off-street parking in front yards; however, §20-8.3(d) indicates that front yard parking is specifically permitted in all commercial, HS and M-1 zones provided there are exits onto the contiguous roadway. He also noted that §16-4.3(a).2. provides standards which include the requirement that a minimum of 80 feet in depth be provided for front yards if off-street parking is to be provided in the front of the building. He also noted that this position had been confirmed by the Newton Zoning Board of Adjustment in a resolution decided in 1970 entitled, "Matter of the Housing Authority of the Town of Newton".

At the December 18, 1991, meeting, Michael Semeraro testified that the plans had been revised to accommodate a new access to South Park Drive located in the rear of this site. Further, the applicant relocated the proposed future addition to the north side of the proposed building and reduced it from 15,000 to 10,000 square feet. Further, an access aisle was added to help direct traffic movement throughout the parking area, parking sizes were reduced to 9.5 x 19 feet and 26 foot aisles proposed. Testimony was also provided indicating the applicant wished to install pavement in accordance with results from the California Bearing Ratio Test which is a soils test capable of determining the stability of the subgrade and its strength. The applicant also indicated it would be willing to pay its fair share to any improvements made to South Park Drive and would undertake all improvements legally required and that this could be satisfied through a developer's agreement. The applicant also agreed to erect a fence running the entire length of the retaining wall.

William Lothian testified as a licensed professional engineer specializing in traffic and transportation on behalf of the applicant. He indicated that access to the parcel would permit right turns into the site's main entrance from a deceleration lane and right turns from the site onto Route 206. Further, left hand turns would be permitted into the site's main entrance with a proposed left turn lane as one heads South on Route 206. All left turns exiting the site will be prohibited and instead, patrons will be required to exit via a left hand turn from South Park Drive at the traffic light.

Several reports were generated by David Simmons from the office of Harold E. Pellow & Associates. Mr. Simmons' latest report was dated December 17, 1991 (Exhibit A) and responded to by Langan Engineering via a letter dated December 18, 1991 (Exhibit B). Many of the recommendations contained in Mr. Simmons' report were favorably responded to by the applicant and are set forth as conditions of the approval by the Board.

From time to time, the meeting was opened to the public at which time Lawrence Litwin, Esq., representing an adjoining Shop Rite supermarket, appeared raising numerous issues and presenting witnesses. Mr. Litwin specifically raised questions concerning whether the application was truly complete, based upon notice requirements; whether the applicant needed a use variance so as to permit parking in the front yard area; and initially recommended that the Board defer taking any action until such time as the New Jersey DEPE acted upon any wetlands delineations undertaken by the applicant.

He also introduced three witnesses, Glenn Brukardt, an environmental consultant; Frank Banisch, a professional planner; and David Mendelson, a traffic expert. Mr. Brukardt's testimony focused upon the environmental constraints on the property and past uses that may have been present. Mr. Banisch's testimony, in pertinent part, raised questions concerning whether the application had been properly deemed complete by Town officials as a result of a defective newspaper notice and whether the applicant was in compliance with §20-5.4(c) and (e) of the Town's ordinance which requires an environmental assessment be undertaken for developments having an impact on "sensitive lands" and finally, whether a variance was also needed for a planted buffer strip at least ten feet in width containing plant material at least four feet in height along property lines adjoining existing residential uses. David Mendelson, in pertinent part, raised questions concerning the affect this facility would have on vehicles exiting the Shop Rite facility along South Park Drive.

Bruce Gordon, a partner of G & H Service, an adjoining property owner, questioned the impact this additional traffic would have on his property and the possibility of him loosing additional property along South Park Drive. He also testified there were at times a large number of Shop Rite trucks that encroach onto his parcel when they are backing into the loading docks on the side of the Shop Rite building.

In response to this testimony, the applicant's witnesses indicated that it was their intent to remove all inappropriate materials from the site and anything not suitable on the parcel for compacted fill would be removed in accordance with appropriate State and Local laws. It was also indicated that the wetlands present on-site and the wetlands fill permit is a revitalization, expansion and cleaning up of the existing detention basin that is improperly working and that the other wetlands present are two low lying areas that are essentially improperly drained ditches. Further, it was indicated the State had issued a general permit #1 and #6 to the applicant. It was further pointed out that any traffic concerns touching upon New Jersey State Highway Route 206 were not within the jurisdiction of the Board. Finally, the applicant indicated that as regards the buffer issue, relief would be sought since it was their intent to provide additional trees to shield the residential area but that this would be somewhat less than the 10 x 4 standard promulgated by the ordinance.

The Board also notes that a letter was received from a Mr. Harvey Whille, Secretary/Treasurer of 150-180 United Food and Commercial Workers Local 1262, which is apparently the labor union representing workers at the adjoining Shop Rite facility. This correspondence was sent to each of the Board members at their homes with the letter raising numerous issues outside the jurisdiction of the Board.

Finally, it should be noted that Mr. Quinn withdrew the request for final site plan approval at this time.

NOW, THEREFORE, the Planning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

The application before the Board is a request for preliminary site plan approval along with ancillary variances and waivers so as to permit the ultimate construction of a 60,000 square foot Weis Supermarket on Lots 48.03 and 48.04, Block 803, as shown on the Tax Map of the Town of Newton, said property being located on Route 206 North and situate in the C-3 Zone. The applicant originally requested both preliminary and final site plan approval, however, as a result of a review of the Town Engineer's report, the request for final site plan approval was withdrawn. Before discussing the substantive issues of the application, the Board shall specifically address a number of issues raised by the attorney representing the objectors.

The first issue concerned whether or not the application was, in fact, complete due to alleged submission irregularities. The Board notes that N.J.S.A. 40:55D-10.3 was specifically enacted to address with clarity the completeness issue. In this instance, the application was deemed complete by the Land Use Administrator of the Town of Newton on October 15, 1991. Even if there had been an error, the Board concludes that once an application is deemed complete, the time period within which the Board has to act immediately begins to run. Conversely, if the Board deems it necessary to have additional information provided to it, it can always request this information, require correction of any information to be found in error, or request the applicant to revise accompanying documents and make such changes reasonably necessary so that an informed decision can be reached. That is precisely the process the Planning Board has followed in the past and adhered to in this application. Specifically, the Board notes Mr. Simmons' extensive report raised a number of issues which needed to be addressed by the applicant and which are also set forth as conditions of this approval. Therefore, the Board concludes that any issue as regards completeness is moot.

Second, the Board was quite concerned with the letter received from Mr. Whille, Secretary/Treasurer of the United Food and Commercial Workers Local Union 1262. First, contacting any board members sitting in a quasi-judicial matter directly outside the confines of a public hearing is inappropriate and prejudicial. Second, the issues raised in the correspondence were generally not germane to the hearing process. Third, if there were heartfelt concerns which needed to be addressed, Mr. Whille or other appropriate representatives including those who are members of the union and work within the municipality could have appeared at the hearing. However, no one offered any testimony at any of the meetings on behalf of this group.

In reviewing the application, plans and testimony, the Board concludes the applicant has met the minimum requirements of the Municipal Land Use Law, case law and Town ordinances to a sufficient degree so as to enable the Board to grant the relief being requested. In spite of the controversy and adversarial posture taken at the hearings, the application before the Board is a relatively simple straight forward one; the applicant requests permission to erect a 60,000 square foot supermarket on an 8.99 acre parcel having frontage on a major state highway in a zone specifically earmarked for this type of activity.

The Board takes judicial note of the fact that the parcel has been put to a variety of different uses over the past 40 to 50 years. That explains the presence of existing foundations. While some "environmental" constraints may exist on-site, this is not a pristine environmentally sensitive ecosystem as the experts for the objector would have had the Board believe. Clearly, this was a site that at some time in the past had fill material brought upon it and has had other materials deposited on it from time to time. The fact that it is in close proximity to the Town's landfill made it a reasonable candidate for unlawful dumping to take place. That issue aside, the Board concludes that it is clearly the applicant's responsibility to ensure that the parcel meets all appropriate state, county and local requirements prior to embarking on construction on this site. While this may take the applicant some additional time, it is clear that this parcel of land can be used for the stated purposes from a land use perspective and secondly, can no doubt be developed by the applicant once all other appropriate agency requirements have been satisfied.

As regards the actual site plan, the Board concludes that based on its past experience with other similar projects that what is being proposed by the applicant will work not only on this parcel but is an appropriate proposal for utilizing the lot.

The Board concludes that the circulation plan provided for the parcel is adequate to meet the needs of the site. Unlike the Shop Rite and A & P located in the immediate neighborhood, this parcel has only one curb cut available to it along Route 206 which places circulation limitations on the property. The applicant has, however, obtained the right to a direct access with South Park Drive which will channelize traffic and create a satisfactory pattern for enabling people to head south along Route 206. Again, the Board wishes to emphasize that this is a permitted use and the applicant has the absolute right, as a matter of law, to place such activities on the property allowed by the ordinance. The developer also agreed to enter into a developer's agreement for any improvements to South Park Drive. Further, the Board concludes that the proposed oversized parking spaces are of benefit to not only the applicant and its customers, but also the municipality and is an example of this developer attempting to reasonably meet the needs of the ordinance while exceeding some of the development standards.

The Board concludes that the handling of storm water as proposed by the applicant and subsequently modified by the Town Engineer is also appropriate for this parcel. The Board notes that at the present time, based upon the testimony of the applicant's witnesses and reports of Mr. Simmons, storm water on this filled site is being handled and, as a result of the improvements to be constructed, will be even better addressed. The applicant also indicated a willingness to provide any additional calculations which might be necessary in

order to ensure that no adverse impacts are realized on adjoining property owners or the state.

Further, as part of the developer's agreement, it was indicated that the applicant would relocate mains which are currently on the property. Except as specifically noted below or as set forth in the conditions of this approval, the Board concludes the site plan is appropriate and can be acted upon favorably at this time.

A number of additional issues were raised during the course of the hearing which the Board believes must be individually addressed.

FRONT YARD PARKING

Counsel for the objectors questioned whether the applicant needed variance relief pursuant to N.J.S.A. 40:55D-70(d), since §20-8.3(f) of the ordinance specifically provides that "off-street parking is prohibited in front yards". The Board disagrees with this assertion for a number of reasons. First, as set forth in the findings, §20-8.3(d) provides "in any commercial, H-S or M-1 district, all off-street parking areas in front of a building or place of business...shall be provided with one entrance and one exit for vehicles...". Second, under the specific requirements for the C-3 zone, front yards are specifically required to be "a minimum of 80 feet in depth, if off-street parking is to be provided in front of the building." See, §16-4.3A.2.Fn.***. Next, the Board takes judicial notice of the Board of Adjustment decision in a resolution decided in 1970 entitled, "Matter of the Housing Authority of the Town of Newton" which also addressed this issue. Finally, the Board notes that it had previously ruled similarly on an application made by Shop Rite which sought an expansion of the parking area in the front of that existing building and on an adjoining tract. While counsel for Shop Rite argued that it was a pre-existing nonconforming use, even if that position had been correct, it is clear that that still would have triggered a use variance application pursuant to N.J.S.A. 40:55D-70d.(2) which requires use variance relief for any expansion of a nonconforming use. Therefore, the Board concludes that no use variance or other variance relief is necessary for this accessory activity based upon the ordinance standards.

ENVIRONMENTAL ASSESSMENT

§20-5.4c. of the Town ordinances provides that no development may take place on lands deemed to be environmentally sensitive. In reviewing this parcel, the Board concludes that this tract of land, while having some interesting environmental features on it, is not what the above cited section of the Town's ordinance is referring to. These lots have been used for a wide range of activities over a considerable period of time and to take the position as urged by the objectors that development should not be permitted on the tract would be myopic. This parcel has apparently been subject to development, extensive filling, dumping, and other activities which, if the applicant is to successfully implement the site plan approval being granted at this time, will need to be addressed as the construction process moves forward. However, that is not to say that development of the site cannot

proceed providing the numerous issues which may have been raised or appear in the future are addressed. There is no question in the Board's mind that for the applicant to even obtain financing from any bank will require numerous environmental assessments to not only satisfy the creditor but alternatively to satisfy the applicant.

The second environmental issue raised by the objectors concerns §20-5.4(e) which provides that the Planning Board may require an environmental assessment if a lot contains environmentally sensitive lands. As stated above, the Board concludes these lands are not "environmentally sensitive". More significantly, the ordinance allows the Planning Board to make a determination as to whether an environmental assessment is, in fact, necessary. In this instance, the Board concludes with absolute certainty that no environmental assessment is necessary.

WAIVER OF OFF-STREET LOADING AND UNLOADING REQUIREMENTS

§20-8.8b.1.(b) provides that the Planning Board may, in certain instances, "reduce the number of required spaces based on adequate documentation that a particular use will not require the ordinance stipulated number of spaces." In this instance, based upon the testimony provided by the applicant, the Board concludes that the three loading docks proposed by the applicant are more than sufficient to meet the needs for this use. Based upon the applicant's experience with over 100 other stores, the Board has little doubt that the number of loading docks being proposed will satisfy all of its needs. It appears that the nature of the operation is to unload tractor trailers immediately upon their arrival on-site and the applicant continually took the position that three loading docks were more than adequate for its purposes. The Board finds this testimony credible and can only conclude that if the applicant were to need more loading space, it would provide same since a failure to do so would result in an inability to carry on its business.

BUFFER STRIP

§20-5.8b. of the ordinance provides that any nonresidential use shall have a buffer strip at least ten feet in width and initially, at least four feet in height. The Board concludes that variance relief from this section is necessary, pursuant to N.J.S.A. 40:55D-70(c).

The Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the (c)(2) criteria,

the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance. Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

In reviewing the application, plans and testimony, the Board concludes the applicant has met the minimum requirements of the Municipal Land Use Law, case law and Town ordinances to a sufficient degree so as to enable the Board to grant the relief being requested. The Board notes that this parcel, while a commercial piece, abuts an R-1 Zone. The Board has granted variances from this requirement in a number of other instances along this corridor due to the fact that there is limited residential development taking place on adjoining parcels, it is one of the most intensive commercial zones in the County, and in this instance, a small berm area exists to the rear which provides additional screening. The applicant indicated it would supply additional plantings although a number of plantings already exist on the site and, therefore, the Board concludes that granting this variance significantly outweigh any detriments.

As regards the negative impact, the Board concludes this will not have any negative impact whatsoever on the public good, nor the intent and purpose of the zone plan or zoning ordinance. This is a site that is relatively isolated from residential uses in spite of the fact that adjoining parcels are zoned residential. Further, a buffer in this location would not be practical or useful and, therefore, the Board concludes no negative impact will result.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board, that the application of Weis Markets, Inc., for Block 803, Lots 48.03 and 48.04, as shown on the Tax Map of the Town of Newton, requesting land use approvals and waivers, is determined as follows:

- A. Preliminary site plan approval, is granted, pursuant to N.J.S.A. 40:55D-46;
- B. A variance from the buffer requirements, is granted, pursuant to N.J.S.A. 40:55D-70(c) and N.J.S.A. 40:55D-60(a);
- C. A waiver from the requirement that twelve loading docks be installed, is granted, pursuant to N.J.S.A. 40:55D-51; and
- D. A waiver from the requirement that an environment assessment be provided, is granted, pursuant to N.J.S.A. 40:55D-51.

IT IS FURTHER RESOLVED that the above approvals are granted subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. Preparation by applicant's attorney and execution by the applicant and the governing body, of a Developer's Agreement containing the conditions of approval (including a sequence of construction) which shall be recorded as a lien and notice upon this property of the developer's obligations concerning this approval. The agreement shall specifically address improvements to South Park Drive and provide a mechanism for the movement of the existing on-site easements.
3. This approval is granted strictly in accordance with the plat prepared by Langan Engineering Associates, consisting of eleven sheets, last revised December 3, 1991.
4. At least 72 hours before any construction, a pre-construction meeting shall be held including the municipal representatives, the applicant and its engineers and contractors. The meeting shall be held only after the Engineer's Opinion of Probable Cost has been submitted to the municipality for computation of engineering and inspection fees, the form of which is to be approved by the Town Engineer.
5. A construction permit may be issued based on preliminary site plan approval; however, no certificate of occupancy shall be issued, nor occupancy of the structure permitted, until final site plan approval shall have been granted, based on a final "as built" plan with all required improvements having been installed.
6. The parking space count along the southwesterly property line shall be corrected, subject to review and approval of the Town Engineer.
7. Construction details for the dumpster pad and screening shall be provided including gate details, subject to review and approval of the Town Engineer.
8. The front yard setback for the proposed pylon sign along with a foundation plan and lighting shall be provided, subject to review and approval of the Town Engineer.
9. Additional lighting shall be provided on the southerly and northerly side of the building and on the access drive to South Park Drive, subject to review and approval of the Town Engineer.
10. The applicant shall provide cross sections at 50 foot intervals along the frontage of the subject property specifically indicating how the proposed Route 206 widening will interconnect with this site, subject to review and approval of the Town Engineer.
11. Project data figures shall be revised to reflect lot acreage to right of way limits.
12. All drainage pipes shall be specified as reinforced concrete pipe.

13. Detail of any signs attached to the cart corrals shall be shown, subject to review and approval of the Town Engineer.
14. The applicant should reverify the location of the existing water main along the southeasterly side of Route 206, show existing telephone conduits along Route 206 and the proposed eight inch water main along Route 206, subject to review and approval of the Town Engineer.
15. If deemed necessary by the Town Engineer, corners on the parking lot and perimeter road shall be widened.
16. The plans shall be revised to provide an additional stop sign to the drive located within the right of way to South Park Drive in the rear of the site and two stop signs/stop bars shall be removed to allow unrestricted access to the center. Further, a directional sign shall be added to the entry located within the right of way to South Park Drive, all subject to review and approval of the Town Engineer.
17. All easements specifically located on the property shall be identified and if appropriate, abandoned, subject to review and approval of the Town Engineer and Board Attorney.
18. Construction details of the proposed sidewalk showing bedding and reinforcement shall be provided subject to review and approval of the Town Engineer.
19. Storm drainage calculations for the detention facilities shall be subject to review and approval of the Town Engineer.
20. The South Park Drive access shall be curbed and a storm drain inlet constructed just inside the subject property to collect access road drainage and pipe it to CB-12, subject to review and approval of the Town Engineer.
21. The applicant shall develop a detailed profile along the centerline of the water main to verify horizontal and vertical locations, subject to review and approval of the Town Engineer.
22. The proposed water main sizes and full analysis shall be provided to verify adequate flow and pressure is available, subject to review and approval of the Town Engineer.
23. The sewer detail shall be amended by including sewer pipe class, bedding detail calling for at least six inches of bedding material around the pipe, deletion of the note regarding relaxing bedding material requirements, and a note made on the plans indicating a minimum pipe requirement used for sanitary sewers is SDR-35.
24. Stability calculations for the proposed Gabion wall (17± feet high maximum) shall be subject to review and approval of the Town Engineer.

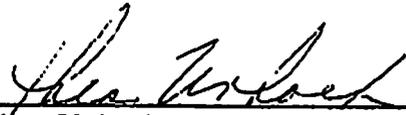
25. Water mains shall be class 54 double cement lined ductile iron.
26. Shop drawings, signed and sealed by a New Jersey Professional Engineer shall be provided for all precast manholes verifying at least an HS-20 loading.
27. Guiderail end treatment details shall be provided.
28. The applicant shall provide the off-site pavement detail thickness and composition, subject to review and approval of the New Jersey Department of Transportation.
29. The following shall be added to the plans: "All outlet structures and all components of detention basins to be constructed shall meet all applicable OSHA and BOCA requirements".
30. The applicant shall prepare pavement calculations based on the California Bearing Ratio Test so as to determine the pavement to be installed on-site, subject to review and approval of the Town Engineer.
31. The applicant shall provide additional architectural views for the side and rear portions of the building so as to ensure HVAC equipment is screened from all directions.
32. The access drive shall be curbed for its entire length.
33. The alignment of the access drive shall tie into the geometry of South Park Drive.
34. The applicant shall complete the widening work from the end of the full section widening per South Park Drive to the proposed access drive, in accordance with specific recommendations of the Town Engineer.
35. The plans shall be revised to indicate what foundations or existing structures will be removed from the site.
36. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
37. Certificate that taxes are paid to date of approval.
38. Sussex County Planning Board approval.
39. Sussex County Soil Conservation District approval.
40. New Jersey Department of Transportation approval.
41. Compliance with the New Jersey Department of Environmental Protection and Energy, requirements for wetlands, sewer and water.

42. SCMUA approval, if required.

43. Prior to the issuance of any construction permit, the applicant shall file with the Board and Construction Official an affidavit verifying that the applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

44. Subject to all other applicable rules, regulations, ordinances and statutes of the Town of Newton, County of Sussex, State of New Jersey, or any other jurisdiction.

The undersigned secretary certifies the within resolution was adopted by this Board on December 18, 1991, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on January 15, 1992.



Thica Unhoch

FOR: 7
AGAINST: 0
ABSTAIN: 0

Board Members Eligible to Vote:

Furguele
Hardin
Hicok
Iliff
Mathews
Henry
Kent

**MEMORIALIZING RESOLUTION OF THE PLANNING BOARD
OF THE TOWN OF NEWTON APPROVING THE APPLICATION
OF WEIS MARKETS, INC. FOR PRELIMINARY AND FINAL
SITE PLAN APPROVAL FOR A BUILDING EXPANSION ON
BLOCK 903, LOT 16 (FORMERLY BLOCK 803, LOT 48.03)
AND BLOCK 10.01 LOT 4 (FORMERLY BLOCK 803, LOT 48)**

**DECIDED: MARCH 21, 2012
MEMORIALIZED: APRIL 18, 2012**

WHEREAS, Weis Markets, Inc., having the address of 1000 South Second Street, Sunbury, Pennsylvania 17801 (hereinafter the "Applicant") has made application to the Planning Board of the Town of Newton (hereinafter the "Board") for preliminary and final site plan approval, in connection with the construction of a new exterior vestibule on property known and designated as Block 9.03, Lot 16 (formerly Block 803, Lot 48.03) and Block 10.01, Lot 4 (formerly Block 803, Lot 48) on the Tax Maps of the Town of Newton, with the street address of 119 and 121 Water Street, as detailed in a Site Plan prepared by Bignell, Watkins and Hasser, Inc., dated February 29, 2012, and consisting of three sheets, (hereinafter the "Approved Plans"); and

WHEREAS, the matter was heard before the Board at a public hearing of the Planning Board of the Town of Newton on March 21, 2012; and

WHEREAS, it has been determined that the Applicant has complied with all of the procedural requirements, rules and regulations of the Planning Board of the Town of Newton; and

WHEREAS, the Planning Board of the Town of Newton hereby makes the following findings and conclusions based upon the evidence submitted to the Board at the hearing:

1. The Applicant was represented by Christopher Quinn, Esq. Sworn testimony in support of the application was given by Alex Ororbia, Manager of the Architectural Department for Weis Markets.

2. The application is relatively simple and straightforward. The Applicant proposes to eliminate its existing interior vestibule area and construct a new 853 sq. ft. exterior vestibule for its supermarket facility. A portion of the existing front sidewalk area will be used for the new vestibule, but the limit of the existing curb line will be maintained. The Applicant is also proposing to remove the existing "Weis Markets" façade sign, and replace it with a new, centered, internally illuminated (with LED's) sign of the same size. It is hoped that this uplift to the façade of the store will provide it with more presence to the street. The new vestibule is expected to benefit energy consumption and handicapped accessibility. It is anticipated that there might be small displays and shopping carts inside. The new vestibule will be heated and cooled.

3. The subject property is located in a C-3 Highway Retail District, and the use is a permitted one in the zone. All zone bulk setback requirements are met. A total of 332 on site parking spaces are required. In order to meet this requirement, the Applicant is proposing to restripe some existing parking spaces near the easterly corner of the store, which will result in a gain of three spaces, bringing the total to the required 332 spaces.

4. During the course of the public hearing, a question arose as to whether any COAH payments are required by the Applicant in connection with this application. While the Board does not have the authority to waive such payments where they are

required, that being within the exclusive jurisdiction of the Town Council, the Board wanted it to be noted of record that to the extent such a fee would be required for this application, it would recommend that it be waived. That recommendation is, however, moot, since a recent amendment to N.J.S.A. 40:55D-8.6 extended an existing moratorium on such fees for non-residential development up to July 1, 2013, provided that a building permit is issued by January 1, 2015.

5. In addition to finding that no variance relief is required in connection with this application, the Board also finds that the application conforms to all applicable ordinance standards for preliminary and final site plan approval, and that it is therefore appropriate, subject to the conditions set forth below, to grant the application for preliminary and final site plan approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Newton, County of Sussex, State of New Jersey, that the application of Weis Markets, Inc. for preliminary and final site plan approval for the construction of a new exterior vestibule as aforesaid, is hereby approved subject to the following terms and conditions.

1. The terms of the approval are to be strictly in accordance with the Approved Plans and the testimony presented to the Board, which is incorporated into this Resolution by reference.

2. An As-Built Plan prepared by the Applicant's licensed New Jersey Land Surveyor shall be provided to the satisfaction of the Town Engineer. The book and page of all utility easements recorded in the County Clerk's Office for this property are to be shown on the As-Built.

3. A signed and sealed copy of the property survey for the subject property shall be provided for the Board's file.

4. Except to the extent specifically inconsistent with this Resolution, the Applicant shall continue to comply with all conditions and requirements of prior Resolutions relating to this property.

5. The Applicant shall obtain approval from any other governmental agencies with jurisdiction relating to the property.

6. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Sussex and Town of Newton.

7. All fees, taxes, escrows and other monies due to the Town of Newton shall be paid in full.

SO RESOLVED, as aforesaid:

AYES: Mr. Flynn, Mr. Flaherty, Mr. Tharp, Mrs. Diglio, Mr. Caffrey, Mr. Hardmeyer, Mrs. Mattingly, and Mr. LeFrois.

NAYS:

ABSTENTIONS:

The foregoing is a true and correct copy of the Resolution of Memorialization of the Town of Newton Planning Board made pursuant to N.J.S.A. 40:55D-10(g) and adopted at a regular meeting assembled on April 18, 2012,

memorializing the Resolution of Intent of the Town of Newton Planning Board at a regular meeting assembled on March 21, 2012.

TOWN OF NEWTON PLANNING BOARD

BY: Katherine Citterio



HAROLD E. PELLOW & ASSOCIATES, INC.

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS

Established 1989

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NY - P.E. & L.S., PA - P.E. & L.S.

THOMAS G. KNUTELSKY
NJ - P.E.

March 14, 2012

FAX: (973) 383-8961

MEMORANDUM TO: Newton Planning Board

FROM: David B. Simmons, Jr., P.E., L.S., C.M.E.

SUBJECT: Weis Markets, Inc.
Block 9.03, Tax Lot 16
121 Water Street
Town of Newton, Sussex County
HPA No. 12-018

Dear Board Members:

The Applicant is proposing to eliminate the existing interior vestibule area and construct a new 853 square foot exterior vestibule, using a portion of the existing front sidewalk area. The limit of the existing curb line will be maintained.

The Applicant is also proposing to remove the existing "Weis Markets" façade sign, and install a new "Weis" sign of the same size on the façade over the new exterior vestibule.

Based on a review of the documents submitted and an on-site inspection, I have the following comments:

- I. The documents reviewed include the following:
 - a. Site Plan prepared by Bignell, Watkins, Hasser, Inc.:

Sheet No.	Title	Latest Revision Date
EX-1	Existing Site Plan	2/3/12
EX-2	Existing Vestibule	2/3/12
EX-3	Existing Area Map	2/3/12

Newton Planning Board
RE: Weis Markets, Inc.
March 14, 2012

Page 2

2. Based on a review of the application for completeness, I have the following comments:

- a. General Checklist – The Board Secretary to verify that the Affidavit of Publication, copy of notice sent to adjacent property owners, and proof of mailing have been provided prior to the meeting.
- b. Based on the information provided, our site inspection, and the existing building and parking facilities, I recommend that the application be declared complete.

3. ZONING

- a. The subject property is located in the C-3 Highway Retail Zone, and the proposed expansion of the existing store to include an exterior vestibule is a permitted use.
- b. The building on site is existing and meets all of the C-3 Zone bulk setback requirements.
- c. Based on the size of the 1991 original store, the 2000 grocery store addition, and the proposed 2012 exterior vestibule addition, a total of 332 parking spaces is required. The Applicant is proposing to restripe some existing parking spaces near the easterly corner of the store to gain an additional three parking spaces. The striping adjustment will result in the required number of parking spaces—332.

4. SITE PLAN

- a. In addition to the proposed exterior vestibule, the plans also call for a new “Weis” façade sign on the façade above the vestibule, with an area of 194 square feet.

The existing “Weis Markets” sign on the left side of the façade also has an existing area of 194 square feet. It is my understanding that the existing “Weis Markets” sign will be removed.

The Applicant should also indicate how the proposed “Weis” sign will be illuminated, i.e., internal lighting.

- b. The Applicant to advise the Board what materials/equipment will be inside and outside the proposed exterior vestibule, i.e., shopping carts, vending machines, seasonal sales, etc.

5. MISCELLANEOUS

- a. The Board Attorney to advise if any COAH payments are required of this Applicant.

Newton Planning Board
RE: Weis Markets, Inc.
March 14, 2012

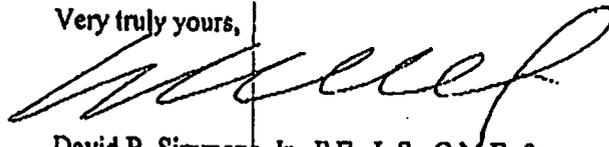
Page 3

- b. An as-built plan prepared by the Applicant's licensed New Jersey land surveyor to be provided. The book and page of all utility easements recorded in the County Clerk's Office to be shown on the as-built.
- c. A signed and sealed copy of the property survey for the subject property to be provided for the Board's files.

6. APPROVALS REQUIRED

- a. Newton Construction Official – Building and ADA Requirements
- b. Newton Fire Subcode Official
- c. Sussex County Planning Board (or waiver)

Very truly yours,



David B. Simmons, Jr., P.E., L.S., C.M.E. for
HAROLD E. FELLOW & ASSOCIATES, INC.
Town of Newton Engineers

DBS:mas
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cc: Via Fax Only
D. Soloway, Esq., Newton Planning Board Attorney (973) 538-3002
C. Quinn, Esq. (973) 383-3510

LAWYERS TITLE
INSURANCE CORPORATION

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

OWNER'S POLICY

SCHEDULE A

CASE NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	POLICY NUMBER*
13-24364	October 13, 1992 at 3:25 PM	\$4,000,000.00	119-00-141235

*This policy number shown on this Schedule must agree with the preprinted number on the cover sheet

1. NAME OF INSURED:

WEIS MARKETS, INC. by Deed from LOOMIS J. GROSSMAN, RISSA W. GROSSMAN AND RONALD S. FRIEDMAN dated October 9, 1992, recorded October 13, 1992 in Deed Book 1884, Page 211.

2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED HEREIN AND WHICH IS COVERED BY THIS POLICY IS:

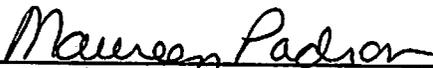
Fee Simple

3. THE ESTATE OR INTEREST REFERRED TO HEREIN IS AT DATE OF POLICY VESTED IN:

WEIS MARKETS, INC. by Deed from LOOMIS J. GROSSMAN, RISSA W. GROSSMAN AND RONALD S. FRIEDMAN dated October 9, 1992, recorded October 13, 1992 in Deed Book 1884, Page 211.

4. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

(SEE ATTACHED SCHEDULE A FOR LEGAL DESCRIPTION)



Countersignature Authorized Officer or Agent
Policy 113 Form No. 035-0-113-0000

Issued at Hackensack, New Jersey

This policy is invalid unless the cover sheet and Schedule B are attached.
ALTA Owner's Policy (10-21-87) Copyright 1969

LAWYERS TITLE
INSURANCE CORPORATION

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE A (CONTINUED)
Legal Description

All the real property located in the Town of Newton, County of Sussex, State of New Jersey and more particularly described as follows:

BEGINNING at a point in or near the centerline of U.S. Highway Route #206, 66 feet wide; said point being southwesterly distant 376 feet from the intersection of the centerline of U.S. Highway Route #206 with the centerline of Dump Road, 20 feet wide: and runs thence

1. South 46 degrees 11 minutes 37 seconds East, 678.38 feet to an iron found driven into the ground; thence
 2. South 36 degrees 00 minutes 44 seconds East, 177.36 feet to an iron pipe found driven into the ground; thence
 3. South 23 degrees 32 minutes 05 seconds West, 78.74 feet to an iron pin driven into the ground; thence
 4. South 37 degrees 12 minutes 15 seconds East, 166.10 feet to an iron pin driven into the ground; thence
 5. South 39 degrees 22 minutes 45 seconds West, 52.89 feet to an iron pipe found driven into the ground; thence
 6. North 37 degrees 02 minutes 15 seconds West, 150.0 feet to an iron bolt found driven into the ground; thence
 7. South 39 degrees 22 minutes 45 seconds West, 125.0 feet to an iron pin found driven into the ground; thence
 8. South 34 degrees 53 minutes 15 seconds West, 82.04 feet to an iron pin driven into the ground; thence
 9. North 56 degrees 53 minutes 00 seconds West, 75.59 feet to an iron pin driven into the ground; thence
 10. South 33 degrees 27 minutes 00 seconds West, 111.40 feet to an iron pin driven into the ground; thence
 11. North 38 degrees 51 minutes West, 881.0 feet to a point in or near the centerline of U.S. Highway Route #206; thence
 12. North 43 degrees 53 minutes East, along or near said centerline distant 346.40 feet to a bend; thence
- (Continued)

SCHEDULE A
LEGAL DESCRIPTION CONTINUED

13. North 53 degrees 00 seconds East, still along or near said centerline distant 30.70 feet to the point and place of BEGINNING.

TOGETHER with a right of way over certain adjoining property described in a grant of Right of Way from G & H Service, Inc. to Arthur J. Pierson, dated May 14, 1986, recorded in Deed Book 1349, Page 48.

TOGETHER with rights acquired under the Declaration recorded in Deed Book 1356 page 182.

FOR INFORMATION ONLY: Being known as Lots 48.03 and 48.04 Block 803 as shown on the tax assessment map of the Town of Newton.

LAWYERS TITLE
INSURANCE CORPORATION

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

OWNER'S POLICY

CASE NUMBER	DATE OF POLICY	*THE POLICY NUMBER SHOWN ON THIS	POLICY NUMBER*
13-24364	10/13/92	SCHEDULE MUST AGREE WITH THE PRE- PRINTED NUMBER ON THE COVER SHEET.	119-00-141235

SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Possible additional taxes assessed or levied under N.J.S.A. 54:4-63.1 et seq.
 2. Taxes for the year 1992, paid through the fourth quarter. Subsequent taxes are not yet due and payable.
 3. Based upon a survey made by Michael A. Catalana dated January 30, 1986, and revised to July 30, 1991, the Company hereby insures against loss or damage which the insured shall sustain by reason of any encroachments, overlaps, boundary line disputes or easements, except as follows:
 - (A) Easements, agreements etc., Contained in Schedule B herein.
 - (B) Possible mislocation of cyclone fence along the southwest line(s) of lands herein described.
 - (C) Common Law Rights of others, if any, in and to pond located on premises.
- NOTE: Survey discloses vacant land.
4. Easement as contained in Deed Book 853, Page 389 and Deed Book 853, Page 396.
 5. Right of way contained in Deed Book 1349, Page 48. Policy insures against loss or damage arising from the exercise of insureds rights under said right of way. NOTE: Policy insures that the adjoining owners's easements are limited to the second right of way area referred to in the survey made by Michael A. Catalano dated January 30, 1986, revised through July 30, 1992 and that the exercise of insured's rights under said right of way shall not cuase a forfeiture or reversion of title.
 6. Rights of Way in Deed Book 1349, Page 51 and Deed Book 1355, page 1.
(Continued)

Page 1 of Schedule B - Policy No. 119-00-141235

Policy 113 Form No. 035-0-113-0000
This Policy is invalid unless the Cover Sheet
and Schedule A are attached

ALTA OWNER'S POLICY FORM B 1970
(Rev. 10-17-70 and 10-17-84)

SCHEDULE B
EXCEPTIONS CONTINUED

7. Reservation of the right to maintain, rebuild, repair and use a septic system as described in Declaration recorded in Deed Book 1356, Page 182.
8. Rights, public and private, in and to so much of the premises as lies within the bed of U.S. Highway Route #206.
9. Acreage is not herein guaranteed.
10. Declaration of Taking as contained in Deed Book 1873 page 31, recorded August 17, 1992. NOTE: Same as contained in Lis Pendens Book 58 page 84, recorded August 5, 1992.

NOTE FOR INFORMATION ONLY: Notice of Settlement No. 27892, filed September 3, 1992

11. Declaration of Restrictions, recorded in Deed Book 1882, Page 240 and Deed Book 1884, page 134 regulating the use of pond on premises.

DEED 92-04578

Prepared by: (Print name and below signature)

MARY R. BARNALDSON, ESQ.

This Deed is made on October 9, 1992

BETWEEN LOOMIS J. GROSSMAN, JR., RISSA W. GROSSMAN and RONALD S. FRIEDMAN

whose address is 150 White Plains Road, Tarrytown, New York 10591
referred to as the Grantor,

AND WEIS MARKETS, INC.

whose address is 1000 South Second Street, Sunbury, Pennsylvania 17801
referred to as the Grantee.
The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of ONE MILLION FOUR HUNDRED SEVENTY-EIGHT THOUSAND EIGHT HUNDRED FIFTY-ONE and 85/100 (\$1,478,851.85) DOLLARS----- The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of
Block No. 803 Lot No. 48.03 and 48.04 Account No.
 No property tax identification number is available on the date of this deed. (Check box if applicable.)

Property. The property consists of the land and all the buildings and structures on the land in the Town of Newton
County of Sussex
and State of New Jersey. The legal description is:

All the real property located in the Town of Newton, County of Sussex, State of New Jersey and more particularly described as follows:

BEGINNING at a point in or near the center line of U.S. Highway Route #206, 66 feet wide; said point being southwesterly distant 376 feet from the intersection of the center line of said U.S. Highway Route #206 with the center line of Dump Road 20 feet wide and runs thence;

- 1) South 46 degrees 11 minutes 37 seconds East, a distance of 678.38 feet to an iron found driven into the ground; thence
- 2) South 36 degrees 00 minutes 44 seconds East, a distance of 177.36 feet to an iron pipe found driven into the ground; thence
- 3) South 23 degrees 32 minutes 05 seconds West, a distance of 78.74 feet to an iron pin driven into the ground; thence
- 4) South 37 degrees 12 minutes 15 seconds East, a distance of 166.10 feet to an iron pin driven into the ground; thence
- 5) South 39 degrees 22 minutes 45 seconds West, a distance of 52.89 feet to an iron pipe found driven into the ground; thence
- 6) North 37 degrees 02 minutes 15 seconds West, a distance of 150.0 feet to an iron bolt found driven into the ground; thence
- 7) South 39 degrees 22 minutes 45 seconds West, a distance of 125.0 feet to an iron pin found driven into the ground; thence

Record & Return to:
Christopher D. Quinn, Esq.
Morris, Downing & Sherrard
One Main Street, P.O. Box 67
Newton, NJ 07860

COUNTY OF SUSSEX
 Consideration 1,478,851.85
 By the Transferor For 7,170.00
 Date 10/13/92 By LP Codes

22
 0-1884-211

D-1884-212

*Together with rights, if any, acquired under the Declaration recorded in Deed Book 1356, page 182.

8) South 34 degrees 53 minutes 15 seconds West, a distance of 82.04 feet to an iron pin driven into the ground; thence

9) North 56 degrees 53 minutes 00 seconds West, a distance of 75.59 feet to an iron pin driven into the ground; thence

10) South 33 degrees 27 minutes 00 seconds West, a distance of 111.40 feet to an iron pin driven into the ground; thence

11) North 38 degrees 51 minutes West a distance of 881.00 feet to a point in or near the center line of U.S. Highway Route #206; thence

12) North 43 degrees 53 minutes East along or near said center line distant 346.40 feet to a bend; thence

13) North 53 degrees 00 minutes East still along or near said center line distant 30.70 feet to the point and place of Beginning.

Being Lot(s) 48.03 & 48.04, Block 803, Tax Map of the Town of Newton.

Together with a right of way over certain adjoining property described in a grant of Right of Way from G & H Service, Inc. to Arthur J. Pierson dated May 14, 1986 recorded in Deed Book 1349 at Page 48.

SUBJECT TO:

A) Any state of facts a personal inspection of this property would reveal;

B) Water line easement to the Town of Newton, recorded July 31, 1969 in Deed Book 853, page 389;

C) Sewer line easement to the Town of Newton, recorded July 31, 1969 in Deed Book 853, page 396;

D) Terms, conditions and easements recited in Deed to Seller recorded June 20, 1986 in Book 1356, page 189;

E) Grant of Right of Way from G & H Service, Inc. to Arthur J. Pierson dated May 14, 1986 in Deed Book 1349, page 48;

F) Grant of Right of Way from Arthur J. Pierson to Fannie E. Miller, widow and others, dated May 19, 1986, recorded June 18, 1986 in Deed Book 1355, page 1, as amended by Deed Book 1697, page 222, recorded December 11, 1989;

G) Declaration for underground septic system made by Arthur J. Pierson and Carol R. Pierson, his wife, recorded June 20, 1986 in Deed Book 1356, page 182;

H) Zoning and governmental restrictions;

I) Violations affecting this property;

J) Any state of facts shown on survey prepared by Michael A. Catalano dated January 30, 1986, last revised April 10, 1991;

K) /^{Any} And all matters which Grantee has knowledge of on or prior to the date hereof; and

L) That certain Declaration of Taking dated August 17, 1992 as recorded in Deed Book 1873 at Page 31.

*
Notwithstanding anything to the contrary contained herein, Grantor's liability in connection with this conveyance shall be limited to the amount of the purchase price of this property.

*M) Declaration of Restriction dated September 3, 1992 made by Loomis J. Grossman, Jr., et al.

D-1884-213

REC'D & RETURNED
92 OCT 13 P3:25
HELEN C. A. PERIN
SUSSEX COUNTY
NEW YORK

Except as provided herein, the

promises by Grantor. Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by
MARY W. DONALDSON
MARY W. DONALDSON
MARY W. DONALDSON

LOONIS J. GROSSMAN, JR. (Seal)
RISSA W. GROSSMAN (Seal)
RONALD S. FRIEDMAN

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

SS.:
I CERTIFY that on October 9, 1992, LOONIS J. GROSSMAN, JR.,
RISSA W. GROSSMAN and RONALD S. FRIEDMAN

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):
(a) is named in and personally signed this Deed;
(b) signed, sealed and delivered this Deed as his or her act and deed; and
(c) made this Deed for \$1,478,851.85 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

Claire Malczyn
(Print name and title in signature)
CLAIRE MALCZYN
Notary Public, State of New York
No. 4857286
Qualified in Rockland County
Commission Expires October 16, 1993

72323

THIS INDENTURE

Made this 22nd day of July, in the year of our Lord
One Thousand Nine Hundred and Sixty-Nine

BETWEEN ARTHUR PIERSON and MARJORIE PIERSON, his wife,
hereinafter referred to as "Grantor"

AND THE TOWN OF NEWTON, a municipal corporation of the
State of New Jersey hereinafter referred to as "Grantee"

WITNESSETH: That the said grantor for and in
consideration of the sum of One (\$1.00) Dollar lawful
money of the United States of America to them in hand well
and truly paid by the said grantee at or before the sealing
and delivery of these presents, the receipt whereof is
hereby acknowledged, and the said grantor being therewith
fully satisfied, contented, and paid, has given, granted,
bargained, sold, aliened, released, enfeoffed, conveyed,
and confirmed, and by these presents does give, grant,
bargain, sell, alien, release, enfeoff, convey and confirm
unto the said grantee and its successors and assigns forever
a permanent right-of-way and easement for the purpose of
laying, constructing, maintaining, operating, repairing,
altering, replacing, changing the size of, or removing from
time to time a water main and its appurtenances upon, under,
or across the following described tract of land:

All that certain tract or parcel of land and
premises situate, lying and being in the Town of Newton, in
the County of Sussex, and the State of New Jersey.

BUTTED, BOUNDED AND DESCRIBED AS FOLLOWS:

BOOK 853 PAGE 389

7/31/69 BY *Ex-ger*

-2-

Beginning at a point at or about Station 14+47, said point being in the dividing line of lands of the first party and lands of The Town of Newton, as shown on a map titled "Plan and Profile of Proposed Water Main Construction, Town of Newton, Sussex County, New Jersey; Plan Scale 1" equals 50', dated July, 1969," as prepared by Delaware Valley Associates, Inc., Engineers and Surveyors, Newton and Sussex, New Jersey, and runs thence from said beginning point to include specifically all the land owned or controlled by the first party lying within the easement lines as shown on the above mentioned map, parallel with and distant 7.5 feet right and left from the following described centerline (1) North 41 degrees 06 minutes 10 seconds East 277 feet more or less to an angle point at Station 17+23.67 as shown on the above mentioned map; thence (2) North 52 degrees 21 minutes 10 seconds East 130 feet to an angle point at Station 18+53.67 as shown on the above mentioned map; thence (3) North 37 degrees 38 minutes 50 seconds West 193 feet more or less to an angle point at Station 20+46.67 as shown on the above mentioned map thence (4) North 43 degrees 16 minutes 20 seconds West 40.00 feet to a point in the centerline of a proposed 15 foot wide sewer easement at Station 20+86.67 as shown on the above mentioned map.

This description written July 8, 1969, by Delaware Valley Associates Inc., Engineers and Surveyors, Newton and Sussex, New Jersey

The above described easement is located within the bounds of a certain lot, tract, or parcel of land conveyed to the grantor by Oliver M. VanAtta and Roy D. Benson, et al by deed dated November 20, 1945 and recorded in the Sussex County Clerk's Office in Book 414 of Deeds on page 230 etc.

In accepting the easement herein granted, the grantee covenants and agrees with the grantor/^{their heirs & assigns} that if ^{their heirs and assigns} at any time the grantor/desires to relocate or construct a new building or buildings on the portion of the premises subject to the above described easement, the grantee, its successors or assigns, ^{their heirs and assigns} will, upon request of the grantor, relocate said water main and appurtenances within the boundaries of a new easement, 15 feet in width, to be conveyed to the grantee over lands of the grantor/^{their heirs and assigns} by such courses and distances as to assure that no portion of any proposed new building or buildings shall be constructed over the said water main and appurtenances. The grantee shall relocate said main within 60 days after receiving the grant of the new right-of-way, and thereon shall release to the ^{their heirs and assigns} grantor/such portion of the above described right-of-way as shall no longer be needed.

It is also understood and agreed that in consideration of the grant, the grantor/^{their heirs and assigns} shall be entitled to one "2" and two 1" taps tap/on said water main free of any charge for tap fee normally required by the Town of Newton.

Together with such other rights as may be necessary or convenient for the full enjoyment or use of the

-4-

rights herein granted including amongst others the right to enter upon and pass along the permanent right-of-way or easement with equipment, men, and materials, at such time as the grantee may elect, and the right to keep said permanent right-of-way free from trees, undergrowth, or other obstructions that may endanger or interfere with the construction, operation, and maintenance of said water main. No buildings or installations other than landscaping and fencing shall be placed on said right-of-way without the express written consent of the grantee.

IN WITNESS WHEREOF, the said grantors have hereunto set their hands and seals the day and year first above written.

 L.S.
Arthur Pierson

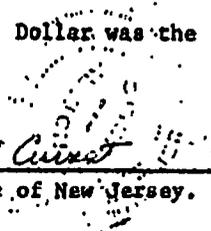
 L.S.
Marjorie Pierson

STATE OF NEW JERSEY:
COUNTY OF SUSSEX :^{ss}

BE IT REMEMBERED, That on this 22nd day of July in the year of our Lord One Thousand Nine Hundred and Sixty-Nine, before me, the subscriber, A Notary Public of New Jersey, personally appeared ARTHUR PIERSON and MARJORIE PIERSON, his wife, who I am satisfied are the grantors mentioned in the within Instrument, to whom I first made known the contents thereof, and thereupon they acknowledged that they signed, sealed and delivered the same as their

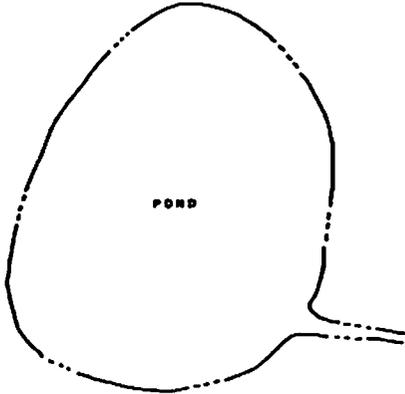
-5-

voluntary act and deed, for the uses and purposes therein expressed, and that said sum of One (\$1.00) Dollar was the true consideration paid therefor.


Thomas A. Curtis
A Notary Public of New Jersey.

BOOK 853 PAGE 394

LANDS OF
ARTHUR PIERSON



POND

Pierston Notes

CHAIN LINK PERICE

TO ASH
11'-05" 110° F

475.00'

12" ASH

PROPOSED 15' ROW LINE
8" CEMENT LINED C.I.P.

LANDS OF
ARTHUR PIERSON

STA 19+33.87



1 1/2 ST.
DOLA
STUCCO



GARAGE

DIRT DRIVEWAY

N 32° 21' 10" E

130.00'

STA 20+48.87

STA 20+48.87

PROPOSED 15' ROW LINE
8" CEMENT LINED C.I.P.

N 37° 16' 30" W

183.00'

PROPOSED 20' ROW LINE

N 46° 33' 30" E
8" CEMENT LINED C.I.P.

PARKING AREA
(DIRT)

CONST
135 L F 8" CEMENT LINED C.I.P.

STA 18+33.87

CONST
1 FIRE HYDRANT
AND VALVE

CONST
1 1/32 BEND CEMENT
LINED C.I.P.

TREES

E A S E M E N T

BETWEEN: ARTHUR PIERSON and
MARJORIE PIERSON,
his wife

AND: THE TOWN OF NEWTON,
a municipal corpora-
tion of New Jersey

Dated: *July 23 1969*

W Dolan and Dolan
93 Spring St.
Newton, N.J. 07860

Prepared by W. M. Cox, Esq.

RECORDED & RECORDED

69 JUL 31 AM 9 44

SUP. COUNTY CLERK'S
OFFICE-NEWTON, N.J.
HENRY D. CARP-CLERK

Received in the Clerk's Office of the
County of Essex, N.J. on this 31st day
of July 1969 at 9:44
A.M.
Deeds 813

Henry D. Carp
Clerk

Fees \$ 11.00
County Clerk

'72324

BOOK 853 PAGE 396

THIS INDENTURE

Made this 22nd day of July , in the year of our Lord
One Thousand Nine Hundred and Sixty-Nine

BETWEEN ARTHUR PIERSON and MARJORIE PIERSON, his wife,
hereinafter referred to as "Grantor"

AND THE TOWN OF NEWTON, a municipal corporation of the
State of New Jersey hereinafter referred to as "Grantee"

WITNESSETH: That the said grantor for and in
consideration of the sum of One (\$1.00) Dollar, lawful
money of the United States of America to them in hand well
and truly paid by the said grantee at or before the sealing
and delivery of these presence, the receipt whereof is here-
by acknowledged, and the said grantor being therewith fully
satisfied, contented, and paid, has given, granted, bar-
gained, sold, aliened, released, enfeoffed, conveyed and
confirmed, and by these presence does give, grant, bargain,
sell, alien, release, enfeoff, convey and confirm unto the
said grantee and its successors and assigns forever a
permanent right-of-way and easement for the purpose of
laying, construction, maintaining, operating, repairing,
altering, replacing, changing the size of, or removing
from time to time a sewer main and its appurtenances upon,
under, or across the following described tract of land:

ALL that certain tract or parcel of land and
premises situate, lying and being in the Town of Newton,
in the County of Sussex, and the State of New Jersey.

BUTTED, BOUNDED AND DESCRIBED AS FOLLOWS:

*Exhibit
7/21/69*

Beginning at a point at or about Station 15+65, said point being in the dividing line of lands of the first party and lands of the Town of Newton, as shown on a map titled "Plan and Profile of Proposed Sewer Construction on Water Street, Town of Newton, Sussex County; Plan Scale 1" equals 50', dated July, 1969," as prepared by Delaware Valley Associates, Inc., Engineers and Surveyors, Newton and Sussex, New Jersey, and runs thence from said beginning point to include specifically all the land owned or controlled by the first party lying within the easement lines as shown on the above mentioned map, parallel with and distant 7.5 feet right and left from the following described centerline (1) North 53 degrees 04 minutes 10 seconds East 10 feet more or less to an angle point at Station 15+74.93; thence (2) South 69 degrees 52 minutes 30 seconds East 258.98 feet to an angle point at Station 18+33.91; thence (3) North 43 degrees 15 minutes 10 seconds East 252.76 feet to an angle point at Station 20+86.67 feet, and thence running 7.5 feet left and 12.5 feet right from the following described centerline; thence (4) North 46 degrees 43 minutes 40 seconds East 67 feet more or less to a point in the dividing line of lands of the first party and lands of Douglas Gordon, said point is at or about Station 21+54 as shown on the above mentioned map.

This description written July 8, 1969, by Delaware Valley Associates.

-3-

The above described easement is located within the bounds of a certain lot, tract or parcel of land conveyed to the grantor by Oliver M. VanAtta and Roy D. Benson et al by deed dated October 20, 1945 and recorded in the Sussex County Clerk's Office in Book 414 of Deeds on page 230 etc.

In accepting this conveyance and in consideration of grant, the grantee agrees to install, at grantee's sole cost, three "Y" connectors to the said sewer main at the time of construction at the places designated by the grantor, their heirs and assigns.

In accepting the easement herein granted, the grantee covenants and agrees with the grantor/that if at any time the grantor/desires to relocate or construct a new building or buildings on the portion of the premises subject to the above described easement, the grantee, its successors or assigns, will, upon request of the grantor, their heirs and assigns relocate said sewer main and appurtenances within the boundaries of a new easement, 15 feet in width, to be conveyed to the grantee over lands of the grantor/by such courses and distances as to assure that no portion of any proposed new building or buildings shall be constructed over the said sewer main and appurtenances. The grantee shall relocate said main within 60 days after receiving the grant of the new right-of-way, and thereupon shall release to the grantor/such portion of the above described right-of-way as shall no longer be needed.

Together with such other rights as may be necessary or convenient for the full enjoyment or use of the

rights herein granted including amongst others the right to enter upon and pass along the permanent right-of-way or easement with equipment, man, and materials, at such time as the grantee may elect, and the right to keep said permanent right-of-way free from trees, undergrowth, or other obstructions that may endanger or interfere with the construction, operation, and maintenance of said water main. No buildings or installations other than landscaping and fencing shall be placed on said right-of-way without the express written consent of the grantee.

IN WITNESS WHEREOF, the said grantors have hereunto set their hands and seals the day and year first above written.


Arthur Pierson L.S.


Marjorie Pierson L.S.

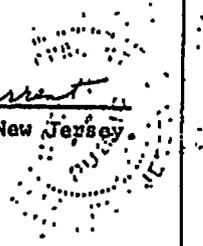
STATE OF NEW JERSEY:
COUNTY OF SUSSEX :

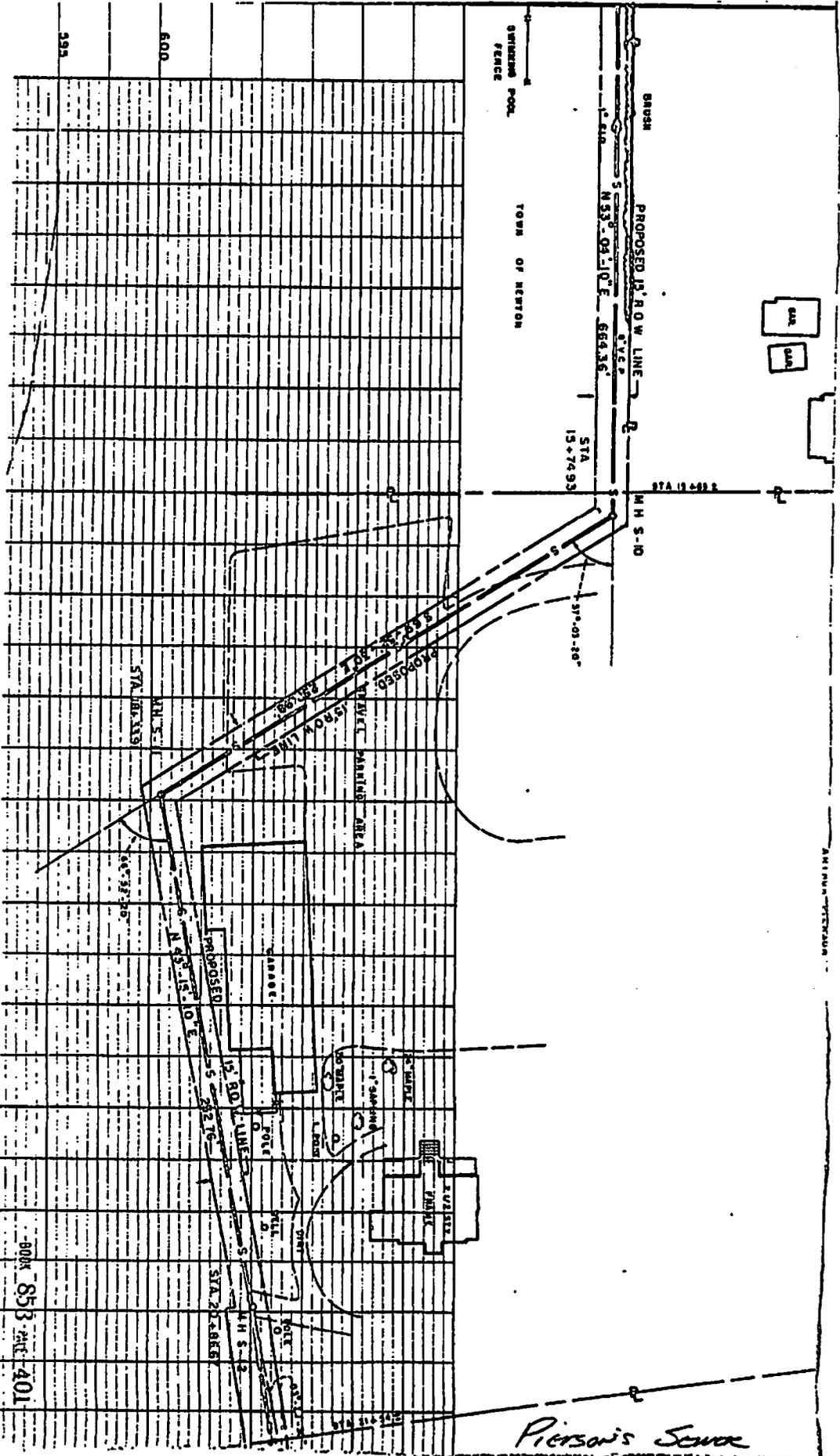
BE IT REMEMBERED, That on this 22nd day of July in the year of our Lord One Thousand Nine Hundred and Sixty-Nine before me the subscriber, a Notary Public of New Jersey personally appeared ARTHUR PIERSON and MARJORIE PIERSON, his wife, who I am satisfied are the grantors mentioned in the within Instrument, to whom I first made known the contents thereof, and thereupon they acknowledged that they

-5-

signed, sealed, and delivered the same as their voluntary act and deed for the uses and purposes therein expressed, and that said sum of One (\$1.00) Dollar was the true consideration paid therefor.

Thomas A. Current
A Notary Public of New Jersey





Piersons Sewer

BOOK 853 PAGE 401

E A S E M E N T

REC'D & RECORDED

BETWEEN: ARTHUR PIERSON and
MARJORIE PIERSON, his
wife

69 JUL 31 AM 9:44

AND: THE TOWN OF NEWTON, a
municipal corporation
of New Jersey

SUPPL. COUNTY CLERK'S
OFFICE-NEWTON, N.J.
HENRY B CARR-CLERK

Dated: July 29, 1969

OK
Dolan and Dolan
93 Spring St.
Newton, N.J. 07860

Prepared by W. M. Cox, Esq.

Received in the Clerk's Office of:
County of Essex, N.J. on the 31st
day of July 1969 9:44
Deeds 873

3964
James B. Carr
Clerk

Fees \$ 11.00
County Clerk

11-

Prepared by

Thomas J. Bain
Thomas J. Bain, Esq.

GRANT OF RIGHT OF WAY

This Grant of Right of Way is made on the 14th day of May, 1986.

BETWEEN: G & H SERVICE, INC., whose address is Drawer E, Route 206 North, Newton, N.J. 07860

Referred to as Grantor.

AND: ARTHUR J. PIERSON, who address is R.D.#3, Box 240, Branchville, N.J. 07860

Referred to as Grantee.

The grantor grants to the grantee, his heirs and assigns, a right of way over the following described property for purposes of ingress and egress by foot or by vehicle.

The consideration for this transfer is the sum of \$1.00 and the transfer by grantee to grantor, its successors and assigns of certain old rights of way.

This right of way relates only to the most southeasterly portion of the property known as Block 803, Lot 48 on the Tax Map of the Town of Newton.

The right of way is over the following described tract of land.

BEGINNING at a point which lies N. 36° 04' 25" W 80 feet from the 4th corner of a lot of 0.079 to be conveyed by Fannie E. Miller, Widow, to Arthur J. Pierson and to be recorded prior to the recording of this deed, which said point is also on the property line of lands owned by G & H Service, Inc. thence (1) S 36° 04' 25" E 80 feet to a point which is the 4th corner of a tract of 1.37 acres conveyed by B. Douglas Gordon and Elizabeth H. Gordon, his wife, to Louis South and Linus Kays dated September 5, 1947 and also the 4th corner of the .079 acre tract above mentioned; thence (2) along the 3rd course of said 1.37 acre tract above mentioned, N. 34° 17' E 300.80 feet to an iron pin the 3rd corner of said 1.37 acre tract; thence (3) N. 35° 50' W 60 feet along the easterly side of Dump Road; thence (4) in a straight line in a southwesterly direction approximately 295 feet to the point or place of beginning.

Grantor, its successors and assigns, reserves the right to also use this right of way at any time.

Neither grantor, nor grantee assume any responsibility for building, maintaining or rebuilding the road on this right of way but both grantor and grantee shall have the right to do so.

In addition, G & H Service, Inc. grants and conveys to Arthur J. Pierson the right that was reserved to maintain an existing line of poles or wires, with the right to go on the property of Arthur J. Pierson to maintain and repair said power line. This right was reserved by predecessors of grantor in the original deed to Arthur J. Pierson and Marjorie Pierson, his wife, dated November, 1945. By reason of the relocation of power lines, this reservation is no longer needed.

Signatures. The grantor signs this Grant for Right of Way as of the date at the top of the first page.

Attest by:
[Signature]
Fred B. Loede, Secretary

G & H Service, Inc.
[Signature]
B. Douglas Gordon, President

STATE OF NEW JERSEY, COUNTY OF SUSSEX SS.1

I CERTIFY that on MAY 14, 1986,

Fred B. Loede, personally came before me and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the secretary of G & H SERVICE, INC. the corporation named in this Grant for Right of Way

(b) this person is the attesting witness to the signing of this Grant for Right of Way by the proper corporate officer who is B. Douglas Gordon the President of the Corporation;

(c) this Grant for Right of Way was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;

(d) this person knows the proper seal of the corporation which was affixed to this Grant for Right of Way;

(e) this person signed this proof to attest to the truth of these facts; and

(f) the full and actual consideration paid or to be paid for the Grant of this Right of Way is \$1.00. (Such consideration is defined in N.J.S.A. 46:13-5).

Sworn and Subscribed to before me this 14th day of May, 1986.

[Signature]

[Signature]
Fred B. Loede, Secretary

Thomas J. Bain, an Attorney at Law of New Jersey.

47369

Prepared by:
Thomas J. Bain
Thomas J. Bain, Esq.

D E E D

This Deed is made on ^{MAY} ~~APRIL~~ 14, 1986

BETWEEN: ARTHUR J. PIERSON and CAROL PIERSON, his wife,
of R.D.#3, Box 240, Branchville, N.J. 07826

referred to as the Grantor,

AND: G & H SERVICE, INC.,

Drawer E, Route 206 North, Newton, N.J. 07860

referred to as the Grantee.

Transfer of Ownership. The Grantor grants and conveys the interests in property described below to the Grantee. This transfer is made for the sum of ONE DOLLAR (\$1.00). The Grantor acknowledges receipt of this money.

The grants herein relate to Tax Map References. (N.J. S.A. 46:15-2.1) Municipality of Newton, Block No. 803, Lot No. 48.

Property. The property consists of rights of way on the land in the Town of Newton, County of Sussex and State of New Jersey. The legal description is:

Grantors hereby convey and transfer to grantee certain rights of way which were described in a deed from Oliver M. Van Atta, Single, Roy D. Benson and Elizabeth A. Benson, his wife, to Arthur J. Pierson and Marjorie Pierson, his wife, dated November, 1945 and recorded in the Sussex County Clerk's Office in Book 414, page 230.

The rights of way are described as follows in the above mentioned deed.

Together with the right to use in common with the party of the first part water from a driven well located on remaining lands of the party of the first part through such pipes as are now in existence or which may hereafter be agreed upon between them the party of the second part to have the right to go on the premises of the party of the first part for the purpose of repairing or relaying said pipes if and when necessary they to do no unnecessary damage thereby.

Together with a right of way as now constructed, from the Town of Newton right of way, in front of the garage property of the said Benson to be used in common by Roy D. Benson and Elizabeth A. Benson, his wife, their heirs and assigns and Arthur J. Pierson and Marjorie Pierson, his wife, their heirs and

assigns, and which will afford ingress and egress to the party of the second part from the Newton-Branchville road over the Town of Newton right of way, in part and thence along the garage property of said Benson between the Town of Newton right of way and the property to be conveyed hereunder.

Signatures. The Grantors sign this Deed as of the date at the top of the first page.

Witnessed by:

Thomas J. Bain

Arthur J. Pierson (Seal)
Arthur J. Pierson

Carol Pierson (Seal)
Carol Pierson

STATE OF NEW JERSEY, COUNTY OF SUSSEX SS.:

I Certify that on ^{MY} ~~April~~ 14, 1986, ARTHUR J. PIERSON and CAROL PIERSON, his wife, personally came before me and acknowledged under oath, to my satisfaction, that these persons;

- (a) are named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as their act and deed; and

(c) made this Deed for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

Thomas J. Bain

Thomas J. Bain, an Attorney at Law of New Jersey.

RECORDED & INDEXED
MAY 27 1986
SUSSEX COUNTY CLERK'S OFFICE
NEWTON, N.J.

1078176
MORRIS, DOWNING & SHERRED
COUNSELLORS AT LAW
ONE MAIN STREET
P. O. BOX 87
NEWTON, N. J. 07860

1697-222
See App. B

48852

Prepared by:
Thomas J. Aikin, Esq.
Thomas J. Aikin, Esq.

RIGHT OF WAY

8001355 PAGE 1

This Grant of Right of Way is made on the 19th day of May, 1986.

BETWEEN: ARTHUR J. PIERSON, R.D.#3, Box 240, Branchville, N.J. 07826

Referred to as Grantor:

AND: FANNIE E. MILLER, Widow,
R.D.#2, Box 345, Newton, N.J. 07860

AND: RUTH R. MOORE
26 Gates Avenue, Summit, N.J. 07091

AND: CARL W. BETTS and GLADYS S. BETTS, his wife,
52 Pine Street, Newton, N.J. 07860

AND: CLIFFORD R. HUTCHISON and NANCY E. HUTCHISON
119 Water Street, Box 5, Newton, N.J. 07860

AND: ARTHUR J. PIERSON
R.D.#3, Box 240, Branchville, N.J. 07826

All Referred to as Grantees

The Grantor grants to the grantees, their heirs and assigns a right of way over the following described property for purposes of ingress and egress by foot or by vehicle.

The consideration for this transfer is the sum of \$1.00 paid to grantor by grantees, the receipt of which is hereby acknowledged.

This right of way relates to a portion (hereinafter described) of the most southeasterly part of property known as Block 803, Lot 48 on the Tax Map of the Town of Newton and the most southeasterly 50' of Block 803, Lot 48.03 all as more specifically described herein:

The right of way is over the following described tract of land:

FIRST RIGHT OF WAY AREA

Beginning at a point which lies N. 36° 04' 25" W 80 feet from the 4th corner of a lot of 0.079 to be conveyed by Fannie E. Miller, Widow, to Arthur J. Pierson and to be recorded prior to the recording of this deed which said point is also on the property line of lands owned by G & H Service, Inc. thence (1) S. 36° 04' 25" E 80 feet to a point which is the 4th corner of a tract of 1.37 acres conveyed by B. Douglas Gordon and Elizabeth H. Gordon, his wife, to Louis South and Linus Kaye dated September 5, 1947 and also the 4th corner of the .079 acre tract above mentioned; thence (2) along the 3rd course of said 1.37 acre tract above mentioned, N. 34° 17' E. 300.80 feet to an iron pin the 3rd corner of said 1.37 acre tract; thence (3) N. 35° 50' W. 60 feet along the easterly side of Dump Road; thence (4) in a straight line in a southeasterly direction approximately 295 feet to the point or place of beginning.

SECOND RIGHT OF WAY AREA

This right of way is 50 feet in width lying on the northwesterly side of the following described line:

Beginning at the 3rd corner of a tract of 8.993 acres situate on Route 206 in the Town of Newton to be conveyed by Arthur J. Pierson and Carol R. Pierson, his wife, which said point is marked by an iron pin, thence (1) S. 23° 32' 05" W. 78.74 feet to a set iron pin the 4th corner of the above mentioned 8.993 acre tract, thence (2) in a southwesterly direction approximately 60 feet to the 7th corner of the above described 8.993 acre tract, thence (3) along the 7th course of the 8.993 acre tract S. 39° 22' 45" W. 125 feet to an iron pin the 8th corner of the above described 8.993 acre tract, thence (4) along the 8th course of the 8.993 acre tract S. 34° 53' 15" W. 82.04 feet to an iron pin the 9th corner of the 8.993 acre tract.

Grantor, his successors and assigns reserves the right to also use this right of way at any time.

Neither grantor nor grantees assume any responsibility for building, maintaining or rebuilding the road on this right of way but both grantor and grantees shall have the right to do so.

Signatures. The Grantor signs this Right of Way as of the date at the top of the first page.

Witnessed by

Thomas J. Barn

Arthur J. Pierson

(Seal)

Arthur J. Pierson

STATE OF NEW JERSEY, COUNTY OF SUSSEX.:

I certify that on May 19, 1986, ARTHUR J. PIERSON, personally came before me and acknowledged under oath, to my satisfaction, that this person:

- (a) is named in and personally signed this Right of Way;
- (b) signed, sealed and delivered this Right of Way as his act and deed;
- (c) made this Deed for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

Thomas J. Barn

Thomas J. Barn, an Attorney at Law of New Jersey.

REC'D & RECORDED

86 JUN 18 12 51

REC'D DEPT. TAX
SUSSEX COUNTY
OFFICE NEWTON, N.J.

10781+6

MORRIS. DOWNING & SHERRED

COUNSELLORS AT LAW

ONE MAIN STREET

P. O. BOX 67

NEWTON, N. J. 07860

DECLARATION

Ronald S. Friedman, Esq.

KNOW ALL MEN BY THESE PRESENTS, that,

WHEREAS, ARTHUR J. PIERSON and CAROL R. PIERSON, his wife, both residing at R.D. #30, Box 240, Branchville, New Jersey 07826 (hereinafter referred to as "Declarant") are the present owners of the following two described pieces or parcels of land, with all the improvements thereon situate, lying and being in the TOWN OF NEWTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, more particularly bounded and described as follows:

SEE PARCEL I DESCRIBED ON SCHEDULE A ANNEXED
HERETO AND MADE A PART HEREOF;

SEE PARCEL II DESCRIBED ON SCHEDULE B ANNEXED
HERETO AND MADE A PART HEREOF;

and

WHEREAS, Declarant wishes to provide an Easement for the benefit of Parcel II for an underground septic system located on Parcel I subject to the terms, covenants, conditions and agreements hereinafter set forth;

NOW, THEREFORE, Declarant does hereby declare that the foregoing pieces or parcels of land shall be and are hereby made and declared to be subject to the following covenants and easement:

1. Septic System Easement: Parcel I is hereby made and declared to be subject to an Easement for the benefit of Parcel II, on, across, and under the area of land located on Parcel I and described on Exhibit "A" annexed hereto and made a part hereof (said land is hereinafter referred to as "Easement Land") for the sole purpose of maintaining, repairing, rebuilding, and using a septic system located within the Easement Land.
2. The owner of Parcel II shall, at its sole cost and expense:
 - a. Maintain and make all repairs and replacements to the septic system.
 - b. Comply with all applicable governmental laws, rules and regulations with respect to the septic system.
 - c. Deliver to the owner of Parcel I, prior to performing any work on, across or under the Easement Land, an All Risks Perils Property Policy, including without limitation, coverage for all underground work projects to its full replacement value and in addition, provide such owner with (i) Worker's Compensation Insurance policy and (ii) Comprehensive General Liability Insurance policy including, without limitation, Contractual Liability coverage and protection for underground explosion and collapse with minimum amounts of coverage in the sum of One Million (\$1,000,000.00) Dollars combined single limit for all occurrences arising out of bodily injury and property damage liability, which insurance shall name the owners of Parcels I

and II as insureds. The property policy shall name the owners of Parcel I and II, as their interests may appear. The insurer and the form and amount of coverage for such insurance shall be as reasonably required by the owner of Parcel I. Said policies of insurance shall contain an undertaking by the insurer to give the owners not less than ten (10) days' written notice of any cancellation of or change in scope or amount of coverage afforded under said policies.

d. The owner of Parcel II agrees to and does hereby indemnify the owner of Parcel I and save such owner harmless against any and all claims, demands, damages, costs and expenses, including attorneys' fees for the defense thereof, arising from the use, occupancy and enjoyment of the rights and benefits under this Declaration by the owner of Parcel II. If any action or proceeding is brought against the owner of Parcel I, under this paragraph (2), then and in that event the owner of Parcel II shall defend such action or proceeding by counsel satisfactory to the owner of Parcel I.

e. The owner of Parcel II shall restore any damage done to Parcel I as a result of the exercise of any rights hereunder so that Parcel I shall be in the same condition existing prior to the exercise of any rights by the owner of Parcel II.

3. If the owner of Parcel I desires to have the owner of Parcel II hook up to the public sewer, which is now located or may hereafter be located on Parcel I, then and in that event, the owner of Parcel II shall, upon request of the owner of Parcel I and subsequent to the hookup, execute, acknowledge and deliver to the owner of Parcel I, a Release and Relinquishment of all its rights under this Declaration, such release to be in recordable form. It is understood that such hookup will be performed at the sole cost and expense of the owner of Parcel I. In addition to the foregoing, if the owner of Parcel II shall desire, at its cost and expense, or is required to hook into a public sewer system, upon such hook up, the owner of Parcel II shall be deemed to have relinquished all its rights under this Declaration and upon demand from the owner of Parcel I, the owner of Parcel II shall execute, acknowledge and deliver to the owner of Parcel I such documents in recordable form as are necessary to evidence such release and relinquishment. If the owner of Parcel II shall at any time fail to execute a Release or Relinquishment of its rights as required hereunder, then and in that event, in addition to any other remedies available to the owner of Parcel I, the owner of Parcel I, as agent or attorney-in-fact of the owner of Parcel II, shall have the right to execute, acknowledge and deliver same on behalf of the owner of Parcel II and the owner of Parcel II hereby irrevocably nominates, constitutes and appoints the owner of Parcel I as its proper and legal attorney-in-fact for such purpose, hereby ratifying all such acts that the owner of Parcel I may do as attorney-in-fact of the owner of Parcel II.
4. The foregoing covenants, easement and agreements shall run with the land and shall be binding upon and inure to the benefit of the Declarant, their heirs, legal representatives, successors, assigns and the owners and subsequent owners of Parcel I and Parcel II. The obligations hereunder shall be binding upon each owner of the premises or part thereof only for

the time period that it is the owner thereof so that upon transfer of title to all or any part of the premises, the transferor shall be automatically relieved of such obligations and responsibilities thereafter accruing and the rights and benefits of this Declaration as to the property so transferred.

- 5. The Declarant warrants and represents that there are no encumbrances affecting Parcel I and Parcel II other than as stated in the Deed to be given by Declarant to Loomis J. Grossman, Jr., et al, which Deed is to be recorded immediately subsequent to this Declaration.

IN WITNESS WHEREOF, the undersigned have caused this Declaration to be duly executed as of this 20th day of June, 1986.

Signed, sealed and delivered in the presence of:

Arthur J. Pierson
Carol R. Pierson

Arthur J. Pierson
 ARTHUR J. PIERSON
Carol R. Pierson
 CAROL R. PIERSON

STATE OF NEW JERSEY)
COUNTY OF SUSSEX)

On the 20th day of June, 1986, before me personally came ARTHUR J. PIERSON and CAROL R. PIERSON, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Dayne H. Lotts
 Notary Public

DAYNE H. LOTTS
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires Nov. 19, 1987

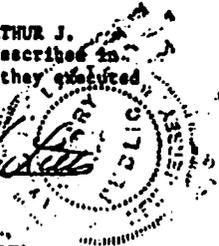


EXHIBIT "A" (Description of Easement Land)

Beginning at a point in the 10th line of the 8.993 acre tract (described in Schedule A hereof) 50 feet from the 11th corner on a course of North $33^{\circ} 27' 00''$ East, thence (1) in part along the 10th course of said tract South $33^{\circ} 27' 00''$ West 50 feet, thence (2) in part along the 11th course North $38^{\circ} 51'$ West approximately 65 feet to the southerly side of an easement owned by the Town of Newton described by deed book 853 page 389, thence (3) in a northeasterly direction along the southerly side of the easement a distance of 50 feet, thence (4) in a southwesterly direction a distance of approximately 60 feet to the point and place of beginning.

In the event a description of this easement area (prepared by a licensed N.J. Surveyor) is required by buyers, sellers agree to execute a new document in recordable form to confirm the new description.

SCHEDULE "A" (Parcel II)

BEGINNING at a point in or near the centerline of U.S. Highway Route #206, 66 feet wide; said point being southwesterly distant 376 feet from the intersection of the centerline of said U.S. Highway Route #206 with the centerline of Dump Road, 20 feet wide; and runs thence (1) South 46 degrees 11 minutes 37 seconds East, a distance of 678.38 feet to an iron found driven into the ground; thence (2) South 36 degrees 00 minutes 44 seconds East, a distance of 177.36 feet to an iron pipe found driven into the ground; thence (3) South 23 degrees 32 minutes 05 seconds West, a distance of 78.74 feet to an iron pin driven into the ground; thence (4) South 37 degrees 12 minutes 15 seconds East, a distance of 166.10 feet to an iron pin driven into the ground; thence (5) South 39 degrees 22 minutes 45 seconds West a distance of 52.89 feet to an iron pipe found driven into the ground; thence (6) North 37 degrees 02 minutes 15 seconds West a distance of 150.0 feet to an iron bolt found driven into the ground; thence (7) South 39 degrees 22 minutes 45 seconds West, a distance of 125.0 feet to an iron pin found driven into the ground; thence (8) South 34 degrees 53 minutes 15 seconds West, a distance of 82.04 feet to an iron pin driven into the ground; thence (9) North 56 degrees 53 minutes 00 seconds West, a distance of 75.59 feet to an iron pin driven into the ground; thence (10) South 33 degrees 27 minutes 00 seconds West, a distance of 111.40 feet to an iron pin driven into the ground; thence (11) North 38 degrees 51 minutes West, a distance of 881.0 feet to a point in or near the centerline of U.S. Highway Route #206; thence (12) North 43 degrees 53 minutes East, along or near said centerline distant 346.40 feet to a a bend; thence (13) North 53 degrees 00 minutes East, still along or near said centerline distant 30.70 feet to the point and place of BEGINNING.

CONTAINING 8.993 acres of land.

After deducting that portion of the above-described tract that lies within the Right of Way of U.S. Highway Route #206, there remains 8.766 acres of land.

THIS description prepared from survey dated January 30, 1986 by Michael A. Catalano, Land Surveyor, Newton, N.J.

Together with a right of way over certain adjoining property described in a grant of Right of Way from G. & H. Service, Inc. to Arthur J. Pierson dated May 14, 1986 and to be recorded in the Sussex County Clerk's Office prior to the recording of this Deed.

Subject to a right of way granted by Arthur J. Pierson to Fannie E. Miller and others (including Arthur J. Pierson, seller

Schedule "A" -continued-

herein, who also retains the right to use this right of way) dated May 19, 1986 and to be recorded in the Sussex County Clerk's Office prior to the recording of this deed.

Subject to a water line easement from Arthur Pierson and Marjorie Pierson, his wife, to the Town of Newton, dated July 22, 1969 and recorded in Sussex County Clerk's Office in Book 853 of Deeds, page 389.

SCHEDULE "B" (Parcel 1)

All that tract in the Town of Newton, Sussex County, New Jersey, described as follows:

BEGINNING at a railroad rail set in the ground, said rail is the third corner of the whole tract of which this lot is a part, thence (1) along the third course of said whole lot South 50 degrees 55 minutes West 15 feet to another railroad rail set in the ground the fourth corner of the whole tract of which this is a part, thence (2) in part along the fourth course of said whole lot North 37 degrees 22 minutes West 72 feet to a drill hole in a rock, thence (3) North 35 degrees 21 minutes West 111.4 feet to an iron pipe driven into the ground, thence (4) South 54 degrees 39 minutes East 71.68 feet to an iron pipe driven into the ground, thence (5) South 34 degrees 45 minutes West 118.42 feet to the place of beginning.

CONTAINING 0.20 of an acre of land, be the same more or less.

The above described property is known as Block 803, Lot 48 F1 on the Tax map of the Town of Newton.

ARR:
M.D & S

REC'D & RECORDED
SUSSEX COUNTY CLERK'S
OFFICE - NEW JERSEY

86 JUN 20 P 2:12

REC'D & RECORDED

D-1884-134

Prepared by:

Christopher D. Quinn, Esq.

SEP 11 1992

92-04517
DECLARATION OF RESTRICTION

27.
3/10/92

THIS DECLARATION, made this 3rd day of September, 1992, by RONALD S. FRIEDMAN, LOOMIS J. GROSSMAN, JR. and RISSA W. GROSSMAN, having an office c/o Ronald S. Friedman, 150 White Plains Road, Tarrytown, New York 10591 (hereinafter referred to as the "Declarant").

W I T N E S S E T H

WHEREAS, the Declarant is the owner of certain property located in the TOWNSHIP OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, designated at Lots 48.03 and 48.04, Block 803, on the official Tax Map of the Township of Newton (hereinafter "the Property"); and

WHEREAS, the Declarant has obtained a freshwater transition area waiver ("TA Waiver") from the New Jersey Department of Environmental Protection and Energy ("NJDEPE") pursuant to the Freshwater Wetlands Protection Act, N.J.B.A. 13:9B-1 et seq.; and

WHEREAS, the TA Waiver is conditioned upon the Declarant's preservation of an area of compensation consistent with an approved TA Waiver averaging plan (at N.J.A.C. 7:7A-7.5 et seq.) on that portion of the Property more particularly described on attached Schedule A (hereinafter "the Compensation Area") and upon the imposition by the Declarant of a restriction to preclude subsequent development of the Compensation Area; and

C.D.S.
Record & Return to:

Christopher D. Quinn, Esq.
One Main Street, P.O. Box 67
Newton, NJ 07860

THIS DECLARATION OF RESTRICTION, previously recorded on October 1, 1992, in Deed Book 1882 at Page 240, is being rerecorded because Schedule A was inadvertently omitted.

WHEREAS, the Declarant is desirous of so restricting this Compensation Area.

NOW THEREFORE, the Declarant declares that this Compensation Area shall be held, transferred, conveyed, leased, occupied and used subject to the following restrictions and conditions:

1. The Compensation Area is hereby restricted in perpetuity against development activity of any sort. This restriction specifically prohibits regulated activities as defined at N.J.A.C. 7:7A-6.2 within the Compensation Area.

2. Maintenance of any existing, buried infrastructure (i.e.: pipelines, cables, etc.) contained within any existing rights of ways within the Compensation Area shall be subject to the provisions of the Freshwater Wetlands Protection Act and the rules promulgated thereunder.

3. The restrictions set forth in paragraphs 1 and 2 hereunder shall run with the land and be binding upon the Declarant, its successors and assigns forever. Notice of this deed restriction shall be given to all holders of any assessments in the Compensation Area by the Declarant within thirty (30) days of recording by the County Clerk.

IN WITNESS WHEREOF, the Declarant has caused these presents to be signed by its proper corporate officers and has caused its corporate seal to be affixed hereto on the date first above written.

Witness:

Cap Kn
CAROLYN KHAN

Cap Kn
CAROLYN KHAN

Cap Kn
CAROLYN KHAN

4540\w

Ronald S. Friedman
RONALD S. FRIEDMAN

Loomis J. Grossman, Jr.
LOOMIS J. GROSSMAN, JR.

Rissa W. Grossman
RISSA W. GROSSMAN
(DECLARANT)

Signature page to Declaration of Restriction dated September 3, 1993 by Ronald S. Friedman, et al., as Declarant, covering premises located in Newton, New Jersey.

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

BE IT REMEMBERED, that on this 3rd day of September, 1992, before me, the subscriber, a Notary Public of the State of New York, personally appeared RONALD S. FRIEDMAN, LOOMIS J. GROSSMAN, JR. and RISSA W. GROSSMAN, who I am satisfied are the persons who executed the within instrument, and, I having first made known to them the contents thereof, they did acknowledge that they signed, sealed and delivered the same as their voluntary act and deed for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

Claire Malczyn

NOTARY PUBLIC

CLAIRE MALCZYN
Notary Public, State of New York
No. 1457286
Qualified in Rockland County
Commission Expires October 16, 1993

SCHEDULE A

**MODIFIED TRANSITION AREA
WEIS MARKETS, INC.
BLOCK 803, LOTS 48.03 AND 48.04
ROUTE 206 NORTH
NEWTON, NEW JERSEY**

The following is a description of the modified wetland transition area located on a portion of Block 803, Lots 48.03 and 48.04. As per a Transition Area Waiver issued by the New Jersey Department of Environmental Protection and Energy (NJDEPE) on August 28, 1992, DEPE File No. 1915-91-0002.4, no regulated activities shall occur in this modified transition area or adjacent wetlands (see Attachment "B") without prior approval of the NJDEPE. All lots being of the current Tax Maps of the Town of Newton, New Jersey.

Commencing at a point being the northwestern property corner of Block 803, Lots 48.03 and 48.04 identified as point no. 1 on a survey prepared by Michael A. Catalano, Newton, New Jersey titled "Boundary and Topographic Survey of Lots 48.03 and 48.04, Block 803", dated 30 January 1986 and revised to 22 July 1991, said point also being the southwestern corner of Block 803, Lot 48 (n/f G&H Services, Inc.), and running from the commencing point; thence,

- a. In a southwesterly direction S 53° 00' 00" W, a distance of 30.70 feet to a point; thence,
 - b. In a southwesterly direction S 43° 53' 00" W, a distance of 346.40 feet to a point; thence,
 - c. In a southeasterly direction S 38° 51' 00" E, a distance of 614.84 feet to the point and place of beginning; thence,
1. In a southeasterly direction S 61° 39' 7" E, a distance of 10.50 feet to a point; thence,
 2. In a southeasterly direction S 56° 39' 41" E, a distance of 8.85 feet to a point; thence,
 3. In a southeasterly direction S 46° 27' 44" E, a distance of 10.46 feet to a point; thence,
 4. In a southeasterly direction S 34° 13' 03" E, a distance of 36.07 feet to a point; thence,
 5. In a southeasterly direction S 79° 34' 12" E, a distance of 45.24 feet to a point; thence,
 6. In a southeasterly direction S 84° 32' 24" E, a distance of 23.77 feet to a point; thence,
 7. In a southeasterly direction S 74° 49' 46" E, a distance of 13.68 feet to a point; thence,
 8. In a southeasterly direction S 58° 11' 56" E, a distance of 31.11 feet to a point; thence,
 9. In a northeasterly direction N 54° 24' 52" E, a distance of 28.48 feet to a point; thence,
 10. In a northeasterly direction N 12° 48' 41" E, a distance of 10.07 feet to a point; thence,
 11. In a northwesterly direction N 58° 31' 09" W, a distance of 22.88 feet to a point; thence,

12. In a southwesterly direction S 75° 08' 29" W, a distance of 18.77 feet to a point; thence,
13. In a northwesterly direction N 53° 47' 04" W, a distance of 27.55 feet to a point; thence,
14. In a northwesterly direction N 23° 20' 41" W, a distance of 37.18 feet to a point; thence,
15. In a northwesterly direction N 33° 43' 55" W, a distance of 14.76 feet to a point; thence,
16. In a northwesterly direction N 22° 06' 17" W, a distance of 25.49 feet to a point; thence,
17. In a northwesterly direction N 08° 04' 26" W, a distance of 27.67 feet to a point; thence,
18. In a northwesterly direction N 86° 06' 19" E, a distance of 10.50 feet to a point; thence,
19. In a southeasterly direction S 45° 46' 17" E, a distance of 60.72 feet to a point; thence,
20. In a southeasterly direction S 38° 40' 44" E, a distance of 99.60 feet to a point; thence,
21. In a southeasterly direction S 10° 42' 51" E, a distance of 7.50 feet to a point; thence,
22. In a southwesterly direction S 25° 50' 32" W, a distance of 4.02 feet to a point; thence,
23. In a southwesterly direction S 35° 53' 00" W, a distance of 47.67 feet to a point; thence,
24. In a northeasterly direction N 50° 40' 25" E, a distance of 45.63 feet to a point; thence,
25. In a northeasterly direction N 28° 27' 22" E, a distance of 8.23 feet to a point; thence,
26. In a northeasterly direction N 11° 54' 27" E, a distance of 4.36 feet to a point; thence,
27. In a northeasterly direction N 55° 35' 27" E, a distance of 49.10 feet to a point; thence,
28. In a southeasterly direction S 10° 37' 35" E, a distance of 12.66 feet to a point; thence,
29. In a southwesterly direction S 02° 20' 37" W, a distance of 21.21 feet to a point; thence,
30. In a southwesterly direction S 12° 30' 00" W, a distance of 11.51 feet to a point; thence,
31. In a southwesterly direction S 18° 56' 45" W, a distance of 19.13 feet to a point; thence,
32. In a southwesterly direction S 28° 37' 39" W, a distance of 16.07 feet to a point; thence,
33. In a southwesterly direction S 50° 14' 49" W, a distance of 26.29 feet to a point; thence,
34. In a southwesterly direction S 54° 24' 52" W, a distance of 22.27 feet to a point; thence,
35. In a southwesterly direction S 61° 08' 07" W, a distance of 19.43 feet to a point; thence,
36. In a northwesterly direction N 37° 40' 36" W, a distance of 27.17 feet to a point; thence,
37. In a southwesterly direction S 83° 42' 05" W, a distance of 22.29 feet to a point; thence,
38. In a northwesterly direction N 59° 54' 14" W, a distance of 29.94 feet to a point; thence,

D-1884-140

39. In a southwesterly direction S 33° 09' 54" W, a distance of 19.61 feet to a point; thence,
40. In a northwesterly direction N 38° 51' 00" W, a distance of 166.26 feet to the point and place of beginning.

Encompassing an area of 17,412.36 square feet (0.400 acres).

The above description is in accordance with a survey by Michael A. Catalano, Newton, New Jersey titled "Boundary and Topographic Survey of Lot 48.03 and 48.04, Block 803", dated 30 January 1986 and revised to 22 July 1991.

MRO:de

111371-40eas.mro

REC'D & RECORDED
92 OCT -9 P3:42
HELEN C. ACKERMAN
SUSSEX COUNTY CLERK
NEWTON, NJ

2

Prepared by:

CHRISTOPHER D. QUINN, ESQ.

DEED OF EASEMENT

This Deed is made on August 26, 1993,

BETWEEN G. & H. SERVICE, INC., a corporation of the State of New Jersey,

whose address is P. O. Drawer E, Route 206 North, Newton, New Jersey 07860,

referred to as the Grantor.

AND WEIS MARKETS, INC., a corporation of the Commonwealth of Pennsylvania,

whose address is 1000 S. Second Street, P. O. Box 471, Sunbury, Pennsylvania 17801,

referred to as the Grantee.

The Grantor grants and conveys an easement over the property described below to the Grantee. This transfer is made for the sum of ONE DOLLAR (\$1.00). The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Newton

Block No. 803 Lot No. Part of 48

Purpose of Easement. The Grantor, for and in consideration of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, does hereby grant and convey to the Grantee an easement upon, over and under a portion of Lot 48, Block 803, as shown on the Tax Map of the Town of Newton and hereinafter more particularly described for the construction, maintenance, operation and repair of a drainage inlet.

Property. The property burdened by the easement consists of land in the Town of Newton, County of Sussex and State of New Jersey, more particularly described as follows:

BEGINNING at a point in the dividing line between lands of G. & H. Service, Inc., on the East and lands of Weis Markets, Inc., on the West; said point being in the 2nd line distant 1.50 feet from a concrete monument found at the 2nd corner of a tract of land described in a Deed of conveyance from Loomis J. Grossman, Jr., et al to Weis Markets, Inc., dated October 9, 1992, and recorded in the Sussex County Clerk's Office on October 13, 1992, in Book 1884 of Deeds, Pages 211 &c.; and runs thence

- 1) North 53° 59' 16" East through lands of H. Service, Inc., distant 12.50 feet to a point; thence
- 2) South 36° 00' 44" East still through said lands distant 15.00 feet to a point; thence
- 3) South 53° 59' 16 West still through said lands distant 12.50 feet to a point in said 2nd line; thence

Record & Return to:

Christopher D. Quinn, Esq.
Morris, Downing & Sherrard
One Main Street
P. O. Box 67
Newton, NJ 07860

Consideration: \$ 1.00 Exempt Code: E

County	State	N.P.N.R.F.	Total
0.00	0.00	0.00	0.00
Date: 11/29/1993			

93 NOV 22 11 31 AM '93
SUSSEX COUNTY CLERK

4) North 36° 00' 44" West in a reverse direction along said 2nd line distant 15.00 feet to the point and place of BEGINNING.

This description written June 16, 1993, by Michael A. Catalano, Land Surveyor, Newton, N.J.

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Attest:

G. & H. SERVICE, INC.

William Bruce Gordon
William Bruce Gordon, Sec.

By B. Douglas Gordon
B. Douglas Gordon, Pres.

STATE OF NEW JERSEY, COUNTY OF SUSSEX SS:

I CERTIFY that on August 26, 1993
William Bruce Gordon
personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of G. & H. Service, Inc., the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is B. Douglas Gordon the President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on August 26, 1993.

Barbara M. Clark
Notary Public of New Jersey

William Bruce Gordon Sec.

BARBARA M. CLARK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 27, 1996

RECORDED
93 NOV 29 PM 1:02
SUSSEX COUNTY CLERK
NEW JERSEY

(17)

93-33784

D-1971-263

Prepared by: CHRISTOPHER D. QUINN, ESQ.

DEED OF EASEMENT

This Deed is made on November 19, 1993
BETWEEN **WEIS MARKETS, INC.**, a corporation of the
Commonwealth of Pennsylvania,
whose address is 1000 S. Second Street, P. O. Box 471,
Sundbury, Pennsylvania 17801,
referred to as the Grantor.

AND
TOWN OF NEWTON, a political subdivision of the
State of New Jersey having administrative
offices at 39 Trinity Street, Newton, New
Jersey 07860,
referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and
all Grantees listed above.

The Grantor grants and conveys an easement over the
property described below to the Grantee. This transfer is
made without monetary consideration (EXEMPT).

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality
of Newton
Part of Block No. 803 Lots No. 48.03 & No. 48.04

Purpose of Easement. Grantee shall have the right to
construct, alter, maintain and replace a waterline over and
through the Grantor's lands as described below, together with
the free right to enter and depart over and across such
property and other adjacent property of Grantor to effect the
purpose of this easement.

Property. The property consists of land in the Town of
Newton, County of Sussex and State of New Jersey. The legal
description is:

- BEGINNING at a point in the dividing line between lands
of the Town of Newton on the West and lands of Weis Markets,
Inc., on the East where the same is intersected by the
northerly line of the existing waterline easement as described
in Book 853 of Deeds, pages 389 &c., said point being in the
11th line distant 79.82 feet from the 11th corner of the
entire tract of which this is a part; said point also being
7.5 feet northerly from the existing 8" waterline running
through this lot; and runs thence
- 1) N. 42° 12' 37" E parallel to and distant 7.5 feet
from the existing 8" waterline distant 157.42 feet to a bend;
thence
 - 2) N. 60° 51' 29" E approximately parallel to and
distant 7.5 feet from the existing 8" waterline distant 165.54
feet to a bend; thence

Record & Return to:
Sunford Lloyd Hollander, Esq.
Trapasso, Doian & Hollander
40 Park Place
Newton, NJ 07860

RECORDED
93 DEC 21 AM 11:02
SUNFORD LLOYD HOLLANDER, ESQ.
TRAPASSO, DOIAN & HOLLANDER
40 PARK PLACE
NEWTON, NJ 07860

County	State	N.P.N.R.F.	Lot	Exempt Code
00	00	00	00	E

Consideration: 1

D-1971-264

3) N. 15° 45' 33" E parallel to and distant 7.5 feet from the existing 8" waterline distant 114.68 feet to a bend; thence

4) N. 41° 15' 39" W approximately parallel to and distant 7.5 feet from the existing 8" waterline distant 193.10 feet to a point in the southerly line of the sewer and waterline easement to be dedicated to the Town of Newton; thence

5) N. 43° 48' 23" E along said southerly line parallel to and distant 7.5 feet from the existing 8" waterline distant 15.05 feet to a point; thence

6) S. 41° 15' 39" E parallel to and distant 15 feet from the 4th line described above distant 202.55 feet to a bend; thence

7) S. 15° 45' 33" W parallel to and distant 15 feet from the 3rd line described above distant 56.25 feet to a bend; thence

8) S. 67° 37' 51" E parallel to and distant 7.5 feet from the existing 8" waterline distant 44.31 feet to a bend; thence

9) S. 32° 53' 18" E parallel to and distant 7.5 feet from the existing 8" waterline distant 16.78 feet to a point in the dividing line between lands of George Miller on the South and lands of Weis Markets, Inc., on the North; thence

10) S. 23° 32' 05" W along said dividing line distant 18.00 feet to a point; thence

11) N. 32° 53' 18" W parallel to and distant 7.5 feet from the existing 8" waterline distant 22.04 feet to a bend; thence

12) N. 67° 37' 51" W parallel to and distant 7.5 feet from the existing 8" waterline distant 37.87 feet to a bend; thence

13) S. 15° 45' 33" W parallel to and distant 7.5 feet from the existing 8" waterline distant 57.71 feet to a bend; thence

14) S. 60° 51' 29" W parallel to and distant 15.0 feet from the 2nd line described above distant 169.31 feet to a bend; thence

15) S. 42° 12' 37" W parallel to and distant 7.5 feet from the existing 8" waterline distant 157.32 feet to a point in the dividing line between lands of the Town of Newton on the West and lands of Weis Markets, Inc., on the East; thence

16) N. 38° 51' 00" W along said dividing line distant 15.18 feet to the point and place of BEGINNING.

This description written May 10, 1993, by Michael A. Catalano, Land Surveyor, Newton, N. J.

Being a portion of the same premises conveyed to the Grantor herein by deed dated October 9, 1992, and recorded in the Sussex County Clerk's Office on October 13, 1992, in Deed Book 1884 at Page 211 &c.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the

property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Attest:

WEIS MARKETS, INC.

Norman S. Rich
Norman S. Rich, Sec.

By Robert F. Weis
Robert F. Weis, V. Pres.

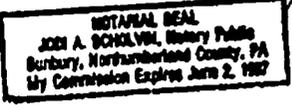
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF NORTHUMBERLAND SS:

I CERTIFY that on November 19, 1993, Norman S. Rich personally came before me, and this person acknowledged under oath, to my satisfaction, that:
(a) this person is the Vice President Secretary of Weis Markets, Inc., the corporation named in this document;
(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is Robert F. Weis, the Vice President of the corporation;
(c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
(d) this person knows the proper seal of the corporation which was affixed to this document; and
(e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on November 19, 1993

Judith A. Scholvin
Notary Public of Pennsylvania

Norman S. Rich
Norman S. Rich, Sec.



RECEIVED
93 DEC 23 11:21
SECRETARY OF STATE

3

D-1971-266

93-33785

Prepared by:


CHRISTOPHER D. QUINN, ESQ.

DEED OF EASEMENT

This Deed is made on November 19, 1993.

BETWEEN WEIS MARKETS, INC., a corporation of the Commonwealth of Pennsylvania,

whose address is 1000 S. Second Street, P. O. Box 471, Sunbury, Pennsylvania 17801,

referred to as the Grantor.

AND TOWN OF NEWTON, a political subdivision of the State of New Jersey having administrative offices at 39 Trinity Street, Newton, New Jersey 07860,

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

The Grantor grants and conveys an easement over the property described below to the Grantee. This transfer is made without monetary consideration (EXEMPT).

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Newton

Part of Block No. 803 Lot No. 48.03

Purpose of Easement. Grantee shall have the right to construct, alter, maintain and replace a sanitary sewer line, waterline, and all necessary laterals and manholes on and through the Grantor's lands as described below, together with the free right to enter and depart over and across such property and other adjacent property of Grantor to effect the purpose of this easement.

Property. The property consists of land in the Town of Newton, County of Sussex and State of New Jersey. The legal description is:

BEGINNING at a point in the dividing line between lands of the Town of Newton on the West and lands of Weis Markets, Inc., on the East, said point being in the 11th line distant 460.55 feet from the 11th corner of the entire tract of which this is a part; said point also being 7.5 feet northerly at right angles from the existing 8" sanitary sewer line running through this lot; and runs thence

1) S. 87° 15' 19" E parallel to and distant 7.5 feet from the existing 8" sanitary sewer line distant 36.89 feet to a bend; thence

2) N. 43° 48' 23" E parallel to and distant 7.5 feet from the existing 8" sewer line distant 374.25 feet to a bend; thence

Record & Return to:

Sanford Lloyd Hollander, Esq.
Trapasso, Dolan & Hollander
40 Park Place
Newton, NJ 07860

Consideration: \$

0.00

Except Credit: \$

0.00

State N.P.M.L.F.

0.00

Total

0.00

0.00

0.00

DATE 12/23/1993

RECORDED
20:11:21 12/23/93

3) S. 46° 11' 37" E parallel to and distant 7.5 feet from the existing 8" sanitary sewer line distant 119.64 feet to a bend; thence

4) N. 43° 48' 23" E parallel to and distant 7.5 feet from the existing 8" sanitary sewer line, distant 31.96 feet to a point in the dividing line between lands of G. & H. Service, Inc., on the east and lands of Weis Markets, Inc., on the West; thence

5) S. 46° 11' 37" E along said dividing line distant 28.00 feet to a point 7.5 feet southerly from the existing 8" water line running through this lot; thence

6) S. 43° 48' 23" W parallel to and distant 7.5 feet from the existing 8" water line and parallel to and distant 20.5 feet from the existing 8" sanitary sewer line distant 46.96 feet to a bend; thence

7) N. 46° 11' 37" W parallel to and distant 7.5 feet from the existing 8" sanitary sewer line distant 132.64 feet to a bend; thence

8) S. 43° 48' 23" W parallel to and distant 7.5 feet from the existing 8" sanitary sewer line distant 366.08 feet to a bend; thence

9) N. 87° 15' 19" W parallel to and distant 7.5 feet from the existing 8" sanitary sewer line distant 30.40 feet to a point in the aforementioned dividing line between the Town of Newton on the West and Weis Markets, Inc., on the East; thence

10) N. 38° 51' 00" W along said dividing line distant 20.06 feet to the point and place of BEGINNING.

This description written May 10, 1993, by Michael A. Catalano, Land Surveyor, Newton, N.J.

Being a portion of the same premises conveyed to the Grantor herein by deed dated October 9, 1992, and recorded in the Sussex County Clerk's Office on October 13, 1992, in Deed Book 1884 at Page 211 &c.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Attest:

Norman S. Rich
Norman S. Rich, Sec.

WEIS MARKETS, INC. ^{AMOUNTS} ₂₄₆

By *Robert F. Weis*
Robert F. Weis, V. Pres.

D-1971-268

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF NORTHUMBERLAND SS:

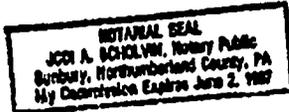
I CERTIFY that on November 19th, 1993, *November*
Norman S. Rich personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the *Vice President*/Secretary of Weis Markets, Inc., the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is Robert F. Weis, the *Vice* President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on *November 19, 1993*

Jodi A. Scholvin
Notary Public of Pennsylvania

Norman S. Rich
Norman S. Rich, Sec.



RECORDED
INDEXED
63 DEC 23 4:11:22
COMMERCIAL RECORDS SECTION

93-33786

1971-269

Prepared by:

CHRISTOPHER D. QUINN, ESQ.

DEED OF EASEMENT

This Deed is made on November 19, 1993

BETWEEN WEIS MARKETS, INC., a corporation of the Commonwealth of Pennsylvania,

whose address is 1000 S. Second Street, P. O. Box 471, Sunbury, Pennsylvania 17801,

referred to as the Grantor.

AND TOWN OF NEWTON, a political subdivision of the State of New Jersey having administrative offices at 39 Trinity Street, Newton, New Jersey 07860,

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

The Grantor grants and conveys an easement over the property described below to the Grantee. This transfer is made without monetary consideration (EXEMPT).

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of Newton

Part of Block No. 803 Lot No. 48.04

Purpose of Easement. Grantee shall have the right to construct, alter, maintain and replace a waterline and fire hydrant on and through the Grantor's lands as described below, together with the free right to enter and depart over and across such property and other adjacent property of Grantor to effect the purpose of this easement.

Property. The property consists of the land and all the buildings and structures on the land in the Town of Newton, County of Sussex and State of New Jersey. The legal description is:

BEGINNING at a point in the dividing line between lands of G & H Service, Inc. on the east and lands of Weis Markets, Inc., on the West; said point being in the second line distant 70.72 feet from a concrete monument found at the second corner of the entire tract of which this is a part; said point also being 7.5 feet northerly from the easterly prolongation of the existing six-inch water main on this lot; and runs thence

1) South 36 degrees 00 minutes 44 seconds East along said dividing line and along the second line of said entire tract, distant 15.01 feet to a point; thence

2) South 51 degrees 22 minutes 24 seconds West, parallel to and distant 7.5 feet from the existing six-inch water main, distant 30.54 feet to a point in the easterly line of another water line easement dedicated to the Town of Newton; thence

3) North 41 degrees 15 minutes 39 seconds West along said easterly line, distant 15.01 feet to a point; thence

Record & Return to:

Sanford Lloyd Hollander, Esq.
Trapasso, Dolan & Hollander
40 Park Place
Newton, NJ 07860

Consideration: 1 0.00 Easement Code: E
County State F.P.A.R.F. Total
0.00 0.00 0.00 0.00
Date: 12/21/93

RECORDED
21 APR 11 02
NEWTON, NJ

D-1971-270

4) North 51 degrees 22 minutes 24 seconds East, parallel to and distant 7.5 feet from the existing six-inch water main, distant 31.91 feet to the point and place of beginning.

This description written June 9, 1993, by Michael A. Catalano, Land Surveyor, Newton, N.J.

Being the same premises conveyed to the Grantor herein by deed dated October 9, 1992, and recorded in the Sussex County Clerk's Office on October 13, 1992, in Book 1884 at Page 211 &c.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Attest:

Norman S. Rich
Norman S. Rich, Sec.

WEIS MARKETS, INC. ^{11/23/93}

By *Robert F. Weis*
Robert F. Weis, V. Pres.

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF NORTHUMBERLAND SS:

I CERTIFY that on November 19, 1993, Norman S. Rich personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the *Norman S. Rich* Secretary of Weis Markets, Inc., the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is Robert F. Weis, the *Robert F. Weis* President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on November 19, 1993

John A. Somers, III
Notary Public of Pennsylvania



Norman S. Rich
Norman S. Rich, Sec.

RECORDED & INDEXED
53 DEC 23 AM 11:22
CLERK

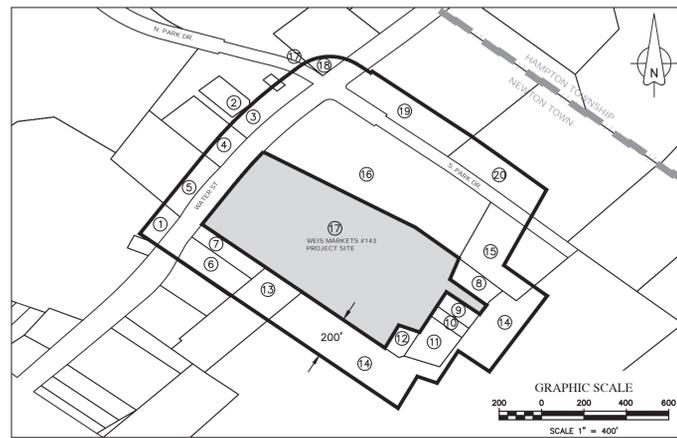
AMENDED SITE PLAN WEIS MARKETS GAS-N-GO #143

WEIS MARKETS, INC TOWN OF NEWTON SUSSEX COUNTY, NEW JERSEY

FIRST CAPITAL ENGINEERING
 48 South Richland Avenue
 York, PA 17404
 Phone (717) 845-FCAP
 FAX (717) 852-7891

Gettysburg, PA 17325
 Phone (717) 337-3827
 www.FCAP.com

☆ CIVIL ENGINEERS ☆ MUNICIPAL ENGINEERS ☆ ENVIRONMENTAL SCIENTISTS ☆
 ☆ LANDSCAPE ARCHITECTS ☆ PLANNERS ☆ SURVEYORS ☆



FCE # 117-50A
 DATE: 11-19-19
 PROJECT MANAGER: JMG
 DRAWN BY: THR
 CHECKED BY:



PROPERTY LOCATION
 THE PROPERTY IS LOCATED AT:
 119 WATER STREET
 NEWTON, NEW JERSEY 07860

CERTIFIED LIST OF PROPERTY OWNERS

- | | | | |
|---|---|--|---|
| <p>①
BLOCK- 3.04
LOT- 1
PARCEL #- 1915-3.04-16
OWNER- WATER ST. AND NORTH PARK DRIVE, LLC
15 RT 206 PO BOX 158 NEWTON, NJ 07860
PROPERTY LOCATION- 127 MILL ST TO WATER</p> <p>②
BLOCK- 3.04
LOT- 16-CBLD1
PARCEL #- 1915-3.04-16-CBLD1
OWNER- 206 & NORTH PARK DR. , C/O ENERNOG INC.
PO BOX 2440 SPOKANE, WA 99210
PROPERTY LOCATION- 126 WATER ST.</p> <p>③
BLOCK- 3.04
LOT- 16-CBLD2
PARCEL #- 1915-3.04-16-CBLD2
OWNER- 206 & NORTH PARK DR. , C/O DUNKIN BRAND
130 ROYALL STREET CANTON, MA 02021
PROPERTY LOCATION- 128 WATER ST.</p> <p>④
BLOCK- 3.04
LOT- 18
PARCEL #- 1915-3.04-18
OWNER- WATER ST. & NORTH PARK DRIVE, LLC
PO BOX 158 NEWTON, NJ 07860
PROPERTY LOCATION- 124 WATER ST.</p> <p>⑤
BLOCK- 3.04
LOT- 19
PARCEL #- 1915-3.04-19
OWNER- WATER ST. & NORTH PARK DRIVE, LLC
PO BOX 2609 CARLSBAD, CA 92018
PROPERTY LOCATION- 122 WATER ST.</p> <p>⑥
BLOCK- 9.03
LOT- 14
PARCEL #- 1915-9.03-14
OWNER- SUSSEX CAR WASH, T/A CHUCKS CAR WASH
115 WATER ST. NEWTON, NJ 07860
PROPERTY LOCATION- 115 WATER ST.</p> | <p>⑦
BLOCK- 9.03
LOT- 15
PARCEL #- 1915-9.03-15
OWNER- SULLIVAN, CATHERINE M.
8849 HIGH BANKS DR. EASTON, MD 21601
PROPERTY LOCATION- 117 WATER ST.</p> <p>⑧
BLOCK- 9.03
LOT- 17
PARCEL #- 1915-9.03-17
OWNER- MILLER, III GEORGE M.
10 SOUTH PARK DR. NEWTON, NJ 07860
PROPERTY LOCATION- SOUTH PARK DR. REAR.</p> <p>⑨
BLOCK- 9.03
LOT- 18
PARCEL #- 1915-9.03-18
OWNER- 119 WATER STREET LLC./ ZIOGAS, R.
35 FOX TRAIL RD. SPARTA, NJ 07871
PROPERTY LOCATION- 119 WATER ST. REAR</p> <p>⑩
BLOCK- 9.03
LOT- 19
PARCEL #- 1915-9.03-19
OWNER- RONETCO SUPERMARKETS, INC.
1070 RT 46 LEDGEWOOD, NJ 07852
PROPERTY LOCATION- 119 WATER ST. REAR</p> <p>⑪
BLOCK- 9.03
LOT- 20
PARCEL #- 1915-9.03-20
OWNER- GEORGE & LINDA MILLER, LLC
157 HUNTS POND RD. NEWTON, NJ 07860
PROPERTY LOCATION- 119 WATER ST. REAR</p> | <p>⑫
BLOCK- 9.03
LOT- 21
PARCEL #- 1915-9.03-21
OWNER- GEORGE & LINDA MILLER, LLC
157 HUNTS POND RD. NEWTON, NJ 07860
PROPERTY LOCATION- 119 WATER ST. REAR</p> <p>⑬
BLOCK- 9.03
LOT- 22
PARCEL #- 1915-9.03-22
OWNER- TOWN OF NEWTON
39 TRINITY ST. NEWTON, NJ 07860
PROPERTY LOCATION- 111 MORAN ST. EXT</p> <p>⑭
BLOCK- 10.01
LOT- 1
PARCEL #- 1915-10.01-1
OWNER- TOWN OF NEWTON
39 TRINITY ST NEWTON, NJ 07860
PROPERTY LOCATION- 117 MORAN ST EXT</p> <p>⑮
BLOCK- 10.01
LOT- 3
PARCEL #- 1915-10.01-3
OWNER- MILLER, III GEORGE M.
10 SOUTH PARK DR. NEWTON, NJ 07860
PROPERTY LOCATION- 10 SOUTH PARK DR.</p> <p>⑯
BLOCK- 10.01
LOT- 4
PARCEL #- 1915-10.01-4
OWNER- G&H SERVICE, INC.
150 ROUTE 521 NEWTON, NJ 07860
PROPERTY LOCATION- 121 WATER ST.</p> <p>⑰
BLOCK- 9.03
LOT- 16
PARCEL #- 1915-9.03-16
OWNER- WEIS MARKET, INC
PO BOX 1332 BUFFALO, NY 14205
PROPERTY LOCATION- 119 WATER ST.</p> | <p>⑱
BLOCK- 3.03
LOT- 2
PARCEL #- 1915-3.03-2
OWNER- SOMERSET TIRE SERVICE, INC
358 SAW MILL RIVER RD MILLWOOD, NJ 10546
PROPERTY LOCATION- 134 WATER ST.</p> <p>⑲
BLOCK- 3.03
LOT- 3
PARCEL #- 1915-3.03-3
OWNER- WATER ST AND NORTH PARK DRIVE, LLC
NEWTON, NJ 07860
PROPERTY LOCATION- 2 NORTH PARK DRIVE</p> <p>⑳
BLOCK- 10.01
LOT- 5
PARCEL #- 1915-10.01-5
OWNER- NEWTON 213, LLC C/O RONETCO
1070 RT 46 LEDGEWOOD, NJ 07852
PROPERTY LOCATION- 125 WATER ST</p> <p>㉑
BLOCK- 10.01
LOT- 6
PARCEL #- 1915-10.01-6
OWNER- STATE OF NEW JERSEY DOT
EGERTS CROSSING RD CN34
TRENTON, NJ 08625
PROPERTY LOCATION- 5 SOUTH PARK DR.</p> |
|---|---|--|---|

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
CS	COVER SHEET
C-1	GENERAL NOTES
C-2	EXISTING CONDITIONS PLAN
C-3	SITE LAYOUT PLAN
C-4	GRADING AND UTILITY PLAN
C-5	EROSION AND SEDIMENTATION CONTROL PLAN
C-6	BUILDING-CANOPY-SIGNAGE PLAN
C-7	LIGHTING PLAN
C-8	EXISTING STRUCTURES MAP

PLANNING BOARD APPROVAL

APPROVED BY THE PLANNING BOARD OF THE TOWN OF NEWTON, SUSSEX COUNTY, NEW JERSEY

PLANNING BOARD CHAIRPERSON	DATE
PLANNING BOARD SECRETARY	DATE
PLANNING BOARD ENGINEER	DATE

ENGINEER'S CERTIFICATION

I, JOHN J. LUCIANI, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS MINOR SITE PLAN WAS PREPARED USING ACCEPTED ENGINEERING METHODS AND TO THE BEST OF MY KNOWLEDGE, REPRESENTS PROPOSED IMPROVEMENTS PLOTTED UNDER MY DIRECTION FOR THE OWNERS OR AGENTS.

JOHN J. LUCIANI, PROFESSIONAL ENGINEER, NJ NO. 24GE05060700
 FIRST CAPITAL ENGINEERING, INC.
 48 SOUTH RICHLAND AVE.
 YORK, PA 17404
 (717) 845-3227

DATE _____



SITE DATA

OWNER:	WEIS MARKETS, INC. 1000 SOUTH SECOND STREET PO BOX 471 SUNBURY, PA 17801
MAP SHEET:	9
BLOCK:	9.03
LOT:	16
DEED BOOK:	1884
DEED PAGE:	0211
PROPERTY LOCATED AT:	119 WATER STREET NEWTON, NJ 07860
EX. PROPERTY AREA:	391,587 S.F./8.9896 ACRES (GROSS) 375,438 S.F./8.6189 ACRES (NET)
EX. LOT COVERAGE:	253,980.92 S.F. 64.86%
PR. LOT COVERAGE:	253,868.98 S.F. 64.83%
DISTURBED AREA:	27,796.33 S.F. 0.6831 ACRES
ZONING DISTRICT:	SD-3 RETAIL-MANUFACTURING DISTRICT
MINIMUM BUILDING SETBACK LINES:	
A MINIMUM FRONT YARD:	6 FT. MIN., 18 FT. MAX.
B MINIMUM SIDE YARD:	10 FT. MIN.
C MINIMUM REAR YARD:	3 FT. MIN.
MAXIMUM LOT COVERAGE:	70%
MINIMUM LOT WIDTH:	50 FT.
MAXIMUM BUILDING HEIGHT:	4 STORIES/50 FT. MAX. (2 STORY MIN. FACADE)
EXISTING WATER SUPPLY:	PUBLIC
EXISTING SEWER SUPPLY:	PUBLIC

No.	DATE	REVISION	BY
2	3-12-20	PER NEWTON WATER AND SEWER UTILITY	TSC
1	3-12-20	REV PER HPA INC REVIEW 3/12/20	TSC
No.	DATE	REVISION	BY

CONSTRUCTION SEQUENCE

- 1. AT LEAST 7 DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES...
2. AT LEAST 3 DAYS BEFORE STARTING ANY EARTH DISTURBANCE ACTIVITIES...
3. CLEARLY FIELD MARK THE LOCATIONS OF THE LIMITS OF DISTURBANCE AS SHOWN ON THE PLAN DRAWING...
4. INSTALL ROCK CONSTRUCTION ENTRANCE ACCORDING TO THE PLAN AND DETAILS...
5. INSTALL FILTER SALT SOX SHOWN ON PLAN...
6. INSTALL SANITARY SEWER LATERAL AS SHOWN ON THE PLAN...
7. INSTALL UNDERGROUND GASOLINE STORAGE TANKS...
8. INSTALL PROPOSED WATER LINE AS SHOWN ON THE PLAN...
9. INSTALL UNDERGROUND ELECTRIC AS SHOWN ON THE PLAN...
10. INSTALL PROPOSED PVC ROOF LEADERS AND TIE INTO THE EXISTING INLET...
11. GRADE THE SITE TO CONTOUR AS SHOWN ON THE PLAN...
12. INSTALL CONCRETE CURB, CONCRETE PAVING AND BITUMINOUS BASE COURSE...
13. CONSTRUCT GASOLINE PUMPS, THE CANOPY AND GAS STATION ATTENDANT'S KIOSK...
14. INSTALL BITUMINOUS SURFACE COURSE...
15. UPON COMPLETION OF ALL EARTH DISTURBANCE ACTIVITIES...
16. WITH PERMISSION OF THE SUSSEX COUNTY CONSERVATION DISTRICT...
17. UPON COMPLETION OF ALL EARTH DISTURBANCE ACTIVITIES...
18. THE ORDER OF THE ABOVE SCHEDULE IS SUBJECT TO CHANGE...
19. FUEL DELIVERIES TO THE WEIS MARKETS GAS-N-GO ARE LIMITED...

STANDARD EROSION AND SEDIMENT CONTROL NOTES

- 1. ALL SEDIMENT AND EROSION CONTROL PRACTICES ARE TO BE INSTALLED PRIOR TO ANY MAJOR SOIL DISTURBANCE...
2. EXCAVATED SOIL MATERIAL SHALL NOT BE PLACED ADJACENT TO RIVERS, STREAMS OR BODIES OF WATER...
3. ALL DISTURBED AREAS NOT SCHEDULED FOR CONSTRUCTION ACTIVITIES WITHIN 60 DAYS OF DISTURBANCE...
4. CONTROL MEASURES FOR NON-GROWING SEASON STABILIZATION OF EXPOSED AREAS...
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE "STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL...
6. A CRUSHED STONE VEHICLE WHEEL-CLEANING BLANKET WILL BE INSTALLED...
7. MULCHING SHALL BE DONE AT THE RATE OF 80 LBS./1000 SQUARE FEET...
8. ALL REVISIONS, AFTER DISTRICT CERTIFICATION HAS BEEN GRANTED...
9. THE SUSSEX COUNTY SCD MUST BE NOTIFIED AT LEAST 48 HOURS IN ADVANCE...
10. THE OWNER/APPLICANT WILL OBTAIN THE DISTRICT ISSUED REPORT OF COMPLIANCE...
11. ALL TOPSOIL STRIPPED AND STOCKPILED FOR USE IN FINAL GRADING...
12. TOTAL DISTURBED AREA = 0.55 ACRES...
13. DURING LAND DISTURBANCE ACTIVITIES OR CONSTRUCTION...
14. THE APPLICANT IS REQUIRED TO HAVE A COPY OF THE CERTIFIED PLAN...
15. TO THE MAXIMUM EXTENT PRACTICAL, ALL VEGETATED AREA NOT NEEDED...
16. FINAL STABILIZATION OF ALL LAND DISTURBANCES ASSOCIATED...
17. DUST IS TO BE CONTROLLED WITH WATER, CALCIUM CHLORIDE...

STABILIZATION SPECIFICATIONS

- 1. PERMANENT STABILIZATION IS DEFINED AS A MINIMUM UNIFORM 70% PERENNIAL VEGETATIVE COVER...
2. IMMEDIATELY AFTER EARTH DISTURBANCE ACTIVITIES CEASE...
3. AN EROSION CONTROL BLANKET WILL BE INSTALLED ON ALL DISTURBED SLOPES...
4. STRAW AND HAY MULCH SHOULD BE ANCHORED IMMEDIATELY AFTER APPLICATION...
5. TRACKING SLOPES IS DONE BY RUNNING TRACKED MACHINERY UP AND DOWN THE SLOPE...

EROSION NOTE

- 1. ALL EARTH DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE FOLLOWING SEQUENCE...
2. IMMEDIATELY UPON DISCOVERING UNFORESEEN CIRCUMSTANCES...
3. INSTALL EROSION & SEDIMENT CONTROLS PER THE CONSTRUCTION DETAILS...

GENERAL NOTES

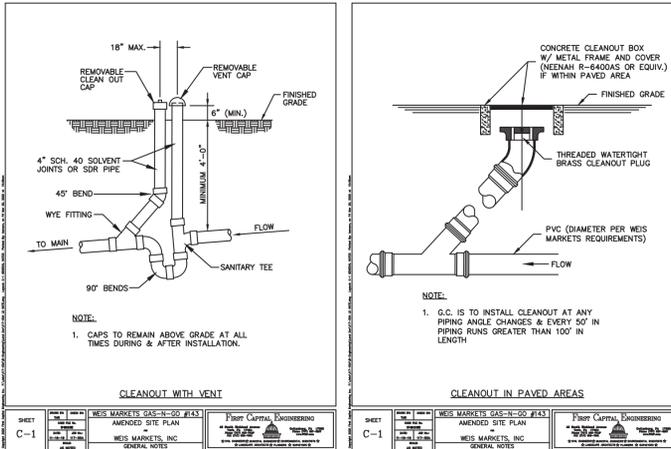
- 1. PARTIAL TOPOGRAPHIC SURVEY PREPARED BY RICHARD S. HUDSON ASSOCIATES...
2. THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A FUELING FACILITY...
3. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON...
4. BEARINGS AND COORDINATES AS SHOWN HEREON ARE BASED ON STATE PLANE COORDINATES...
5. ELEVATIONS BASED ON NAVD-88...
6. BASED ON REVIEW OF THE FLOOD INSURANCE RATE MAP...
7. NO EVIDENCE OF EARTH MOVING WAS NOTED AT TIME OF SURVEY...
8. ALL CONSTRUCTION AND WORKMANSHIP WILL BE IN ACCORDANCE WITH SUSSEX COUNTY DEPARTMENT...

GENERAL CONSTRUCTION NOTES

- 1. PRIOR TO COMMENCEMENT OF PROJECT, CONTRACTOR SHALL COORDINATE CONSTRUCTION SCHEDULE...
2. CONTRACTOR SHALL LOCATE EXISTING UTILITIES WITHIN THE PROJECT LIMITS...
3. CONTRACTOR SHALL NOT INTERRUPT EXISTING UTILITY SERVICES...
4. ALL UTILITIES SHALL BE CLEARED BY A MINIMUM OF ONE FOOT...
5. UNLESS NOTED OTHERWISE HEREIN, MISCELLANEOUS SIGNS, MAILBOXES, FENCES...
6. CONTRACTOR SHALL NOTE THAT, IN CASE OF DISCREPANCIES BETWEEN SCALED AND LABELED DIMENSIONS...
7. EXISTING BITUMINOUS OR CONCRETE PAVED AREAS OR LAWN AREAS...
8. IN FILL AREAS, COMPACTION SHALL BE TO FULL HEIGHT TO THE SPECIFIED ELEVATION...
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC AND TRAFFIC CONTROL...
10. CONTRACTOR SHALL MONITOR CONSTRUCTION VEHICLES AS REQUIRED...
11. ALL EXISTING LAWN AREAS DISTURBED BY PROPOSED CONSTRUCTION...
12. ANY LAND AREA THAT CANNOT BE ADEQUATELY STABILIZED...
13. ALL UTILITY STRUCTURES (I.E. SEWER MANHOLES, INLETS, VALVE BOXES...
14. THE OWNER(S) OF LOTS SHOWN ON THIS PLAN SHALL NOT CONSTRUCT...
15. A MINIMUM VERTICAL SEPARATION OF EIGHTEEN (18") SHALL BE MAINTAINED...
16. THE OWNER SHALL NOT CONSTRUCT, PLANT, OR MAINTAIN ANY STRUCTURES...

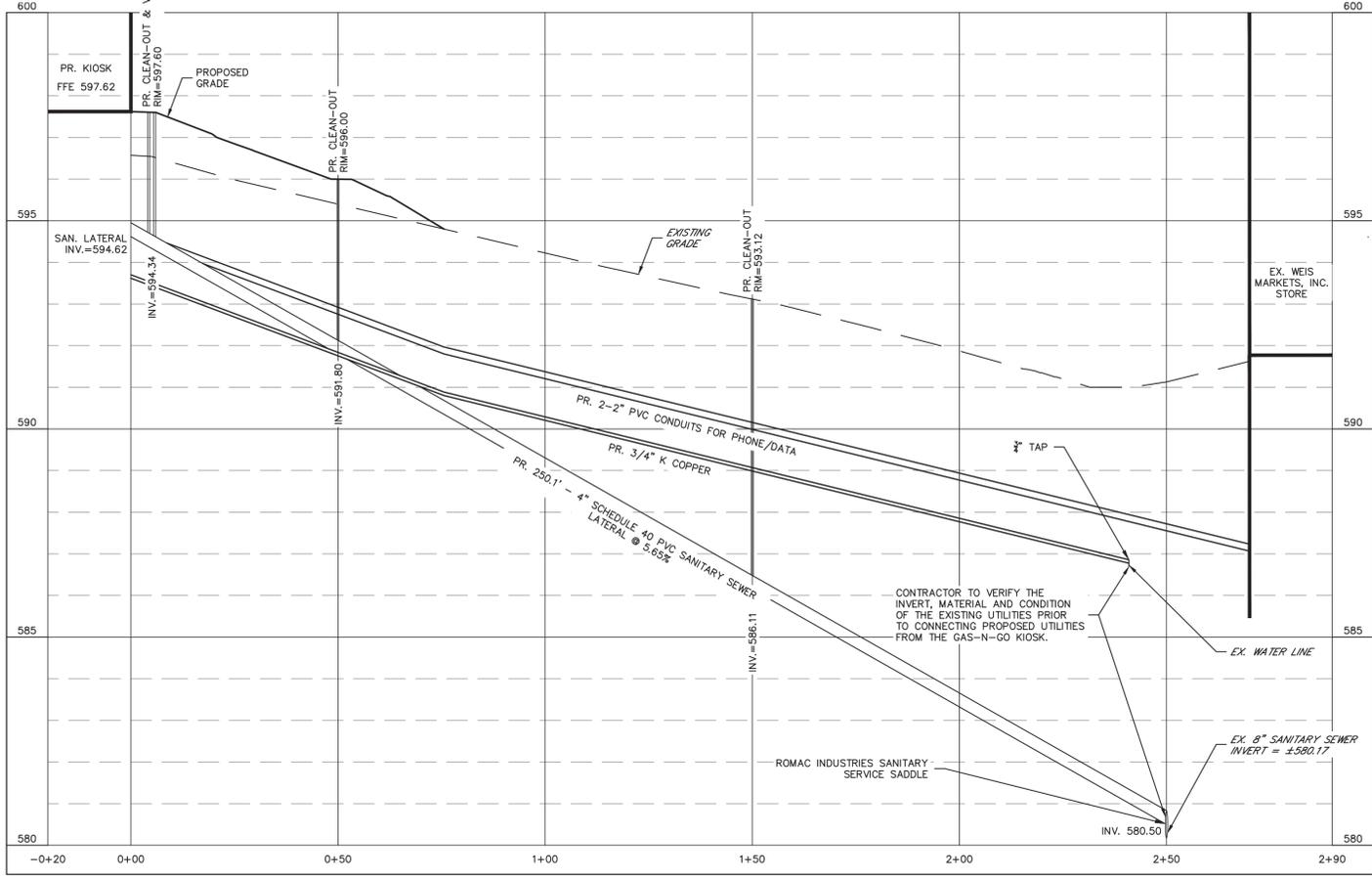
MAINTENANCE PROGRAM

- 1. UNTIL THE SITE IS STABILIZED, ALL EROSION AND SEDIMENT CONTROL BMPs...
2. THE PERMITEE AND CO-PERMITEE MUST ENSURE THAT VISUAL SITE INSPECTIONS...
3. ANY SEDIMENT REMOVED FROM BMPs DURING CONSTRUCTION...



THE CONTRACTOR SHALL PLACE TOPSOIL, TO A MINIMUM OF 6 INCHES... SEEDING & STABILIZATION (IN CONJUNCTION WITH DETAIL ES-3A) table with columns for SEED MIXTURE, SEED WEIGHT, PURITY, GERMINATION.

NOTE: EQUIVALENT SEED MIXTURES AND APPLICATION RATES MAY BE USED... SEEDING & STABILIZATION (IN CONJUNCTION WITH DETAIL ES-3) table with columns for FORMULA AND SPECIES, % BY WEIGHT, MINIMUM % PURITY, MAX. % WEED SEED, SEEDING RATE.



PROPOSED UTILITY PROFILES SCALE: HORIZ 1"=20' VERT 1"=2'

ENGINEER'S CERTIFICATION JOHN J. LUCIANI, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEW JERSEY... SHEET C-1

WEIS MARKETS GAS-N-GO #143 AMENDED SITE PLAN FOR WEIS MARKETS, INC AT 121 WATER STREET TOWN OF NEWTON SUSSEX COUNTY GENERAL NOTES SHEET C-1

LEGEND

ADJOINING PROPERTY LINE	---
EASEMENT LINE	---
CENTER LINE	---
BUILDING SETBACK LINE	---
EXISTING GRADES	---
EXISTING INDEX GRADES	---
EXISTING CURB	---
EXISTING EDGE OF PAVMENT	---
EXISTING DRAINAGE	---
EXISTING OVERHEAD ELECTRIC	---
EXISTING UNDERGROUND ELECTRIC	---
EXISTING OVERHEAD TELEPHONE	---
EXISTING UNDERGROUND TELEPHONE	---
EXISTING NATURAL GAS	---
EXISTING SANITARY SEWER	---
EXISTING WATER	---
EXISTING FENCE	---
EXISTING GUIDERAIL	---
PROPERTY LINE	---
RIGHT-OF-WAY	---
STREAM	---
100 YEAR FLOOD PLAIN	---
SOILS BOUNDARY	---
ZONING BOUNDARY	---
EXISTING TREE LINE	---
EXISTING UTILITY POLE	---
EXISTING GUY WIRE	---
EXISTING ELECTRIC MANHOLE	---
EXISTING GAS MANHOLE	---
EXISTING SANITARY SEWER MANHOLE	---
EXISTING STORM DRAIN MANHOLE	---
EXISTING TELEPHONE MANHOLE	---
EXISTING WATER MANHOLE	---
EXISTING ELECTRIC BOX	---
EXISTING TELEPHONE BOX	---
EXISTING CABLE BOX	---
EXISTING GAS VALVE	---
EXISTING GAS METER	---
EXISTING WATER VALVE	---
EXISTING FIRE HYDRANT	---
EXISTING INLET	---
EXISTING LIGHT POLE	---
EXISTING STREET SIGN	---
ACCESSIBLE PARKING	---

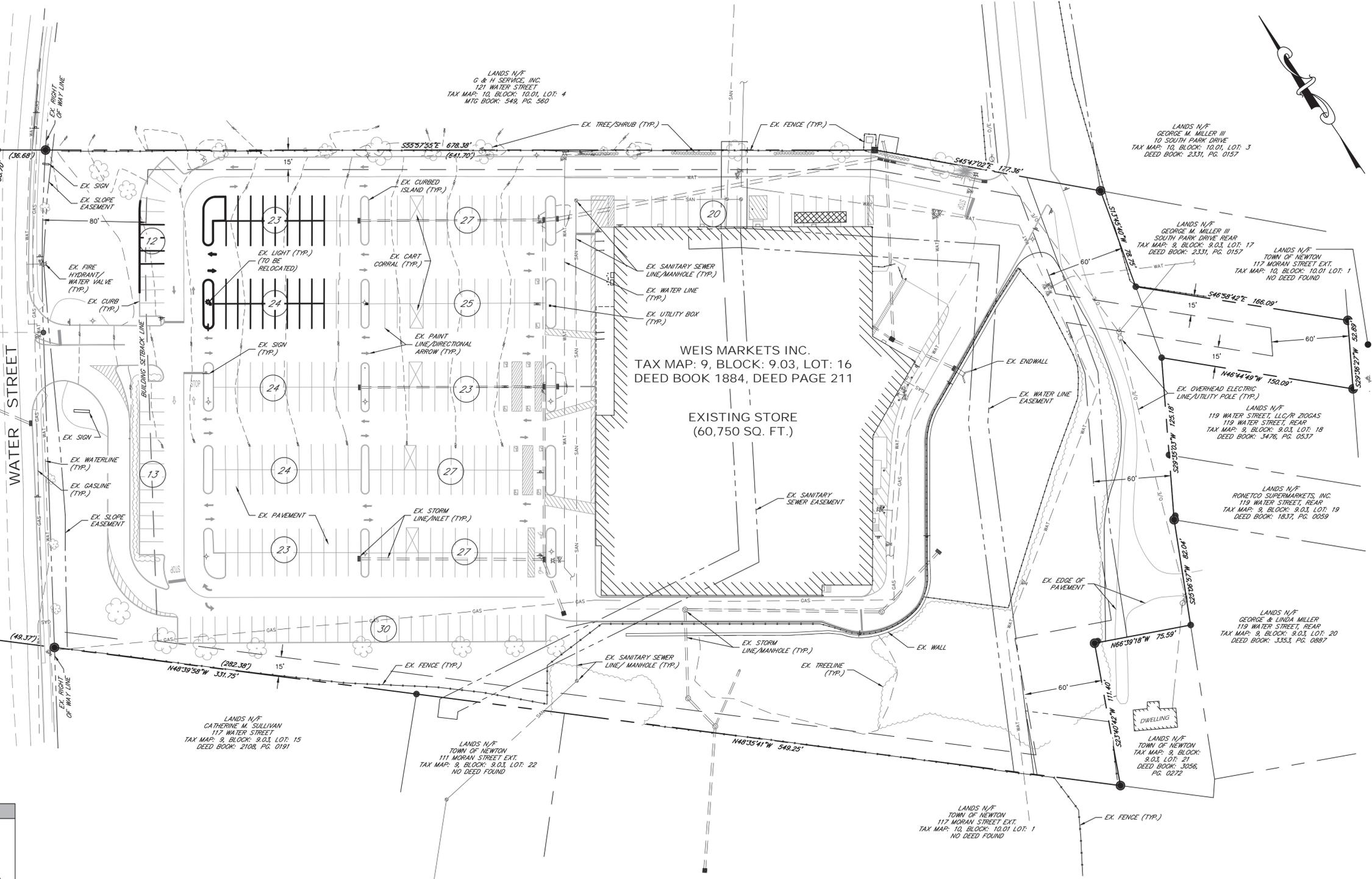
DEMOLITION NOTE:

- ALL BOLD AND/OR HATCHED ITEMS ARE TO BE REMOVED.

PARKING NOTE

PARKING SPACES REQUIRED:
SECTION 320.23 - 4 SPACES PER EACH 1,000 S.F. OF BUILDING FLOOR AREA
4 x 60,750 S.F./1,000 S.F. = 243 SPACES REQUIRED

PARKING SPACES PROVIDED:
305 EXISTING PARKING SPACES
11 EXISTING HC SPACES
6 ONLINE SHOPPING SPACES
322 EXISTING SPACES TOTAL PROVIDED
PLUS 2 LOADING SPACES (TRUCK DOCK)
328 EXISTING PARKING SPACES



ENGINEER'S CERTIFICATION

I, JOHN J. LUCIANI, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS MINOR SITE PLAN WAS PREPARED USING ACCEPTED ENGINEERING METHODS AND TO THE BEST OF MY KNOWLEDGE, REPRESENTS PROPOSED IMPROVEMENTS PLOTTED UNDER MY DIRECTION FOR THE OWNERS OR AGENTS.

JOHN J. LUCIANI, PROFESSIONAL ENGINEER, NJ NO. 24GE05060700
FIRST CAPITAL ENGINEERING, INC.
48 SOUTH RICHLAND AVE.
YORK, PA 17404
(717) 845-3227

DATE

FIRST CAPITAL ENGINEERING

48 South Richland Avenue
Gettysburg, PA 17325
Phone (717) 337-3827
www.FCEP.com
FAX (717) 865-7881

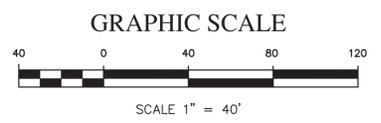
★ CIVIL ENGINEERS ★ ENVIRONMENTAL SCIENTISTS ★
★ LANDSCAPE ARCHITECTS ★ PLANNERS ★ SURVEYORS ★

No.	DATE	REVISION
2	3-12-20	PER NEWTON WATER AND SEWER UTILITY TSC
1	3-12-20	REV PER HPA INC REVIEW 3/12/20 TSC

WEIS MARKETS GAS-N-GO #143
AMENDED SITE PLAN
FOR
WEIS MARKETS, INC
AT
121 WATER STREET
TOWN OF NEWTON
SUSSEX COUNTY
EXISTING CONDITIONS PLAN

DRAWN BY:	JMG
CHECK BY:	JMG
CADD FILE No.	117-50A LD EXE
DATE:	11-19-19
JOB No.:	117-50A
SCALE:	1" = 40'

SHEET
C-2



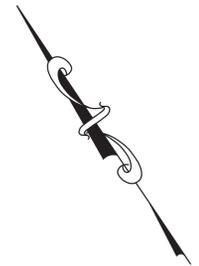
LEGEND

- ADJOINING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING CENTER LINE
- EXISTING BUILDING SETBACK LINE
- EXISTING CURB
- EXISTING FENCE
- EXISTING GUIDERAIL
- PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- STREAM
- 100 YEAR FLOOD PLAIN
- ZONING BOUNDARY
- EXISTING TREE LINE
- EXISTING STREET SIGN

- EXISTING ACCESSIBLE PARKING
- PROPOSED RIGHT-OF-WAY
- PROPOSED CURB
- PROPOSED FENCE
- PROPOSED TREE LINE
- PROPOSED STREET SIGN

PROPOSED ACCESSIBLE PARKING

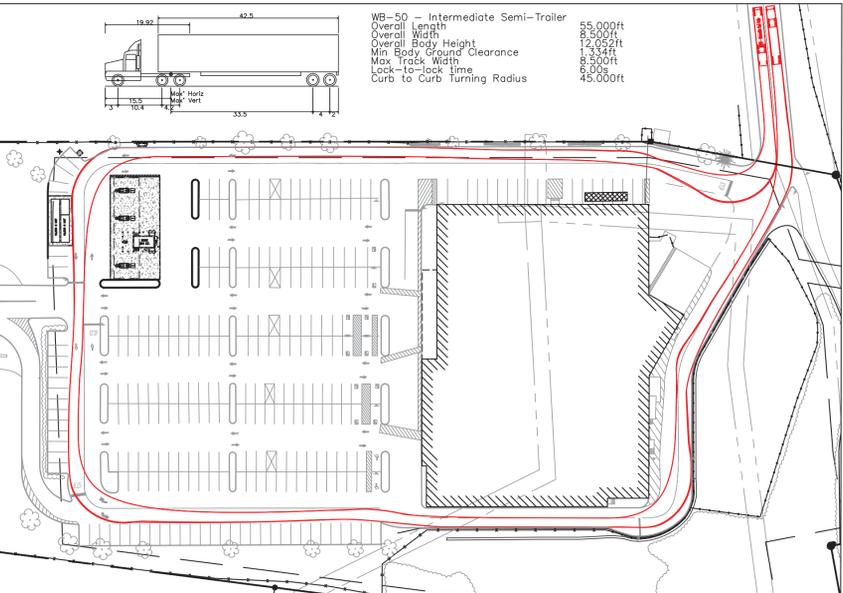
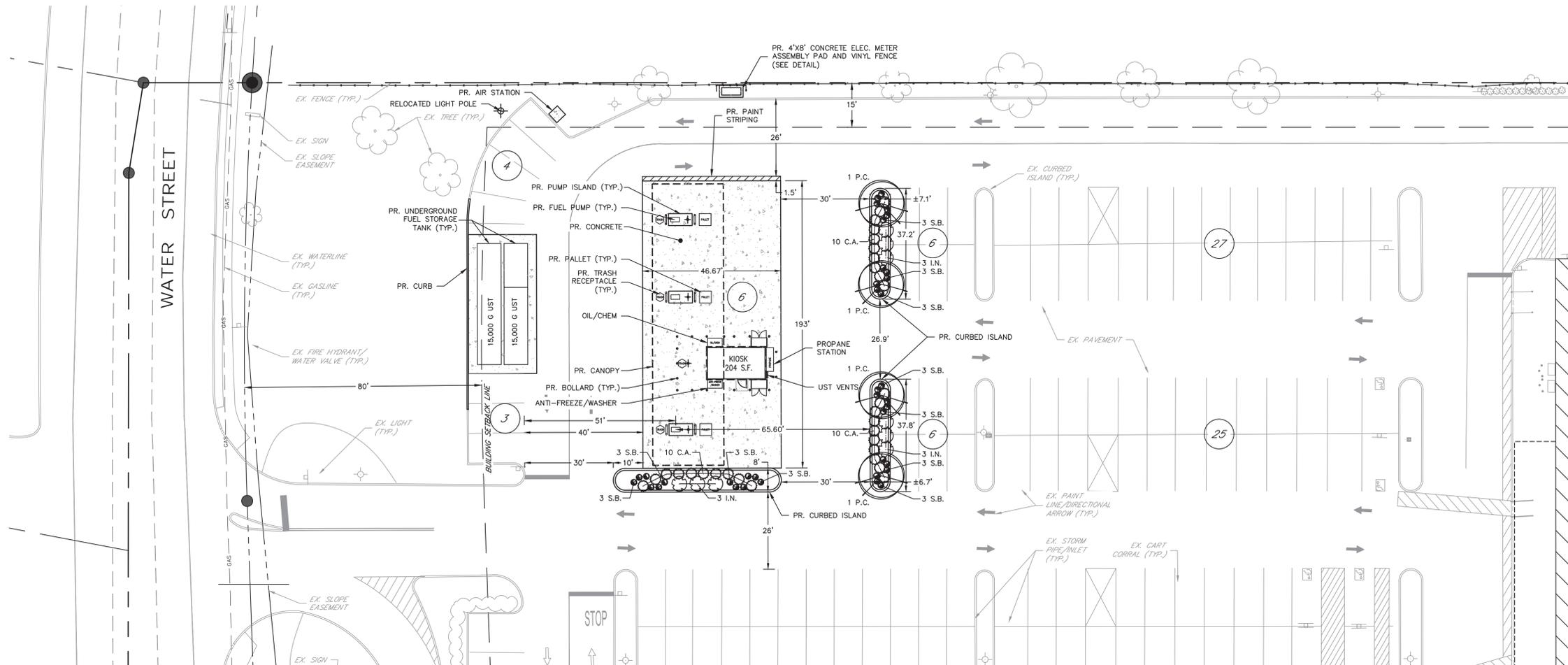
PARKING NOTE	
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SECTION 320.23 - 4 SPACES PER EACH 1,000 S.F. OF BUILDING FLOOR AREA	
4 x 60,750 S.F./1,000 S.F. = 243 SPACES REQUIRED	
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305 EXISTING PARKING SPACES	
11 EXISTING HC SPACES	
6 ONLINE SHOPPING SPACES	
322 EXISTING SPACES TOTAL PROVIDED	
PLUS 2 LOADING SPACES (TRUCK DOCK)	
40 PARKING SPACES ELIMINATED PER THIS PLAN:	
6 SPACES PROVIDED AT FUELING POSITIONS	
34 SPACES TOTAL ELIMINATED PER THIS PLAN	
288 TOTAL PARKING SPACES REMAIN AS A RESULT OF THIS PROJECT	



GRAPHIC SCALE

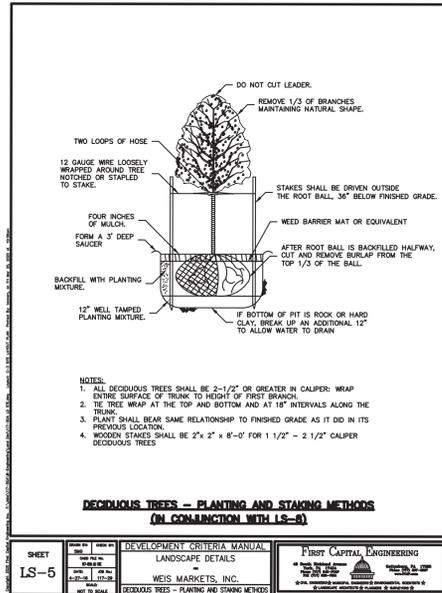


SCALE 1" = 40'

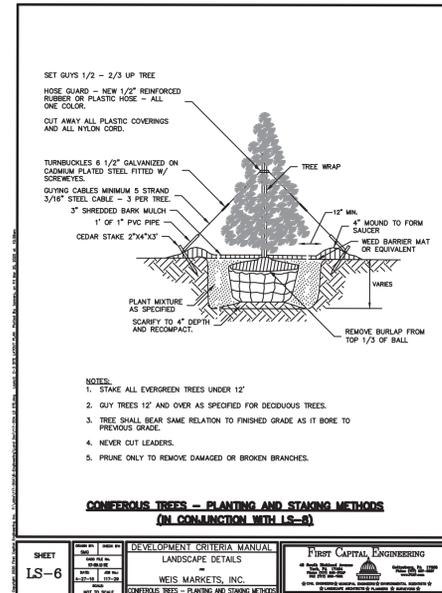


WB-50 - Intermediate Semi-Trailer	55,000ft
Overall Length	85.00ft
Overall Width	11.00ft
Overall Body Height	11.00ft
Min. Body Ground Clearance	1.50ft
Max. Truck Width	8.50ft
Lock-to-lock time	6.00ft
Curb to Curb Turning Radius	45.00ft

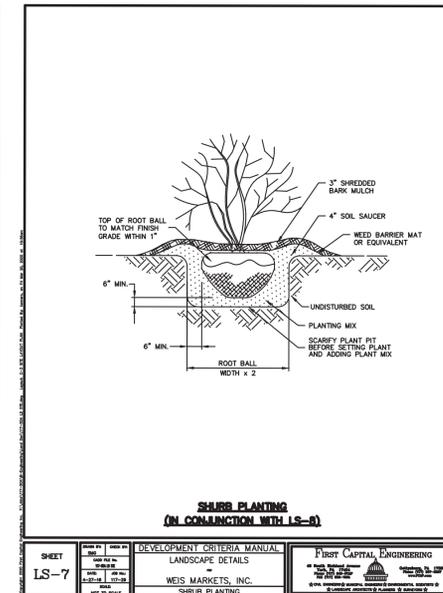
TRUCK TURNING EXHIBIT - WB-50 TRUCK



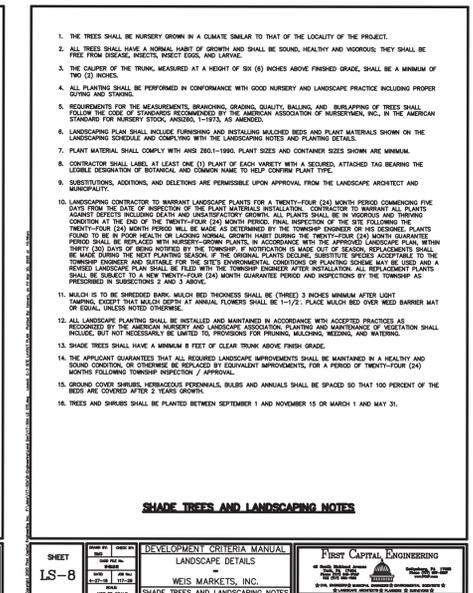
DECIDUOUS TREES - PLANTING AND STAKING METHODS (IN CONJUNCTION WITH LS-5)



CONIFEROUS TREES - PLANTING AND STAKING METHODS (IN CONJUNCTION WITH LS-5)



SHADE TREES AND LANDSCAPING NOTES (IN CONJUNCTION WITH LS-5)



SHADE TREES AND LANDSCAPING NOTES

ENGINEER'S CERTIFICATION

I, JOHN J. LUCIANI, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS MINOR SITE PLAN WAS PREPARED USING ACCEPTED ENGINEERING METHODS AND TO THE BEST OF MY KNOWLEDGE, REPRESENTS PROPOSED IMPROVEMENTS PLOTTED UNDER MY DIRECTION FOR THE OWNERS OR AGENTS.

STATE OF NEW JERSEY
 JOHN J. LUCIANI
 No. 240856007
 REGISTERED PROFESSIONAL ENGINEER

JOHN J. LUCIANI, PROFESSIONAL ENGINEER, NJ NO. 240856007
 FIRST CAPITAL ENGINEERING, INC.
 48 SOUTH RICHLAND AVE.
 YORK, PA 17404
 (717) 845-3227

DATE: _____

WEIS APPROVED LANDSCAPE SCHEDULE

KEY	QUANTITY	BOTANICAL NAME / COMMON NAME	ROOT BALL	SIZE @ PLANTING	SIZE @ MATURITY
DECIDUOUS TREES					
P.C.	4	PIRUS CALIFORNICA 'SUNSHINE' / CHANTRELLE PEAR	8" DBH	2" CAL. (MIN)	15" SPREAD, 30' HEIGHT
DECIDUOUS SHRUBS					
C.A.	30	CORNYLIA ALBA 'SNOW PEARLS' / SNOW PEARLS DOGWOOD	NO. 1 DOUBT	18" HEIGHT (MIN)	3'-4" SPREAD, 3'-4" HEIGHT
S.B.	30	SPRENGELIA BRUNNATA 'SWEET BERRY' / SWEET BERRY SPINDLER	NO. 2 DOUBT	18" HEIGHT (MIN)	4'-5" SPREAD, 3'-2" HEIGHT
CONIFEROUS SHRUBS					
U.S.	8	UNIDENTIFIED	NO. 2 DOUBT	12" HEIGHT (MIN)	4'-4" SPREAD, 3'-5" HEIGHT

FIRST CAPITAL ENGINEERING

48 South Richland Avenue
 Gettysburg, PA 17325
 Phone (717) 337-3827
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★ CIVIL ENGINEERS ★ MUNICIPAL ENGINEERS ★ ENVIRONMENTAL SCIENTISTS ★
 ★ LANDSCAPE ARCHITECTS ★ PLANNERS ★ SURVEYORS ★

No.	DATE	REVISION
2	3-12-20	PER NEWTON WATER AND SEWER UTILITY
1	3-12-20	REV PER HPA INC REVIEW 3/12/20

WEIS MARKETS GAS-N-GO #143

AMENDED SITE PLAN FOR WEIS MARKETS, INC AT 121 WATER STREET

TOWN OF NEWTON SUSSEX COUNTY

SHEET C-3

SCALE: 1" = 20'

CHECK BY: _____

DRAWN BY: THR

CADD FILE No. 117-50A LD SITE

DATE: 11-19-19

JOB No. 117-50A

LEGEND

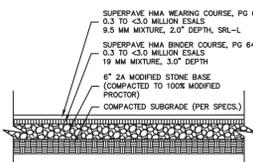
ADJOINING PROPERTY LINE	---
EASEMENT LINE	---
CENTER LINE	---
BUILDING SETBACK LINE	---
EXISTING GRADES	---
EXISTING INDEX GRADES	---
EXISTING CURB	---
EXISTING DRAINAGE	---
EXISTING OVERHEAD ELECTRIC	---O/E---
EXISTING UNDERGROUND ELECTRIC	---U/E---
EXISTING OVERHEAD TELEPHONE	---O/T---
EXISTING UNDERGROUND TELEPHONE	---U/T---
EXISTING NATURAL GAS	---GAS---
EXISTING SANITARY SEWER	---SAN---
EXISTING WATER	---WAT---
PROPERTY LINE	---
RIGHT-OF-WAY	---
STREAM	---
100 YEAR FLOOD PLAIN	---
SOILS BOUNDARY	---
ZONING BOUNDARY	---
EXISTING TREE LINE	---
PROPOSED CURB	---
PROPOSED GRADES	---
PROPOSED INDEX GRADES	---
PROPOSED DRAINAGE	---
PROPOSED SANITARY SEWER	---SAN---
PROPOSED UNDERGROUND ELECTRIC	---U/E---
PROPOSED NATURAL GAS	---GAS---
PROPOSED WATER	---WAT---
PROPOSED TREE LINE	---

UTILITY POLE	EXISTING	PROPOSED
GUY WIRE	---	---
ELECTRIC MANHOLE	---	---
GAS MANHOLE	---	---
SANITARY SEWER MANHOLE	---	---
STORM DRAIN MANHOLE	---	---
TELEPHONE MANHOLE	---	---
WATER MANHOLE	---	---
GAS VALVE	---	---
GAS METER	---	---
WATER VALVE	---	---
FIRE HYDRANT	---	---
INLET	---	---
LIGHT POLE	---	---
STREET SIGN	---	---
HANDICAPPED PARKING	---	---

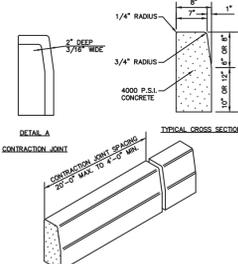
GRAPHIC SCALE



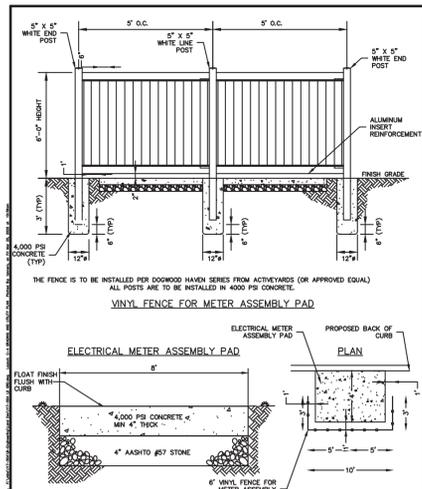
SCALE 1" = 20'



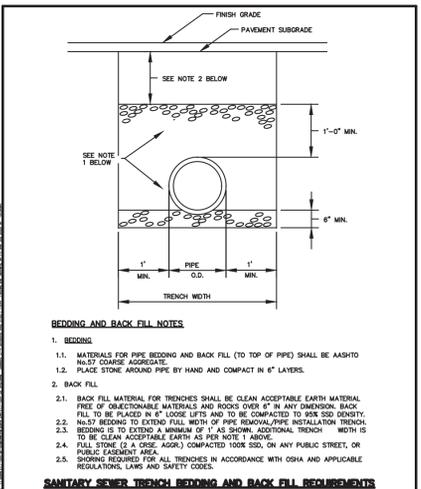
LIGHT DUTY PAVEMENT SECTION



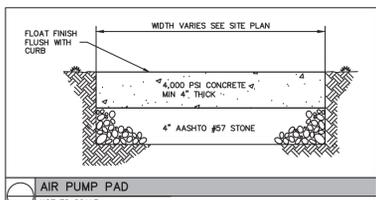
PLAIN CEMENT CONCRETE CURB



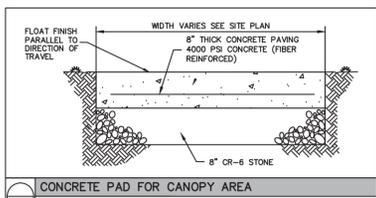
VINYL FENCE FOR METER ASSEMBLY PAD



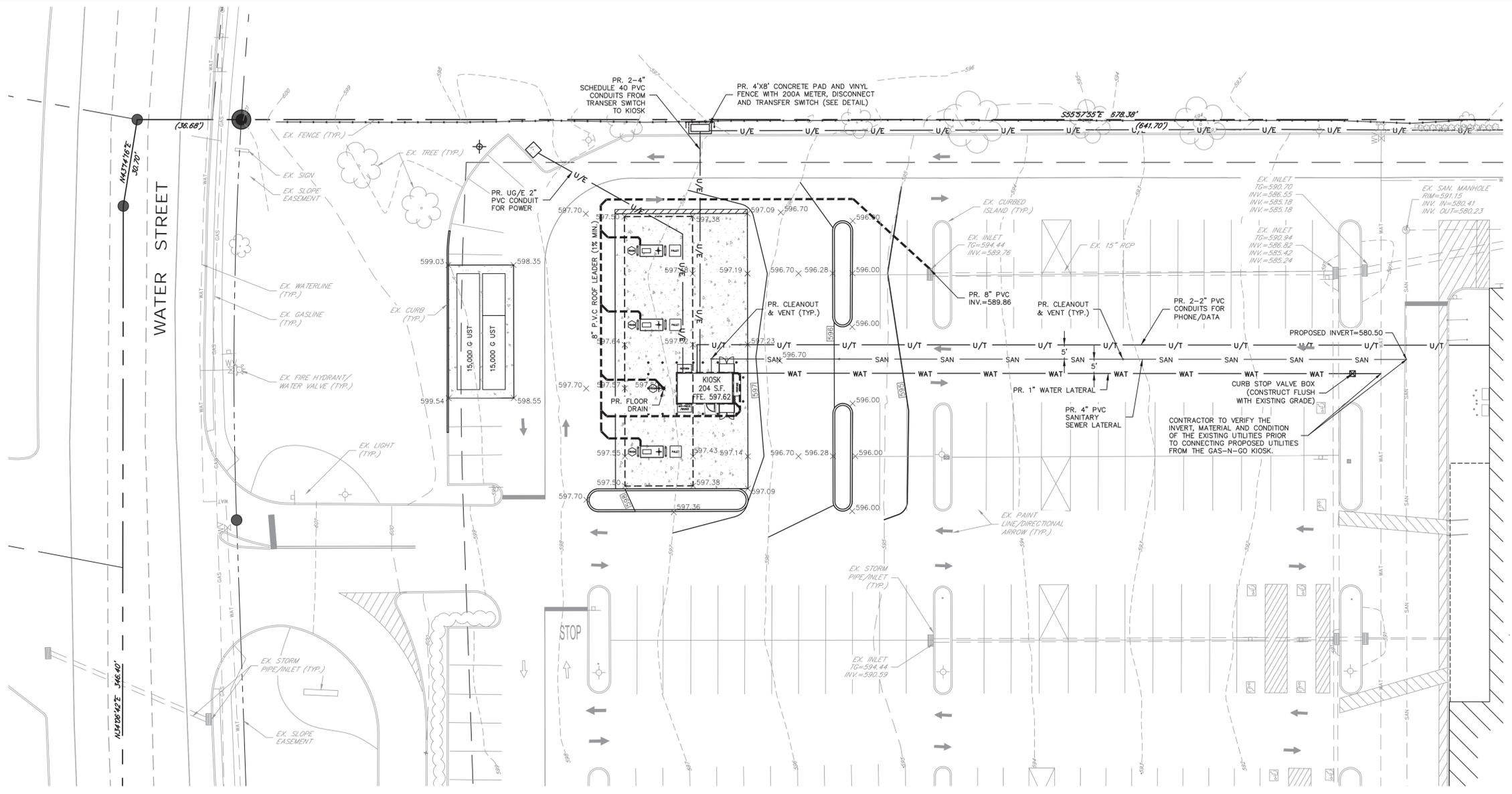
SANITARY SEWER TRENCH BEDDING AND BACK FILL REQUIREMENTS



AIR PUMP PAD



CONCRETE PAD FOR CANOPY AREA



NOTE:
• SEE C-1 GENERAL NOTES FOR PROPOSED UTILITY PROFILE.

SHEET C-1
DEVELOPMENT CRITERIA MANUAL
CONSTRUCTION DETAILS
WEIS MARKETS, INC.
LIGHT DUTY PAVEMENT SECTION

SHEET C-6
DEVELOPMENT CRITERIA MANUAL
CONSTRUCTION DETAILS
WEIS MARKETS, INC.
PLAIN CEMENT CONCRETE CURB

SHEET C-22
DEVELOPMENT CRITERIA MANUAL
CONSTRUCTION DETAILS
WEIS MARKETS, INC.
VINYL FENCE FOR METER ASSEMBLY PAD

SHEET SAN-1
DEVELOPMENT CRITERIA MANUAL
CONSTRUCTION DETAILS
WEIS MARKETS, INC.
SANITARY SEWER TRENCH

ENGINEER'S CERTIFICATION

I, JOHN J. LUCIANI, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS MINOR SITE PLAN WAS PREPARED USING ACCEPTED ENGINEERING METHODS AND TO THE BEST OF MY KNOWLEDGE, REPRESENTS PROPOSED IMPROVEMENTS PLOTTED UNDER MY DIRECTION FOR THE OWNERS OR AGENTS.

JOHN J. LUCIANI, PROFESSIONAL ENGINEER, NJ NO. 24605060700
FIRST CAPITAL ENGINEERING, INC.
48 SOUTH RICHLAND AVE.
YORK, PA 17404
(717) 845-3227

DATE _____

FIRST CAPITAL ENGINEERING

48 South Richland Avenue
Gettysburg, PA 17325
Phone (717) 357-3827
www.FCEP.com

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★ LANDSCAPE ARCHITECTS ★ PLANNERS ★ SURVEYORS ★

No.	DATE	REVISION	BY
2	3-12-20	PER NEWTON WATER AND SEWER UTILITY	TSC
1	3-12-20	REV PER HPA INC REVIEW 3/12/20	TSC

WEIS MARKETS GAS-N-GO #143

AMENDED SITE PLAN
FOR
WEIS MARKETS, INC.
AT
121 WATER STREET
TOWN OF NEWTON
SUSSEX COUNTY

GRADING AND UTILITY PLAN

CHECK BY: THR

DRAWN BY: THR

CADD FILE No. 117-50A LD GRD

DATE: 11-19-19

JOB No.: 117-50A

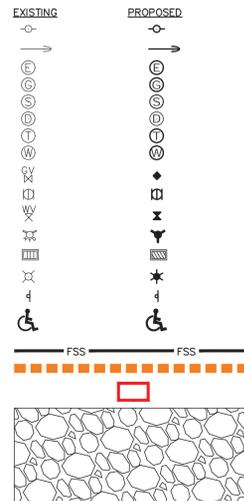
SCALE: 1" = 20'

SHEET C-4

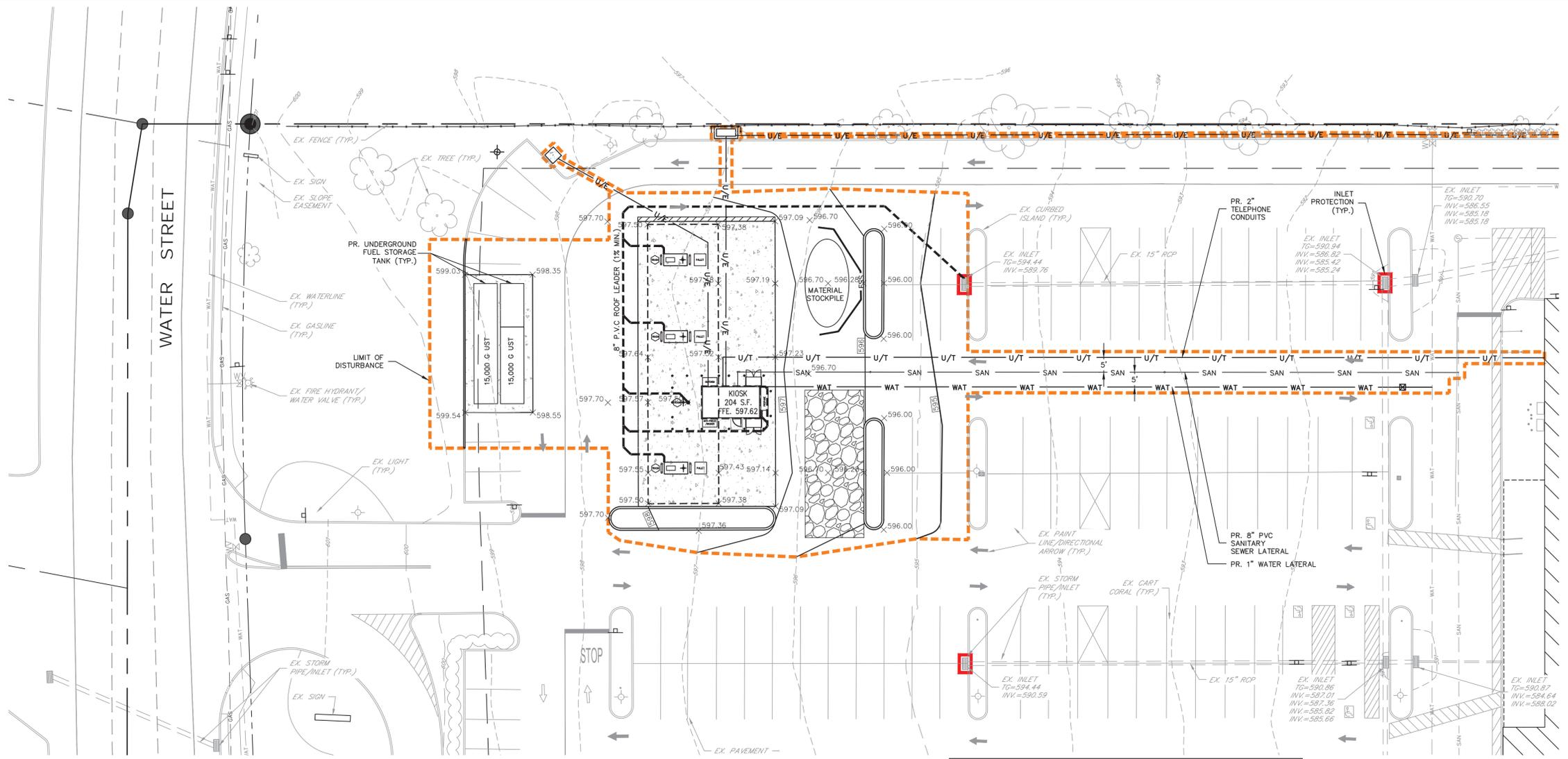
LEGEND

- ADJOINING PROPERTY LINE
- EASEMENT LINE
- CENTER LINE
- BUILDING SETBACK LINE
- EXISTING GRADES
- EXISTING INDEX GRADES
- EXISTING CURB
- EXISTING DRAINAGE
- EXISTING OVERHEAD ELECTRIC
- EXISTING UNDERGROUND ELECTRIC
- EXISTING OVERHEAD TELEPHONE
- EXISTING UNDERGROUND TELEPHONE
- EXISTING NATURAL GAS
- EXISTING SANITARY SEWER
- EXISTING WATER
- PROPERTY LINE
- RIGHT-OF-WAY
- STREAM
- 100 YEAR FLOOD PLAIN
- SOILS BOUNDARY
- ZONING BOUNDARY
- EXISTING TREE LINE
- PROPOSED CURB
- PROPOSED GRADES
- PROPOSED INDEX GRADES
- PROPOSED DRAINAGE
- PROPOSED SANITARY SEWER
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED NATURAL GAS
- PROPOSED WATER
- PROPOSED TREE LINE

- UTILITY POLE
- GUY WIRE
- ELECTRIC MANHOLE
- GAS MANHOLE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- TELEPHONE MANHOLE
- WATER MANHOLE
- GAS VALVE
- GAS METER
- WATER VALVE
- FIRE HYDRANT
- INLET
- LIGHT POLE
- STREET SIGN
- HANDICAPPED PARKING
- 12" FILTERX SILT SOXX
- LIMITS OF DISTURBANCE
- INLET PROTECTION
- CONSTRUCTION ENTRANCE



DISTURBED AREA = 0.51 ACRES



ENGINEER'S CERTIFICATION

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 FIRST CAPITAL ENGINEERING, INC.
 48 SOUTH RICHLAND AVE.
 YORK, PA 17404
 (717) 845-3227

DATE

STANDARD CONSTRUCTION DETAIL ES-1
ROCK CONSTRUCTION ENTRANCE

TERMINAL SHOULD BE REMOVED PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE.
 EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.
 REINFORCING SHALL BE INSTALLED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK CONSTRUCTION ENTRANCE.
 MOUNTABLE BERM SHOULD BE INSTALLED WHEREVER OPTIONAL COLLECTOR PIPE IS USED. PIPE TO BE SIZED APPROPRIATELY FOR SIZE OF OTHER BERM CROSSINGS.
 MAINTENANCE BERM SHALL BE MAINTAINED ON SITE FOR THIS PURPOSE. ALL SEDIMENT DEPOSITED ON BERM SHOULD BE REMOVED AND RETURNED TO THE BERM. EXCESSIVE SEDIMENT DEPOSITED ON BERM SHOULD BE REMOVED AND RETURNED TO THE BERM. MAINTENANCE BERM SHOULD BE MAINTAINED ON SITE FOR THIS PURPOSE. ALL SEDIMENT DEPOSITED ON BERM SHOULD BE REMOVED AND RETURNED TO THE BERM. EXCESSIVE SEDIMENT DEPOSITED ON BERM SHOULD BE REMOVED AND RETURNED TO THE BERM.

STANDARD CONSTRUCTION DETAIL ES-1B
PUMP WATER FILTER BAG
 (IN CONFORMANCE WITH DETAIL ES-2A)

WELL VEGETATED AREA
 HEAVY DUTY LIFTING STRAPS (RECOMMENDED)
 DISCHARGE HOSE
 CLAMPS
 INTAKE HOSE
 PUMP
 FILTER BAG

STANDARD CONSTRUCTION DETAIL ES-1C
PUMP WATER FILTER BAG
 (IN CONFORMANCE WITH DETAIL ES-2A)

WELL VEGETATED, GRASSY AREA
 DISCHARGE HOSE
 CLAMPS
 INTAKE HOSE
 PUMP
 FILTER BAG

STANDARD CONSTRUCTION DETAIL ES-4
COMPOST FILTER SOCK
 (IN CONFORMANCE WITH DETAIL ES-3A)

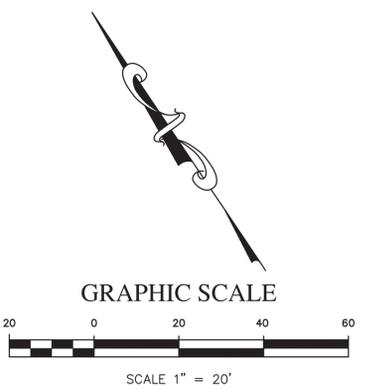
COMPOST FILTER SOCK
 2" x 2" WOODEN STAKES PLACED 10' O.C.
 UNDISTURBED AREA
 DISTURBED AREA
 12" MIN.

STANDARD CONSTRUCTION DETAIL ES-4A
COMPOST FILTER SOCK
 (IN CONFORMANCE WITH DETAIL ES-3A)

MATERIAL TYPE	3 ML HOPE	5 ML HOPE	8 ML HOPE	MULTI-FILAMENT POLYPROPYLENE (MPP)	HEAVY DUTY MULTI-FILAMENT POLYPROPYLENE (HMPP)
MATERIAL CHARACTERISTICS	PHOTO-DEGRADABLE	PHOTO-DEGRADABLE	BIC-DEGRADABLE	PHOTO-DEGRADABLE	PHOTO-DEGRADABLE
SOCK DIAMETERS	12"	18"	24"	12"	12"
	18"	24"	30"	18"	18"
	24"	30"	36"	24"	24"
MESH OPENING	3"	3"	3"	3"	3"
TENSILE STRENGTH	28 PSI	28 PSI	44 PSI	302 PSI	302 PSI
ULTRAVIOLET STABILITY & ORIGINAL STRENGTH (ATM @ 100 HR)	23% AT 1000 HR	23% AT 1000 HR	100% AT 1000 HR	100% AT 1000 HR	100% AT 1000 HR
MINIMUM FUNCTIONAL LIFESPAN	6 MONTHS	9 MONTHS	6 MONTHS	1 YEAR	2 YEARS

STANDARD CONSTRUCTION DETAIL ES-11
INLET PROTECTION

INLET PROTECTION (TYP.)
 1" REBAR FOR BAG-REINFORCEMENT FROM INLET
 SANDBAG
 2"x2"x3/4" RUBBER BLOCK
 1/4" INLET GRATE
 CURB
 BERM
 FLOW



FIRST CAPITAL ENGINEERING
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 ★ LANDSCAPE ARCHITECTS ★ PLANNERS ★ SURVEYORS ★

No.	DATE	REVISION	BY

WEIS MARKETS GAS-N-GO #143
 AMENDED SITE PLAN
 FOR
WEIS MARKETS, INC
 AT
 121 WATER STREET
 TOWN OF NEWTON
 SUSSEX COUNTY

EROSION AND SEDIMENTATION CONTROL PLAN

DRAWN BY: THR
 CHECK BY: THR
 CADD FILE No. 117-50A LD ES
 JOB No. 117-50A
 DATE: 11-19-19
 SCALE: 1" = 20'

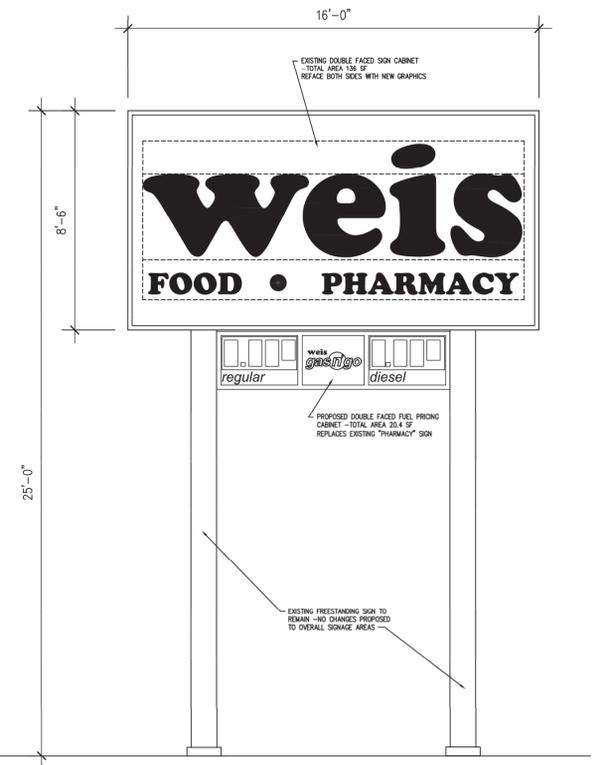
SHEET C-5

ENGINEER'S CERTIFICATION

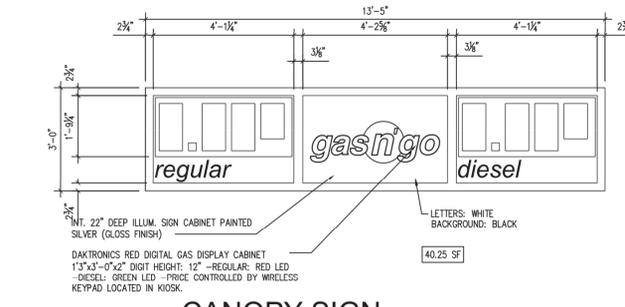
I, JOHN J. LUCIANI, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS MINOR SITE PLAN WAS PREPARED USING ACCEPTED ENGINEERING METHODS AND TO THE BEST OF MY KNOWLEDGE, REPRESENTS PROPOSED IMPROVEMENTS PLOTTED UNDER MY DIRECTION FOR THE OWNERS OR AGENTS.

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 YORK, PA 17404
 (717) 845-3227

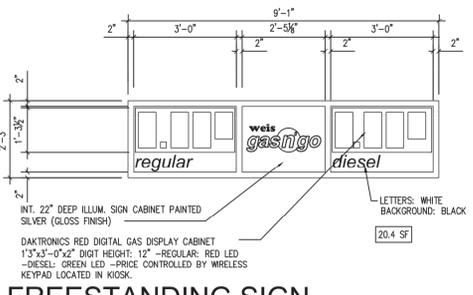
DATE _____



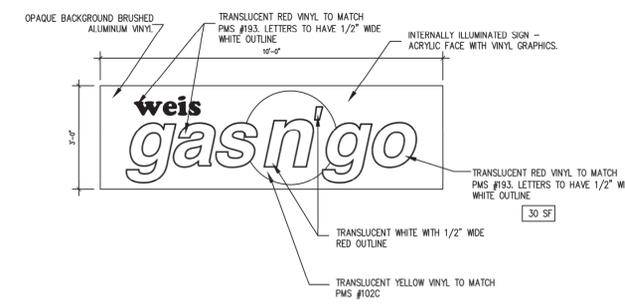
MODIFIED FREESTANDING SIGN
 1/2" = 1'-0"



CANOPY SIGN
 GAS PRICE CABINET SIGN ELEVATIONS
 1/2" = 1'-0"



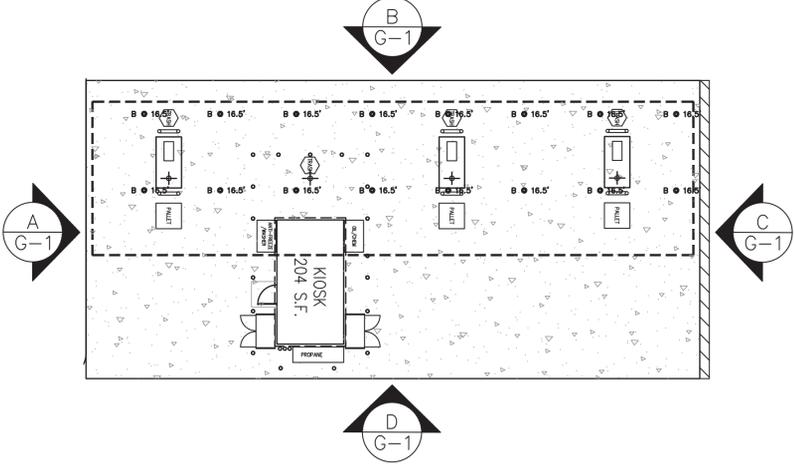
FREESTANDING SIGN



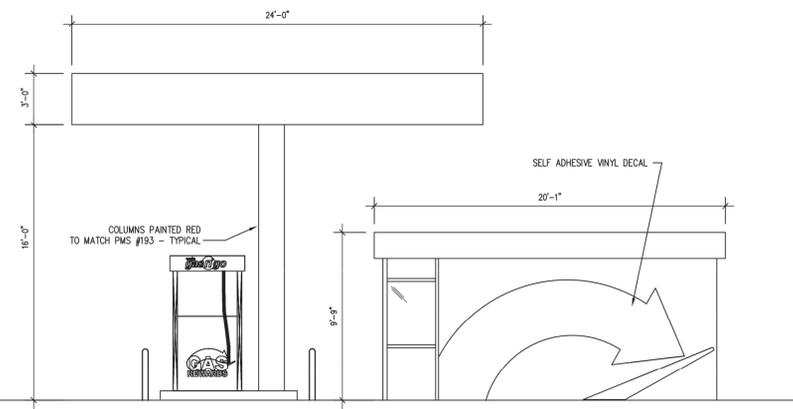
CANOPY ILLUMINATED SIGN
 1/2" = 1'-0"



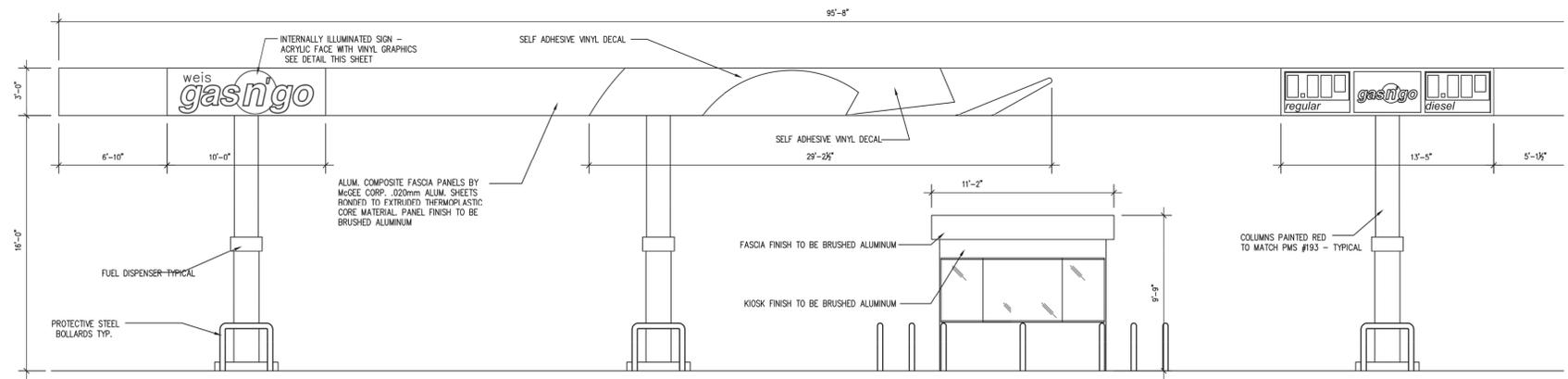
KIOSK VINYL DECAL
 1/2" = 1'-0"



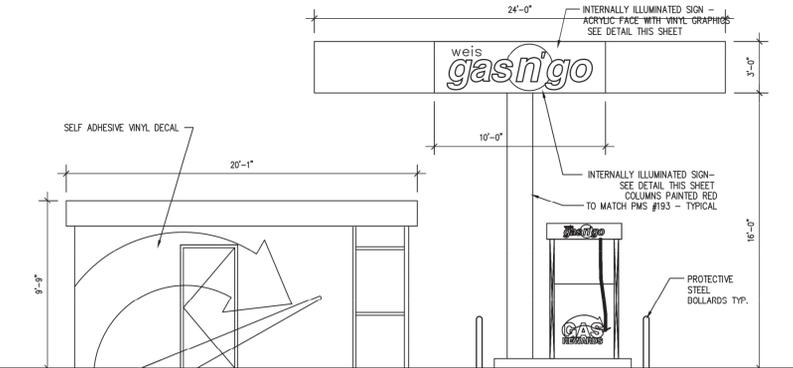
PARTIAL SITE PLAN
 N.T.S. 1/8" = 1'-0"



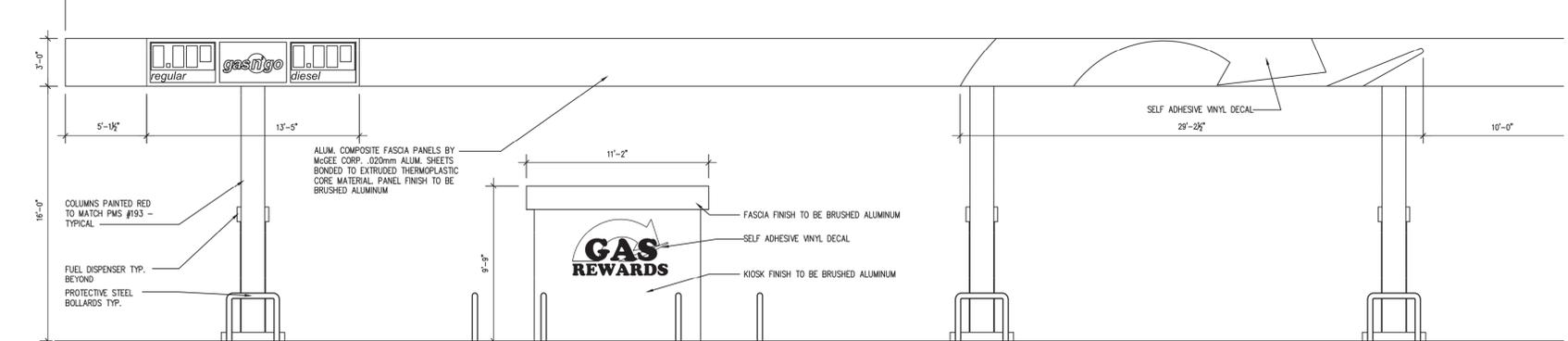
WEST ELEVATION
 1/4" = 1'-0"



NORTH ELEVATION
 1/4" = 1'-0"



EAST ELEVATION
 1/4" = 1'-0"



SOUTH ELEVATION
 1/4" = 1'-0"

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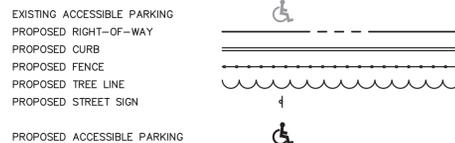
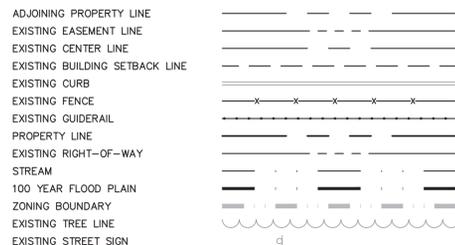
WEIS MARKETS GAS-N-GO #143
 AMENDED SITE PLAN
 WEIS MARKETS, INC.
 121 WATER STREET
 TOWN OF NEWTON
 SUSSEX COUNTY

BUILDING-CANOPY-SIGNAGE PLAN

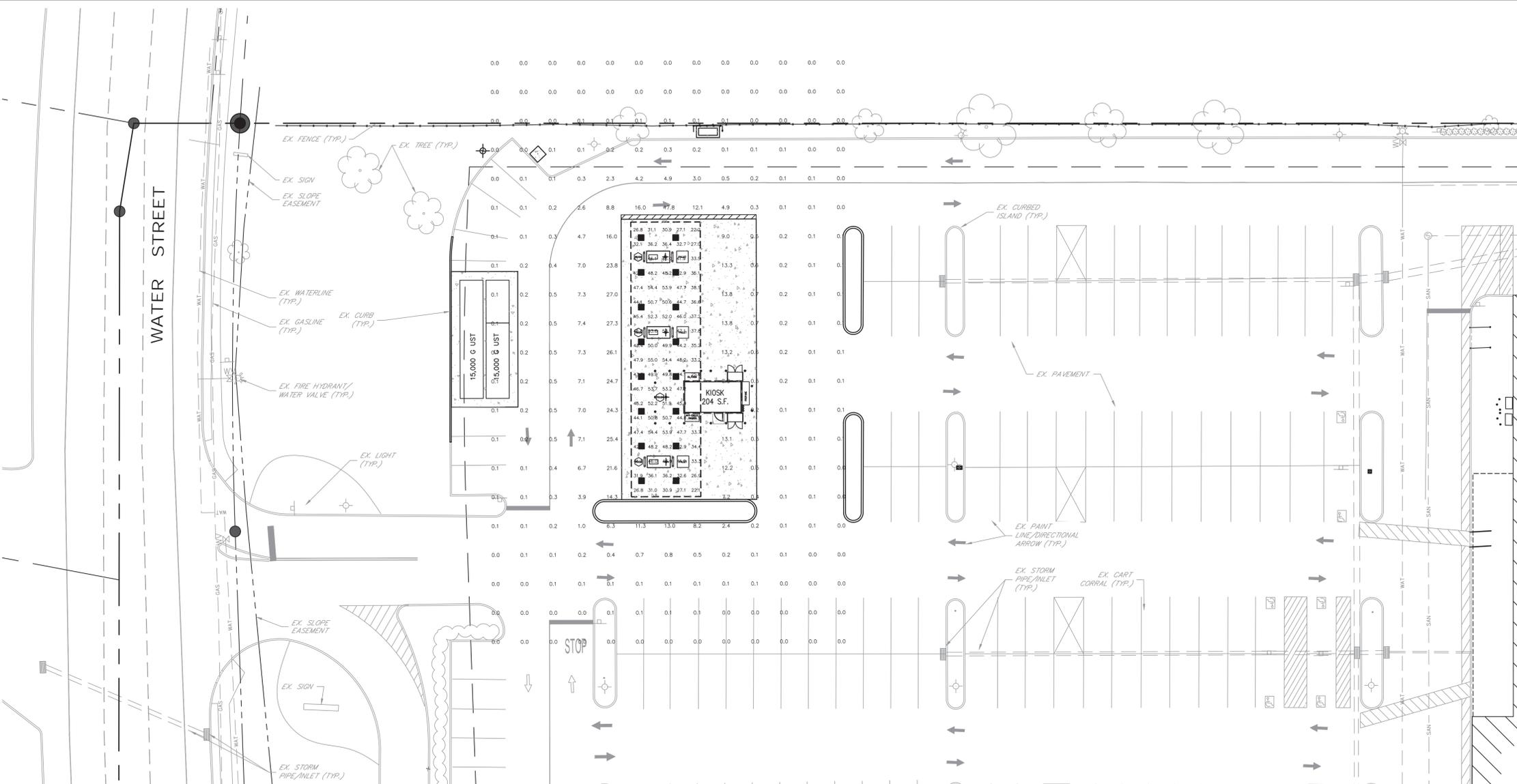
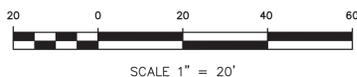
DRAWN BY: THR
 CHECK BY:
 CADD FILE No. 117-50A LD SIG
 DATE: 11-19-19 JOB No.: 117-50A
 SCALE: 1" = 20'

SHEET
C-6

LEGEND



GRAPHIC SCALE



Specifications

Length	13.24"
Width	19.91"
Height	6.315"
Weight	23.8 lbs

Capable Luminaire

This luminaire is an A+ Certified luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency.
- This luminaire is A+ Certified when ordered with DTL controls marked by a shaded background. DTL equipped luminaires meet the A+ specification for luminaire to photocell interoperability.
- This luminaire is part of an A+ Certified solution for ROAMP or Xpert™ Wireless control networks, providing out-of-the-box control compatibility with simple commissioning when ordered with drivers and control options marked by a shaded background.

To learn more about A+, visit www.acuitybrands.com/a+.

1. See ordering notes for details.
2. A+ Certified Solutions for ROAMP require the order of one ROAMP node per luminaire. Sold Separately. Link to Source Link to DTL DLU.

Ordering Information

EXAMPLE: DSXPGT LED 40C 700 40K TSE MVOLT DWXKD

Series	SKU	Color Temperature	Beam Spread	Mounting	Notes
DSXPGT LED	40C 700 40K TSE MVOLT DWXKD	4000K	30°	Recessed	

Notes

1	DSXPGT LED 40C 700 40K TSE MVOLT DWXKD	4000K	30°	Recessed	
---	--	-------	-----	----------	--

Ordering Information

Accessories

DSXPGT LED 40C 700 40K TSE MVOLT DWXKD	4000K	30°	Recessed	
--	-------	-----	----------	--

Performance Data

Lumen Output

Series	SKU	Color Temperature	Beam Spread	Mounting	Notes
DSXPGT LED	40C 700 40K TSE MVOLT DWXKD	4000K	30°	Recessed	

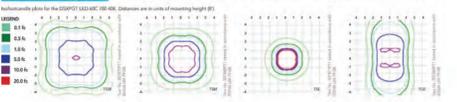
Lumen Ambient Temperature (LAT) Multiplier

LAT	Multiplier
0-10	1.0
10-20	0.95
20-30	0.9
30-40	0.85
40-50	0.8
50-60	0.75
60-70	0.7
70-80	0.65
80-90	0.6
90-100	0.55

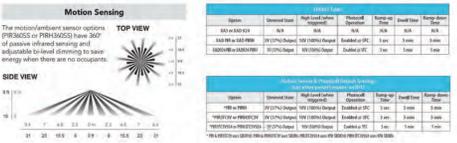
Electrical Data

Series	SKU	Color Temperature	Beam Spread	Mounting	Notes
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Photometric Diagrams



Motion Sensing



FEATURES & SPECIFICATIONS

REFINED USE
The D-Series Parking Garage Tandem luminaire provides high levels of illumination to meet or exceed recommended criteria for parking structures that require high light levels, such as by their location.

CONSTRUCTION
The primary die-cast aluminum housing is pre-painted with an intermediate epoxy primer for corrosion resistance. The luminaire is constructed from high-strength, die-cast aluminum. The LED is mounted in a recessed cavity with the mounting hardware secured with tamper-resistant screws.

OPTICS
The luminaire is equipped with a precision-ground, multi-faceted lens that provides uniform light distribution and minimizes glare. The luminaire is designed for easy installation and removal. The luminaire is designed for easy installation and removal.

INSTALLATION
Standard configuration accepts a rigid or free-hanging 1/2" NPT stem. By default, the luminaire is designed for surface mounting. The luminaire is designed for surface mounting. The luminaire is designed for surface mounting.

WARNING
This luminaire is not to be used in wet or damp locations unless specifically approved for such use.

ENGINEER'S CERTIFICATION

I, JOHN J. LUCIANI, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT THIS MINOR SITE PLAN WAS PREPARED USING ACCEPTED ENGINEERING METHODS AND TO THE BEST OF MY KNOWLEDGE, REPRESENTS PROPOSED IMPROVEMENTS PLOTTED UNDER MY DIRECTION FOR THE OWNERS OR AGENTS.



JOHN J. LUCIANI, PROFESSIONAL ENGINEER, NJ NO. 24GE05060700
FIRST CAPITAL ENGINEERING, INC.
48 SOUTH RICHLAND AVE.
YORK, PA 17404
(717) 845-3227

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Outside Canopy	+	2.2 fc	27.3 fc	0.0 fc	N/A	N/A
Under Canopy	+	42.1 fc	55.0 fc	22.1 fc	2.5:1	1.9:1

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Lumen Multiple	Light Loss Factor	Wattage
■	B	16	Lithonia Lighting	DSXPGT LED 40C 700 50K TSE MVOLT	DSXPGT PARKING GARAGE FIXTURE WITH 4 LIGHT ENGINES, 700mA, 5000K, TYPE SE OPTICS.	LED	1	DSXPGT_LED_40C_700_50K_TSE_MVOLT.ies	11640	1	0.95	92

FIRST CAPITAL ENGINEERING
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FAX (717) 855-4881
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No.	DATE	REVISION	BY
2	3-12-20	PER NEWTON WATER AND SEWER UTILITY	TSC
1	3-12-20	REV PER HPA INC REVIEW 3/12/20	TSC

WEIS MARKETS GAS-N-GO #143
AMENDED SITE PLAN FOR
WEIS MARKETS, INC
AT
121 WATER STREET
TOWN OF NEWTON
SUSSEX COUNTY
LIGHTING PLAN

Check By:

CADD FILE No.	117-50A.LD.LIGHTING
JOB No.	117-50A
DATE:	11-19-19
SCALE:	1" = 20'

SHEET
C-7



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 48 South Richland Avenue
 York, PA 17404
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STATE OF NEW JERSEY
 JOHN J. LUCIANI
 No. 24GR50607
 REGISTERED PROFESSIONAL ENGINEER

JOHN J. LUCIANI, PROFESSIONAL ENGINEER, NJ NO. 24GE05060700
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No.	DATE	REVISION	BY
2	3-12-20	PER NEWTON WATER AND SEWER UTILITY	TSC
1	3-12-20	REV PER HPA INC REVIEW 3/12/20	TSC

WEIS MARKETS GAS-N-GO #143
 AMENDED SITE PLAN
 FOR
 WEIS MARKETS, INC
 ON
 121 WATER STREET
 TOWN OF NEWTON
 SUSSEX COUNTY
 EXISTING STRUCTURES

DRAWN BY: THR	CHECK BY:
EXISTING STRUCTURES 10-22-19	EXISTING STRUCTURES 10-22-19
JOB NO.: 117-50A	JOB NO.: 117-50A
SCALE: 1"=100'	SCALE: 1"=100'

SHEET
 C-8



Interoffice Memorandum

TO: Newton Planning Board
Katherine Citterbart, Land Use Administrator

FROM: Thomas S. Russo, Jr., Town Manger

DATE: June 9, 2020

SUBJECT: 121 Water Street – Redevelopment Plan

CC: Tiena Cofoni, Esq., Redevelopment Counsel via Electronic Mail
Annie Hindenlang, Project Planner via Electronic Mail

Thomas S. Russo, Jr.

Dear Board Members,

At the Town Council meeting last evening, the Governing Body adopted Resolution #139-2020. This resolution of the Town Council hereby authorizes and directs the Planning Board to review the proposed Redevelopment Plan for Block 10.01, Lot 4, commonly known as 121 Water Street, and to transmit its comments to the Town Council within 45 days, as required by N.J.S.A. 40A:12A-7(e).

Attached for your review is a certified copy of the Resolution #139-2020.

If you should have any questions regarding the attached, I will gladly make myself available to you.

Thomas S. Russo, Jr.
Newton Town Manger



TOWN OF NEWTON

Resolution #139-2020

June 8, 2020

"Resolution of the Town of Newton, in the County of Sussex, New Jersey, Directing the Town Planning Board to Review a Proposed Redevelopment Plan for Block 10.01, Lot 4, Commonly Known as 121 Water Street, Pursuant to the Local Redevelopment and Housing Law"

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

WHEREAS, on February 26, 2018, the Town of Newton (the "Town") adopted Resolution 69-2018 designating Block 10.01, Lot 4, commonly known as 121 Water Street as an area in need of redevelopment in accordance with the Act (hereinafter, the "Redevelopment Area"); and

WHEREAS, in accordance with the Act, the Town has prepared a proposed redevelopment plan, which is attached hereto as Exhibit A (the "Redevelopment Plan"); and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Redevelopment Plan,

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

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. **PLANNING BOARD DIRECTED TO REVIEW REDEVELOPMENT PLAN**

The Town Council hereby authorizes and directs the Planning Board to review the Redevelopment Plan attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by *N.J.S.A. 40A:12A-7(e)*.

III. **SEVERABILITY**

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. **AVAILABILITY OF THE RESOLUTION**

A copy of this resolution shall be available for public inspection at the offices of the Town.

V. **EFFECTIVE DATE**

This Resolution shall take effect upon final passage.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 8, 2020.

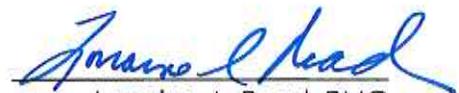

Lorraine A. Read, RMC
Municipal Clerk

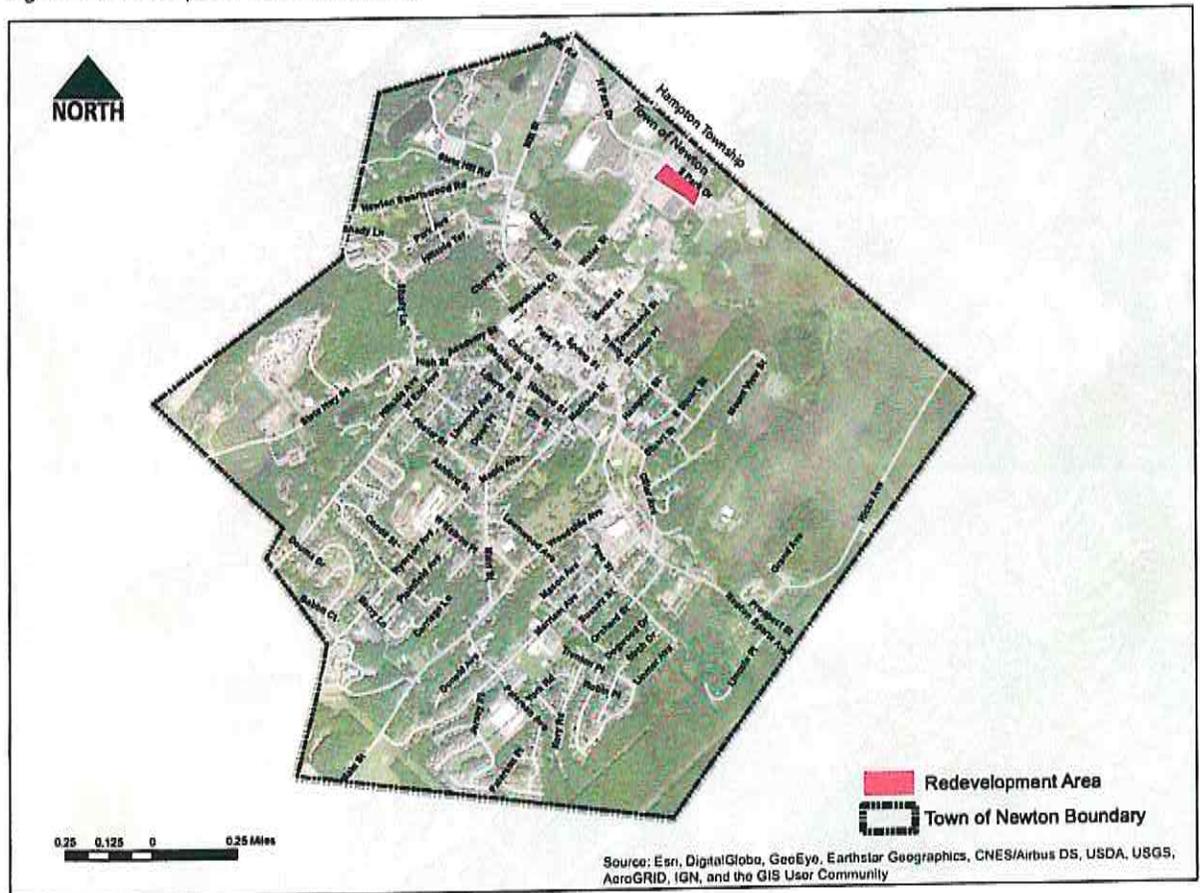
EXHIBIT A
REDEVELOPMENT PLAN

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1. INTRODUCTION

The Water Street Redevelopment Area designated as Block 10.01, Lot 4 (“the Redevelopment Area” or “the Site”) has been identified by the Town of Newton as a key catalyst for expanded support and revitalization of the Town’s well-loved downtown and commercial corridors. The Redevelopment Area is located near the northeastern border of the Town on US Route 206, approximately 2/3 of a mile from the Town’s historic center. The Town of Newton is the 3.2 square-mile county seat for Sussex County within the Kittatinny Valley, about 60 miles west of Manhattan. US Route 206 bisects the municipality a little over 10 miles north of Interstate 80, connecting it to Newark Liberty International Airport via an hour’s drive. A private bus company, Lakeland, operates a two-hour bus route to New York City’s Port Authority Bus Terminal within a five-minute walk of the Redevelopment Area. Neighboring communities include Fredon, Andover, and Hampton. Given this accessibility to multiple modes of transportation, this Site is envisioned as a prime opportunity for the Municipality to create right-scaled infill development that provides diverse housing options, amenities, and new commercial patrons.

Figure 1. Redevelopment Area Context Map



1.2. Regulatory History

In order to effectuate this vision, on December 11, 2017 the Newton Town Council adopted Resolution Number 263-2017 directing the Planning Board to conduct

a Preliminary Investigation of Block 10.01 Lot 4. The Planning Board was tasked with determining whether the parcels within the non-condemnation redevelopment area met the statutory criteria under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL" or "the Redevelopment Law") for an "Area in Need of Redevelopment." The Preliminary Investigation (see Appendix C) for the Town was completed by J Caldwell & Associates, LLC and dated December 29, 2017. The Planning Board held a public hearing on the matter on February 21, 2018. Following the Planning Board hearing, the site was designated a Non-Condemnation Area in Need of Redevelopment by Resolution 69-2018 adopted by the Town Council of the Town of Newton on February 26, 2018 (see Appendix D), pursuant to the Redevelopment Law, including Block 10.01, Lot 4. This Plan is proposed to effectuate the redevelopment of the Redevelopment Area, shown below.

In accordance with the LRHL [N.J.S.A. 40A: 12A-7.A.2], this Redevelopment Plan establishes the following proposed requirements for the Redevelopment Area:

- A. *Land Uses*
- B. *Bulk Standards*
- C. *Design Criteria*
- D. *Building Requirements*

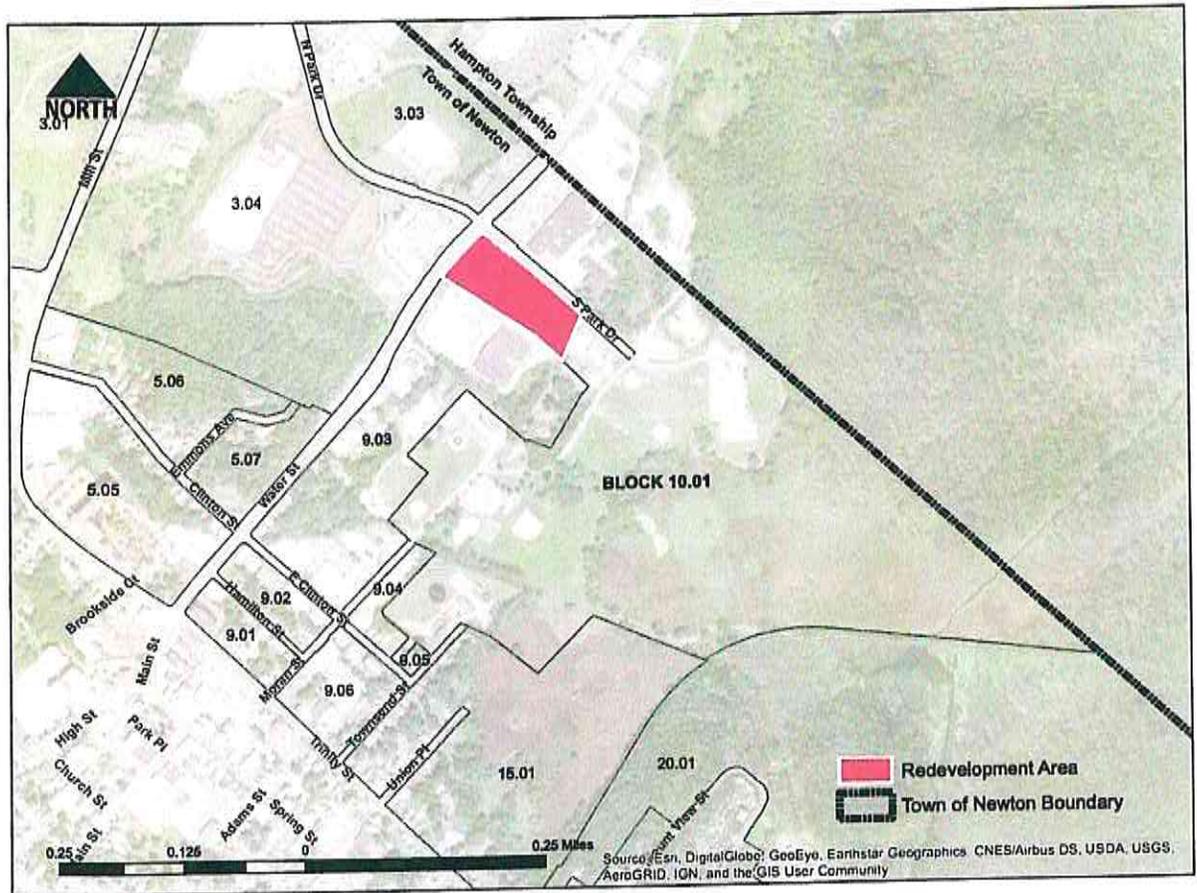
The provisions set forth in this Redevelopment Plan shall supersede, govern, and control the standards set forth in the Zoning: Form-Base Code adopted by the Council of the Town of Newton on April 9, 2012 by Ord. No. 2012-12 as well as any applicable amendments.

It should be noted that this Redevelopment Plan is only an initial step in finalizing projects within the Redevelopment Area. It is expected that this document will serve as a baseline that reflects the broadest and minimal parameters and expectations identified by the community. It is assumed that any proposal will be further refined through negotiation. Any necessary changes or enhancements will be codified with amendments, as necessary, and within any redevelopment or town agreements.

2. SITE DESCRIPTION

The Redevelopment Area (Figure 2) includes one parcel totaling 5.28 privately held acres at the southeast corner of the intersection of US Route 206 (Water Street) and S. Park Drive. The Site includes a vacated industrial/commercial use with several structures that cover less than half the site. There are a significant number of parked vehicles on the lot that is both informally and formally paved for vehicle access. The Site is bounded on its sides by two grocery stores: ShopRite and Weis, while the rear of the property abuts a salvage facility. Across the street from the Site are several commercial/retail uses including both a Dunkin' Donuts and Walgreens. A detailed description of Site conditions is available in the Preliminary Investigation (see Appendix C).

Figure 2. Redevelopment Area Map



The existing layout, condition, use, and intensity of this Site are not in line with the Municipality's current standards for pedestrian-friendly, mixed-use, higher-density developments near a transit hub.

2.1. Property Background

2.1.1. Existing Conditions

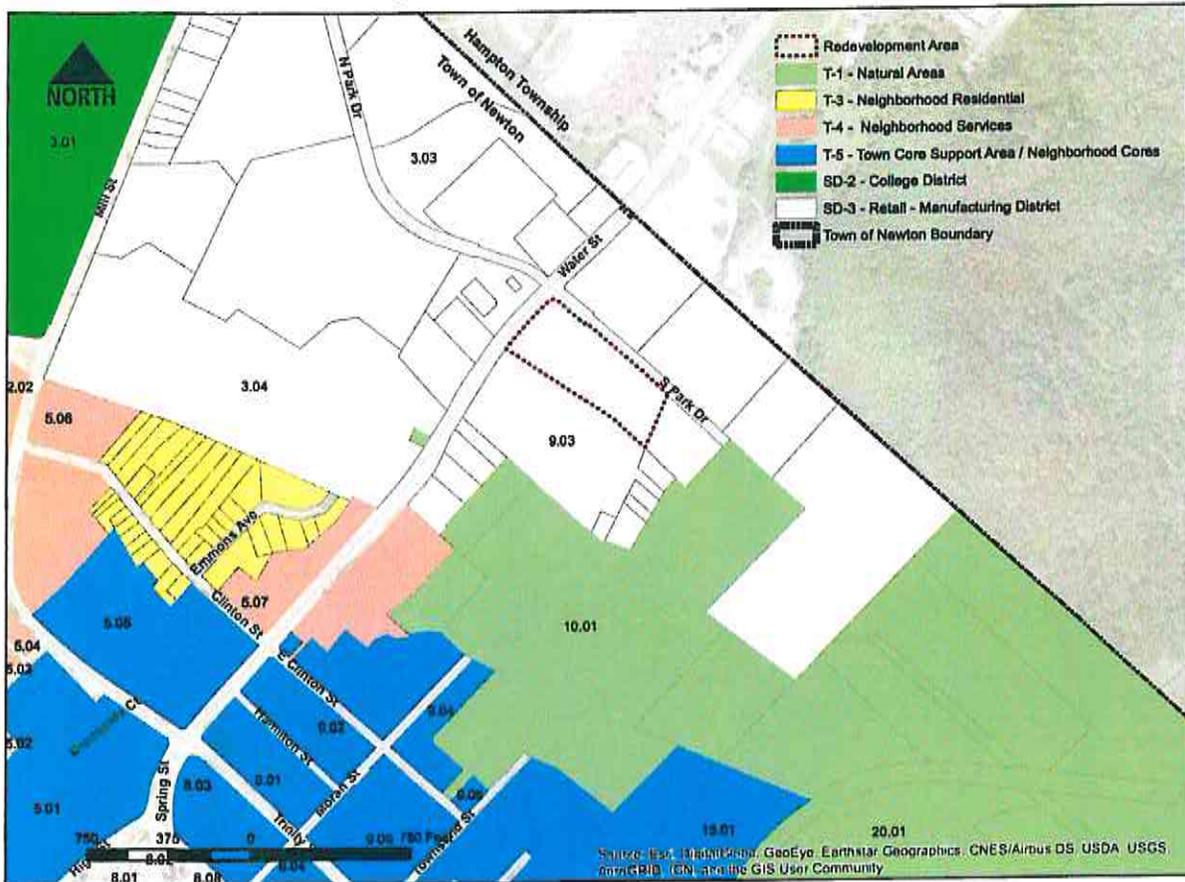
A. Existing Zoning

The Redevelopment Area is currently zoned SD-3 Retail-Manufacturing District. SD-3 covers the area along US Route 206 at its intersection with North and South Park Drive. This area includes existing large-scale retail and industrial uses. A detailed description of the prior zoning can be found in Appendix C.

The following uses are permitted within the SD-3 Retail-Manufacturing District:

- Light Manufacturing/Industrial (existing industrial/light manufacturing must remain industrial);
- Retail/Big Box Retail;
- Motels/Hotels; Live/Work;
- Drive-Through Retail; and
- Park and Ride / Mixed-Use Parking Garage.

Figure 3. Prior Zoning of Redevelopment Area Parcel



2.1.2. Property Restrictions

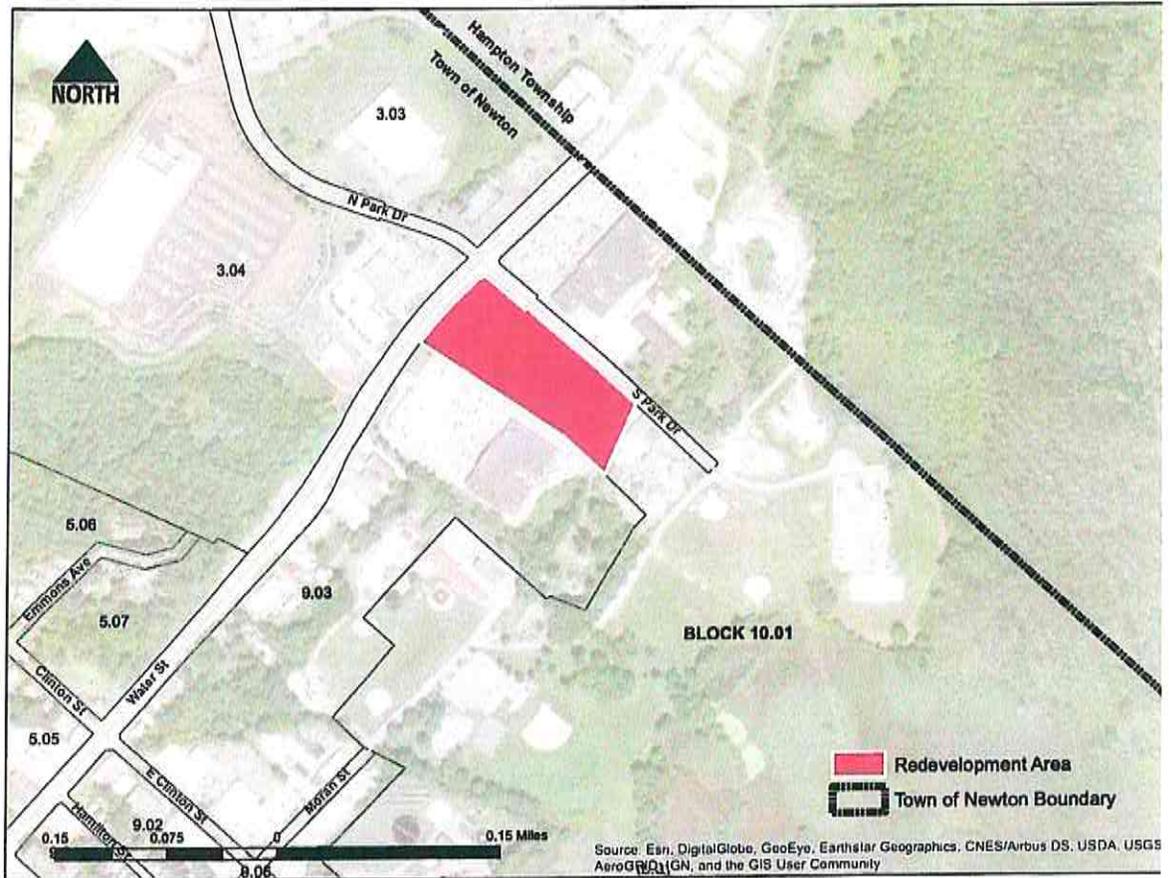
A. *Easements*

At the time of the preparation of this Redevelopment Plan, a number of easements are established within the Redevelopment Area. The Redeveloper is responsible for identifying, maintaining and relocating, if necessary, any existing easements.

B. *Contamination*

At the time of the preparation of this Redevelopment Plan, there were known contaminants and deed restrictions on site due to contamination. The Redeveloper is responsible for identifying, categorizing and remediating any existing contamination to applicable State and Federal regulations.

Figure 4. Map of Surrounding Street Network



2.1.3. Mobility Network

The Redevelopment Area is located at the intersection of Water Street (US Route 206) and N/S Park Drive. The street network is relatively complex and irregular, which creates certain challenges and opportunities. At present, the entire vicinity is primarily oriented toward the automobile with few pedestrian improvements. What follows is a detailed description of current conditions – from both a functional and physical perspective.

A. Streets in Vicinity of Redevelopment Area

a. Regional Corridors

i. Water Street/US Route 206

The portion of Water Street that bisects the Town is a 0.6-mile segment of a 130-mile corridor that traverses 6 New Jersey counties, originating in Hammonton Town (Atlantic County) and terminating just west of the Delaware River in Dingman Township (Pike County, PA). In Newton, Water Street is classified as an Urban Minor Arterial, with daily traffic in excess of between 12,000 and 16,000 vehicles being recorded within the past decade. Water Street serves as a critical north-south corridor through Newton, ultimately connecting points north to downtown Newton.

Land use and development patterns along Water Street vary from low intensity strip commercial to pockets of more robust commercial and midrise multi-family uses nearer the downtown. In the vicinity of the Redevelopment Area, Water Street is approximately 60 feet in width and contains two (2) pedestrian crossings and one (1) traffic signal. Water Street appears to be of relatively recent reconstruction and carries 2 lanes of traffic as well as a center turn lane and ample shoulder space. While sidewalks do exist, the narrow width, wide and multiple curb cuts and other minimal pedestrian amenities make for an unpleasant if not repellent pedestrian environment.

b. Local Streets

I. North/South Park Drive

Park Drive is a major cross street in Newton. S Park Drive forms the north east boundary of the Redevelopment Area. To the north of the Redevelopment Area, Park Drive intersects with Water Street/US Route 206 and runs south-easterly ending at the nearby Memory Park and the Newton Park and Ride. The overall street design and streetscape along S Park Drive is utilitarian or non-existent. The undeveloped nature of the neighboring sites as well as the adjacent George's Salvage Co. create an environment few people would choose to traverse on foot.

c. Mass Transit

I. NJ Transit

The nearest NJ Transit rail station is located in Netcong Borough, which is approximately 13 miles or 25 minutes to the south of the site. No NJ Transit bus lines serve the community.

II. Private Transportation Services

The above-mentioned Newton Park and Ride is serviced by Lakeland Bus Lines, which provides service to New York's Port Authority Bus Terminal in Midtown Manhattan, and by the regional Skylands Connect bus with connections to Hamburg, Sparta and Sussex.

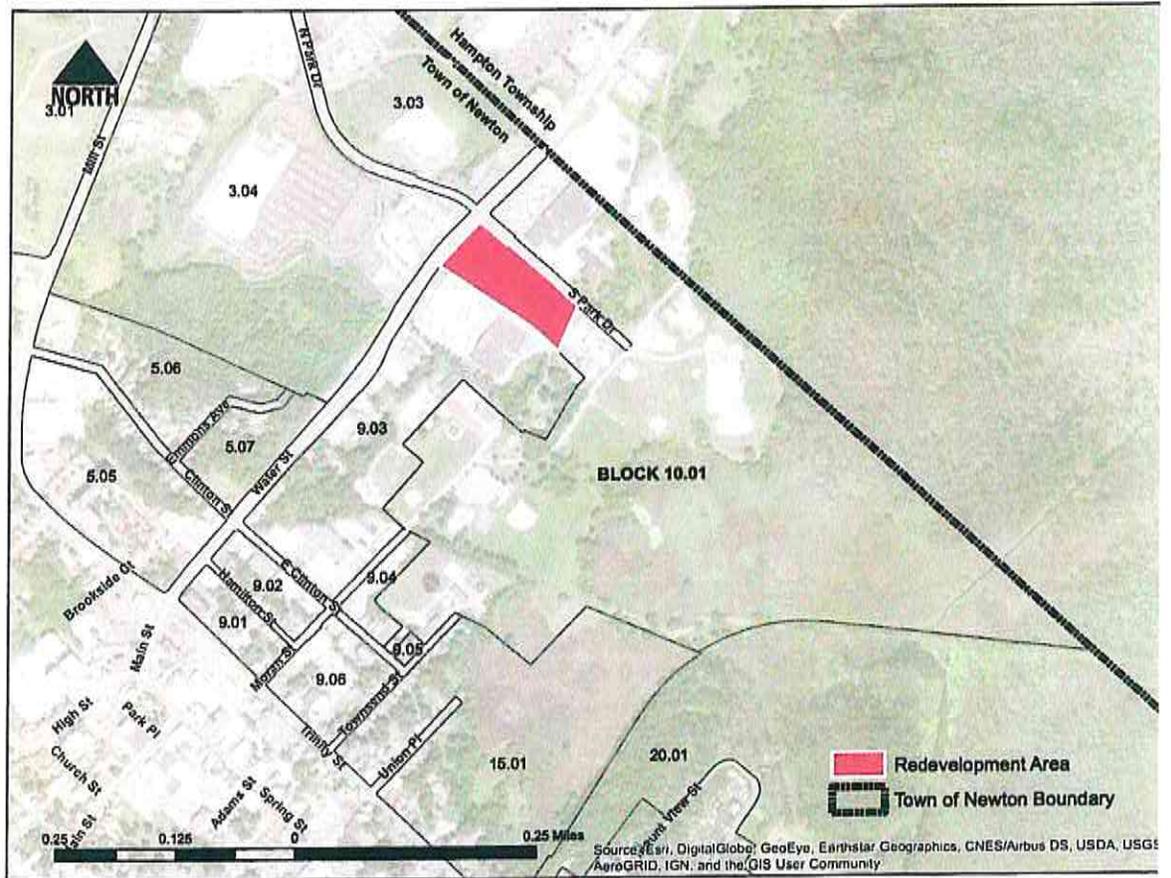
3. PUBLIC PURPOSES

3.1. **Block + Lots**

The Redevelopment Area (Figure 5) consists of Block 10.01, Lot 4.

3.2. **Project Area Map**

Figure 5. Redevelopment Area Map



3.3. Goals + Objectives

In order to successfully achieve the community vision for redevelopment for this area and alleviate existing challenges, any proposed developer(s) and project(s) must consider the following goals and objectives. These objectives build on and expand the priorities identified in the Master Plan Reexamination and the Town’s Zoning: Form Based Code.

3.3.1. Goal 1: Promoting Economic Development

- A. Objective 1.1: Creating connectivity with adjacent commercial properties.
- B. Objective 1.2: Satisfying demand for retail and other community-centered uses.

3.3.2. Goal 2: Creating Pedestrian-Friendly

- A. Objective 2.1: Ensuring accessibility for all users by implementing universally designed sidewalks, safe and inviting pathways, and connections that serve people of all ages and abilities.
- B. Objective 2.2: Creating a pleasing pedestrian experience by considering scale, lighting, and other features designed to increase walkability and the pedestrian environment.

- C. Objective 2.3: Ensuring safe and efficient travel to transit hubs throughout and in the vicinity of the Redevelopment Area by utilizing routes that are thoughtful and aesthetically pleasing.
- D. Objective 2.4: Promoting walking and other healthy lifestyle choices through design elements and by connecting pedestrian networks.
- 3.3.3. Goal 3: Designing Quality, Usable Quasi Public and Private Areas
 - A. Objective 3.1: Integrating well-designed hardscapes with landscaping well-suited to the local climate and conditions.
 - B. Objective 3.2: Prioritizing community purposes (through programming and design elements).
 - C. Objective 3.3: Implementing flexible designs that provide ample space for pedestrians and a variety of uses.
 - D. Objective 3.4: Creating safe, comfortable transitional spaces for pedestrians.
- 3.3.4. Goal 4: Encouraging Architecture that is Characteristic of Newton
 - A. Objective 4.1: Promoting high-quality, thoughtful architectural elements with traditional scale and styling that take design inspiration from Newton's architecture and urban design, while embracing its history.
 - B. Objective 4.2: Implementing designs that use a scale suitable to the needs of the project area, while also complementing the existing conditions of the surrounding built environment.
- 3.3.5. Goal 5: Implementing Sustainability
 - A. Objective 6.1: Creating a street-tree canopy for pedestrian thoroughfares, creating a more comfortable and inviting environment.
 - B. Objective 6.2: Supporting water conservation through xeriscaping and thoughtful design.
 - C. Objective 6.3: Providing for the provision and management of adequate recycling facilities for all users in accordance with best management practices.
- 3.3.6. Goal 7: Reducing Negative Impact of Car Circulation + Traffic Issues
 - A. Objective 7.1: Creating safe, convenient on-site parking and access solutions that allow for a safe pedestrian environment.

4. LAND USE

4.1. **Definitions**

(see Appendix B)

4.2. **Vision**

4.2.1. Permitted Principal Uses

- A. *Antique Stores*

- B. *Appliance Stores*
- C. *Artisanal Workshop*
- D. *Arts and Crafts Stores*
- E. *Bakeries*
- F. *Banking / Financial Services*
- G. *Bookstores (excluding Adult Bookstores)*
- H. *Brewery*
- I. *Business Services*
- J. *Community Center/Senior Center*
- K. *Candy and Ice Cream Shops*
- L. *Cellular Antenna*
- M. *Clothing Apparel and Shoe Stores*
- N. *Childcare Centers*
- O. *Coffee Shops*
- P. *Cultural Uses*
- Q. *Delicatessens*
- R. *Diners, Cafes, and Restaurants*
- S. *Duplex*
- T. *Flats or Lofts (elevator fed)*
- U. *Florists*
- V. *General Stores*
- W. *Hardware Stores (including paint and equipment rental or sale)*
- X. *Hobby, Toy, and Game Stores*
- Y. *Home Stores (e.g. furniture, cabinets, tiles, etc.)*
- Z. *Hotel*
- AA. *Light Industrial*
- BB. *Live/Work*
- CC. *Medical, Physical Therapy, Massage*
- DD. *Motor Vehicle Showroom (only new car sales)*
- EE. *Music Supply Store*
- FF. *Office*
- GG. *Optical Goods Stores*
- HH. *Package Goods Stores/Liquor Stores*
- II. *Pet Grooming, Pet Shops, and Pet Supplies*

- JJ. *Pharmacies*
- KK. *Park/Playground*
- LL. *Plaza/Square/Plaza*
- MM. *Public, Private or Parochial School*
- NN. *Recreational Facilities*
- OO. *Residential over Commercial*
- PP. *Residential over Parking Garage*
- QQ. *Retail Services*
- RR. *Shipping Stores*
- SS. *Specialty Food Stores*
- TT. *Sporting Goods Store*
- UU. *Taverns and Bars*
- VV. *Tattoo Parlors*
- WW. *Vitamins and Supplements Stores*
- XX. *Wireless Stores (i.e. telecommunications)*

4.2.2. Accessory Uses

- A. *Automotive Share*
- B. *Drive-through facility (limit 2)*
- C. *Outdoor Display*
- D. *Private Garage*
- E. *Roof Deck*
- F. *Sidewalk Cafe*
- G. *Street Furniture*
- H. *Surface Parking Lot*
- I. *Any other use determined to be customary and incidental to permitted principal uses.*

4.2.3. Prohibited Uses

- A. *Adult Entertainment Use*
- B. *Auto Body Shops*
- C. *Automotive Rental*
- D. *Farming or Agricultural Uses*
- E. *Gas Stations*
- F. *Licensed Taxicab Business Office*
- G. *Nightclubs*
- H. *Outdoor Storage*
- I. *Single-family Detached*

J. *Any use not specifically permitted is prohibited.*

4.2.4. Area + Bulk Requirements

A. *Commercial Space (minimum): 7,000 square feet*

B. *Lot Area (minimum): one acre*

C. *Lot Width (minimum): 80 feet*

D. *Lot Depth (minimum): 80 feet*

E. *Building Coverage (maximum): 75%*

F. *Building Height:*

a. *Maximum: five stories/75 feet*

b. *Floor-to-Floor Height Minimum: 10 foot minimum first floor*

c. *The 4th story of all buildings shall step back a minimum of six feet from the outermost façade plane of the building base along all street frontages.*

G. *Building Setback Requirements (feet)*

a. *Minimum Rear yard setbacks: 10 feet*

b. *Minimum Side yard setbacks: 10 feet*

c. *Minimum Setback from Water Street: six feet*

d. *Minimum Setback from South Park Drive: 10 feet*

i. *Setbacks shall be measured from the property line.*

ii. *Canopies and cornices shall be excluded from the setback requirements.*

iii. *Redevelopers shall be responsible for obtaining approval from applicable county, regional, and state agencies for any public improvements, public access or building projections above the right-of-way line.*

4.3. **Building Height Standards**

4.3.1. Measurement

Building height shall be measured from the average elevation of the finished grade along the side of the building facing Water Street to the mean elevation of the roof surface.

A. *Rooftop Appurtenances*

Rooftop appurtenances including architectural features such as spires, cupolas, domes, and belfries, are permitted to exceed the listed maximum height, as long as they are uninhabited, their highest points are no more than 15 feet above the maximum overall height of the building, and the total area enclosed by the outer edges of the appurtenances, measured at the maximum overall height of the building, does not exceed 15% of the total horizontal roof area of the building.

B. *Stairs and Elevator Penthouses*

Stairs and elevator penthouses that project above the maximum overall height of the building shall count toward the 15% allowance. Equipment screens which project above the maximum overall height of the building shall also count toward the above 15% allowance.

C. *Parapet Walls*

Parapet walls are permitted up to five feet in height, as measured from the maximum finished level of roof. A guardrail with a surface of at least 70% open or with opacity of not more than 30% (as viewed in elevation) shall be permitted above a parapet wall or within two feet of a parapet wall, provided that such guardrail is not more than four feet in height. Such restrictions on guardrail height shall not apply when located beyond two feet from a parapet wall, in which case the guardrail shall be exempt from parapet height requirements.

D. *Mechanical Equipment*

Mechanical equipment shall be setback and/or screened from new and existing sidewalk views on and around the perimeter of the site to the greatest extent possible.

E. *Solar Energy*

Solar panels are permitted on flat roofs anywhere below the parapet, regardless of building height. Portions of taller solar installations that are higher than four feet shall be subject to limits on roof coverage and height. On sloping roofs, panels may be flat-mounted but may not exceed 18" above the roofline.

- a. All buildings should be designed to be "solar ready" regardless of the current intention of a Redeveloper to install solar panels.

F. *Green Roof*

Vegetated roofs shall be permitted, provided they do not exceed three feet, six inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to the roof surface.

4.4. **Parking**

4.4.1. Automotive Parking

A. *General Requirements*

- a. All parking areas shall provide accessible parking in accordance with the Americans with Disabilities Act (ADA) standards.
- b. Compact car spaces measuring eight feet wide by 16 feet deep, shall be permitted provided the total number does not exceed 20% of the total parking provided.
- c. A minimum of 10% of surface parking spaces shall be "EV Ready" to accommodate Electric Vehicle Charging Stations.

- d. Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
- e. Shared Parking: In order to promote more efficient use of parking facilities, a parking space may be counted towards the parking requirement for two or more different uses provided that the parking is within 250 feet of the use and the use is on the shared parking factor table.
 - I. The shared parking factor illustration in Chapter 320-23.B(1) in the local Zoning: Form Based Code shows how shared parking can be calculated for two uses within the same vicinity of one parking area.

B. *Surface Parking*

- a. Surface Parking setbacks:
 - I. Front Yard: 5'
 - II. Side Yard: 0'
 - III. Rear Yard: 0'
- b. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct views of parked vehicles from the street right-of-way and sidewalks, and to avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties. Parking lots exposed to view from any adjacent street shall be screened by a minimum depth of a three-and-one-half-foot decorative wall or landscape feature.
- c. Interiors of surface lots shall be landscaped with trees with a minimum caliper size of 3.5 inches. One tree shall be planted for every 10 parking spaces and may be planted in tree wells with a diamond configuration to allow for the use of adjacent parking spaces. Appropriate growth areas for roots shall be provided.
- d. A 10-foot minimum buffered planter strip is required between surface parking and surface parking on a neighboring property.
- e. Parking lot layout should take into consideration pedestrian movement and pedestrian crossings shall be installed where deemed necessary by the Town Engineer.
- f. Parking and loading areas shall be designed according to the standards of § 240-8.
- g. The parking, or maintenance of any commercial vehicles exceeding gross vehicle weight rating (GVWR) of 15,000 pounds, including trailers and any items connected to and/or towed by the vehicle, located on any residential properties is prohibited.

C. *Structured Parking*

Structured parking may be considered to provide additional parking on-site provided that it meets the following requirements:

- a. Structured parking shall utilize the architectural vocabulary of surrounding building façades and shall be made to appear as an occupied building or utilize liner buildings.
- b. Blank walls shall not be permitted.
- c. Structures shall utilize design elements such as arcades, awnings, landscaping, colonnades, and/or street furniture to incorporate the building into the surrounding area.
- d. Parking entrances shall be identified through increased massing, architectural elements, and/or signage to ensure the entrance is easily and safely visible from the access drive or street. Where possible, access shall be from secondary streets or alleys.
- e. At least one elevator within a structured parking building must be sized such that a standard stretcher can fit inside the elevator.

D. Minimum Parking Ratios

- a. Minimum parking requirements.

Use	Minimum Parking Spaces Required
Residential	
Studio/One Bedroom	0.8/dwelling unit
Two Bedroom	1.5/dwelling unit
Three Bedroom	1.9/dwelling unit
Retail	4.0/1,000 sq feet
Restaurant	1.0/3 indoor seats

4.4.2. Bicycle Parking

A. Bicycle Parking Use Table

- a. Minimum parking requirements shall be in compliance with the bulk standards outlined in this document.

Use/ Type	Minimum Indoor Requirement	Minimum Outdoor Requirement
Dwellings	1 per 8 units	1 per 20 units
Retail & Restaurants	None	2 per Building
One hump bicycle rack provides 2 outdoor bicycle parking areas.		

B. Location + Design of Facilities

- a. Where indoor bike parking is required, bike parking facilities shall be at least as protected and secure as any automobile parking provided.
- b. Site plans shall show the proposed location of bike parking/storage facilities on the Site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided.

C. Requirements for Indoor Bicycle Parking

- a. Indoor parking shall, at a minimum, consist of a room within a residential building or workplace, a secure enclosure within a

parking garage, or a cluster of bike lockers at a transit center or other setup providing similar security and protection from the elements.

- b. Any required indoor bicycle parking/storage room must be located in a convenient and accessible location to a public sidewalk with no more than three vertical steps between the bicycle room and the sidewalk. Ramps and elevators may be utilized to provide access to bike storage not located at the ground-floor level.

D. Requirements for Outdoor Bicycle Parking

- a. All required outdoor bicycle parking must be convenient and accessible to a main building entrance and street access.
- b. Bicycle parking shall be sited in a highly visible location, such as within view of passers-by, retail activity, office windows, an attendant, or other personnel to discourage theft and vandalism and promote awareness of existence and availability.
- c. Bicycle parking shall be located so as not to block the pedestrian path on a sidewalk or within a site. A minimum of six feet of unobstructed passage is required on public sidewalks.
- d. Size and style of bike rack shall be approved by the Town Engineer.
- e. Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.
- f. Bike racks must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.
- g. All bike racks shall be located at least 24 inches in all directions from a wall, door, landscaping, or other obstruction that would render use of the racks difficult or impractical.

4.5. Access + Circulation

4.5.1. Analysis

Mobility and circulation will provide a critical role in the overall success of this Redevelopment Plan, particularly as it relates to its overall public benefit and strengthening of the Town. The primary mobility objectives include, at minimum:

- Rationalize circulation patterns within the Redevelopment Area
- Balance the needs of the automobile with those of pedestrians, cyclists, and other users
- Mitigate vehicular traffic generated by new development

4.6. Design Standards

4.6.1. Building Design

Architectural design as well as the overall site layout should reflect a context specific and locally influenced intention. The Town of Newton has made a significant commitment to well-designed buildings through the adoption of a Zoning: Form Based Code. This code emphasizes façade treatment, activation, vertical and horizontal articulation, and fenestration. Where appropriate, this Plan has incorporated principles and guidelines from that code.

Given this vision, designs should appropriately complement and transition from the surrounding building stock and scale. Human-scaled spaces and features should emphasize a pedestrian friendly environment which encourages active use and establishes a unique sense of place for residents, employees, and visitors alike. Design features should be considerate of existing buildings while contributing to and defining a strong and contemporary personality.

Detailed architectural and design standards based on projects presented to the Town during the concept plan refinement period shall be contained within the Redeveloper agreement. These architectural standards will be drafted in order to, but not limited to, regulate the following components:

- Type, make, and color of façade materials.
- Type and placement of exterior fixtures.
- Dimensions of building and windows.
- Dimensions, make, and quality of windows.
- Lighting and signage design.

A. *General Guidelines*

- a. Buildings on corner lots shall be considered significant structures.
- b. Buildings shall avoid long, monotonous uninterrupted walls. Offsets including projections and recesses shall be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets shall be provided, in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- c. **Facades:**
 - I. Buildings with more than one façade facing a public street or internal open space shall be required to provide multiple front façade treatments.
 - II. The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details. Bland wall or service area treatment of side and/or rear elevations visible from the public view is discouraged.

- d. **Roofs:** Where gabled roofs are used, it is recommended that the minimum pitch be 9/12. Where hipped roofs are used, it is recommended that the minimum pitch be 6/12. Both gable and hipped roofs should provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Flat roofs should provide that all visibly exposed walls shall have an articulated cornice which projects horizontally from the vertical building wall plane. Other roof types should be appropriate to the building's architecture. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.
- e. **Windows/Fenestration:** Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building, and appropriate to the setting. Windows shall be vertically proportioned wherever possible. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the lower levels, including storefront or display windows. Blank, windowless walls are discouraged. Storefronts are an essential part of a building and shall be integrally designed with the upper floors to be compatible with the overall façade character. Ground-floor retail, service, and restaurant uses should have large-pane display windows, framed by the surrounding wall, and shall not exceed 75% of the total ground-level façade area.
- f. **Entrances:** All primary entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, and other features, where appropriate. Any such element utilized shall be consistent with the style, materials, colors, and details of the building as a whole, as shall the doors. Awnings are permitted where they complement the building's architectural style.
- g. **Light fixtures:** Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building and shall comply with local building codes. The type of light source used on the exterior of buildings, signs, parking areas, pedestrian walkways, and other areas of a site, and the light quality produced, shall be the same or compatible. Façades shall be lit from the exterior, and, as a general rule, lights should be concealed through shielding or recessed behind architectural features. The use of low-pressure sodium, fluorescent, or mercury vapor lighting either attached to buildings or to light the exterior of buildings shall be prohibited. Mounting brackets and associated

hardware should be inconspicuous. All lights shall be shielded to reflect downward and prevent sky glow.

- h. **Lighting:** Streetlights shall be decorative and blend with the architectural style of the community. Along all commercial or mixed-use streets, parking areas, sidewalks, and walkways, decorative light posts shall be provided at regular intervals. Posts shall be spaced at no greater than 80 feet on center on both sides of a commercial or main street. Light posts should be at least 10 feet in height. In parking areas post heights may extend to a maximum of 16 feet.
- i. **Facade materials:** The primary façade materials shall include either clapboard, decorative shingles with appropriate trim and detailing, stone/masonry, stucco, or brick. Manufactured materials that resemble wood, stucco, brick, etc., may be used but should be of a high-quality to blend in with existing historically utilized materials. Accents such as projecting, bow, bay and boxed windows are encouraged. Individual façades should generally consist of no more than three materials and/or textures.

B. *Courtyard Design*

A courtyard within the residential component will be a key component to connect the residential users and their guests.

Additionally, the landscaping shall be thoughtful with a distinct design narrative of high-quality plantings, ample seating, quality walking paths, and creative amenities and be consistent with design standards of this plan.

4.6.2 Street Design/Public Frontage Types

- a. The street design shall consider methods for creating complete streets that consist of lanes for vehicles and bicycles, as well as pedestrians. Sidewalks and landscaping along these thoroughfares are required. The following standards must apply:
 - I. The street configurations and locations shall be designed utilizing context-sensitive design in combination with the design standards identified herein.
 - II. Each thoroughfare type shall be dimensioned and specified as to right-of-way width, pavement width, sidewalk width, traffic lanes, parking lanes, planting treatment, street furniture and other factors that may apply to both the functional and aesthetic character of the specific street as specified in the attached street sections.
 - III. All streets shall be open to the public, except for internal lanes, in order to provide access to specific uses on private property. All streets shall be improved to finished specifications prior to the occupation of the buildings.

- IV. Pedestrian spaces must have continuous paving that extends across all streets and intersections and be of a paving material which differentiates it from the street surface.
 - V. The street improvements identified in this section include all infrastructure, paving base and surfaces, sidewalks, street trees, streetlights, and curbs to meet Town and County standards.
 - VI. The street sections are meant to be starting points for design; however minimum design standards shall apply.
- b. Pedestrian Realm
- I. Pedestrian connectivity between the Site, adjacent commercial uses, and the Newton Park and Ride should be encouraged and incorporated into site designs and pedestrian circulation plans.
 - II. Sidewalk areas must be provided along all streets and shall be properly sized for the safe and convenient movement of pedestrians through and around the area, taking into consideration such factors as: the volume of traffic on the street, the width of the roadway, and the adjoining land uses.
 - III. Sidewalk areas must be attractively landscaped and durably paved in conformance with any minimum landscape standards and shall be provided with adequate lighting according to lighting standards. Decorative paving materials and pedestrian-scale lighting is required.
 - IV. A ten foot wide buffer shall be required along any property line that does not abut a public right of way. Such a buffer shall consist of landscaping with planting of a minimum height of five feet and/or a wooden fence of a minimum height of five feet.
 - V. Traffic signage shall be consolidated and affixed onto lampposts to the maximum extent practical so as to reduce the number of poles, obstructions and visual clutter in the streetscape and pedestrian movement. All traffic signage must be in accordance with current MUTCD (Manual on Uniform Traffic Control Devices) guidelines.
 - VI. All signal and light posts must be black.
 - VII. All sidewalks and intersections must be ADA compliant.
 - VIII. Crosswalks are required at each intersection.
 - IX. Crosswalks must be a different texture, pattern, and surface from roadways and sidewalks.
 - X. Sidewalks shall not be asphalt and shall adhere to the Town's minimum standards for sidewalks.
 - XI. The buffer area between the curb and sidewalk should be of a different paving material and texture than sidewalks, preferably a textured material such as pavers, brick, and/or synthetic brick.

c. Trash Enclosure

All commercial and multifamily residential uses shall provide trash enclosure and recycling facilities that adhere to the following standards:

1. Each structure shall be designed so as to accommodate easy, safe, and sanitary access to disposal facilities and recyclable containers.
2. Disposal and recycling pickup shall be from a disposal facility or where accessible, to a contracted hauler.

Disposal and recycling containers must be stored where they are not accessible to wildlife.

Disposal facilities shall either be located internally to the facility or screened from the street and the pedestrian realm with an enclosure utilizing materials that are compatible with those of the principal structure on the property. Woven wire mesh fencing is prohibited.

d. Minimum Standards:

- I. Travel Lanes: 12 feet wide
- II. Turning Lanes: 12 feet wide
- III. Parallel Parking Lanes: nine feet wide on one or both sides
- IV. Bike Lanes (where applicable) should comply with AASHTO Guide for the Development of Bicycle Facilities and NJDOT Bike Compatible Roadways & Bikeways Planning & Design Guide
- V. Sidewalks: 8 feet wide
- VI. Buffers: 10 feet wide

C. *Fences, Landscape + Lighting Design Standards*

- a. Shall comply with Chapter 320-24 of the Town's Zoning: Form-Based Code.

4.7. **Signage**

- 4.7.1. Signage standards for the Redevelopment Plan are regulated by Section 320-25 of the Town Code, as it pertains to the T-4 Zoning District, with the following exception for Drive Through Signage:

Sign Type	Maximum Size Per Sign	Maximum Signs per Drive Through
Pre-Menu Board	12 square feet	2
Menu Board	30 square feet	2
Order Board	12 square feet	2

4.8. **Utilities**

4.8.1. General Requirements

- A. Distribution lines for all utility systems shall be placed underground.
- B. All easements shall comply with Town requirements. Exact locations for utility lines and easements shall be established at time of preliminary site plan approval or subdivision.
- C. Existing above ground utilities shall be incorporated into the underground systems as improvements are undertaken. Any relocation and/or replacement of utility lines shall be the sole responsibility of the Redeveloper(s) and shall not be an expense to the Town.
- D. Remote readers for all utilities, in lieu of external location of the actual metering devices, are preferred.

4.8.2. Water + Sewer

- A. Redeveloper(s) must comply with all applicable building codes and standards including but not limited to all local, county, state, and federal codes or standards as well as the International Building Code.
- B. Redeveloper(s) must ensure all projects provide sufficient flow and meet all standards required by the Fire Department.
- C. For water and sewer, Redeveloper(s) must model and provide guidance to Town on existing service and capacity to ensure proper service for any development proposed in a manner consistent existing Town software and tracking. Continued monitoring and coordination with the Town is required for all projects

4.8.3. Stormwater

All projects within the Redevelopment Area shall employ strategies that ensure 80% of stormwater in the NJ Water Quality Design Storm is recaptured on site. To accomplish this, the Redeveloper(s) is encouraged to employ a combination of best practices for stormwater management, especially the following:

- A. Incorporate street trees, green-roofs, planting beds, and other green infrastructure elements into planned building and landscaping designs to reduce runoff and improve local water quality.
- B. Maximize water capture and reduce pooling during heavy precipitation events with structural and passive non-structural stormwater management techniques.
- C. Integrate planted areas, greenways, green-roofs, and bio-swailes that filter runoff and maximize on-site infiltration.
- D. Reduce usage of impervious pavement or ground coverings to encourage groundwater recharge and slow the impact of water entering stormwater systems.
- E. Deliberate use of native and naturalized plant species that thrive in the local climate and complement water management strategies.
- F. Fully integrated structural and non-structural stormwater management interventions which allow systems to complement and compensate for shortcomings and soften failure events.

- G. Meet the latest NJDEP requirements and meet established best management practices.

5. ADMINISTRATION

5.1. **Redevelopment Actions**

The Town of Newton shall have such powers and duties as set forth in the LRHL and as may be set forth in this Redevelopment Plan, including, but not limited to, the authority to acquire real property without eminent domain, to relocate residents and businesses, to designate redevelopers, to establish clear terms and conditions for redevelopment through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.

5.2. **No Private Property to be Acquired by Condemnation**

This Plan does not allow for the Town to use its powers of eminent domain to acquire property in the Redevelopment Area for the purpose of redevelopment.

5.3. **Relocation Requirements**

Should implementation of this Redevelopment Plan require the displacement and relocation of businesses located within the Redevelopment Area, the redeveloper shall be responsible for any and all costs incurred by the Town in providing assistance to displaced parties in accordance with the Relocation Assistance Act, N.J.S.A. 20:4-1 et seq. and the Relocation Assistance Law, N.J.S.A. 62:31B-1 et seq.

5.4. **Town Designation of Redeveloper**

Anytime the word "developer" is utilized in this Redevelopment Plan, the same shall mean the Redeveloper(s) that are to be designated by the Town Council in accordance with the Redevelopment Law

5.5. **Redevelopment Agreement**

The Planning Board may consider all applications for land use approval as permitted under the MLUL, however, no project shall be constructed within the Redevelopment Area except pursuant to a redevelopment agreement entered into with the Town. Unless waived by the Town in its discretion, the Planning Board shall condition all land use approvals on the execution of a redevelopment agreement between the Redeveloper and the Town..

5.6. **Development Review Process**

Pursuant to N.J.S.A. 40A:12A-13, all applications for development of sites governed by the Redevelopment Plan shall be submitted to the Planning Board of Newton for review and approval in accordance with the Town's development application review requirements, this Redevelopment Plan, the Town's Land Development Ordinance, and N.J.S.A. 40:55D-1 et seq.

5.7. **Deviations/Variances**

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or

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

An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12a and b.

No deviations may be granted which will result in permitting:

1. A use or principal structure that is not permitted.
2. An expansion of a non-conforming use.
3. An increase in the height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted.

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

5.8. Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional the word, phrase, clause, section, or provision shall be deemed severable and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

5.9. Procedures for Amending the Plan

This Redevelopment Plan may be amended upon compliance with the requirements of the Redevelopment Law. As development occurs within the Redevelopment Area, development priorities and market demands may change. This Plan should have the adaptability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.

5.10. Redevelopment Plan Duration

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

5.11. Land Use Map Amendments

The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Town Land Use Map to ensure consistency.

5.12. Additional Superseding Provisions

Upon final adoption of this Redevelopment Plan by the Town Council, this Redevelopment Plan shall supersede all provisions of the Newton Zoning Ordinance for the Redevelopment Area, and all underlying zoning shall be voided as applied to the Redevelopment Area, except as specifically provided herein. Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and definitions set forth in the Zoning Ordinance of the Town of Newton.

5.13. Computations

When a numerical calculation of zoning standards for a particular lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .500 and rounded up for fractions .500 and above.

6. APPENDIX A: RELATION TO OTHER PLANS

6.1. 2008 Master Plan + Local Strategies

This Redevelopment Plan is consistent with and written to comply with the 2008 Master Plan and numerous local strategies and zoning code updates since the adoption of the Master Plan. Specifically, the following goals from the 2008 Master Plan are in line with the type of development envisioned by this Plan.

- 6.1.1. 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.
- 6.1.2. To ensure that the development of the Town does not conflict with the development and general welfare of neighboring municipalities, the County, and the State as a whole.
- 6.1.3. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions and preservation of the environment.
- 6.1.4. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- 6.1.5. To provide 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.

- 6.1.6. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
- 6.1.7. To encourage development of affordable housing within the Town of Newton.
- 6.1.8. To encourage coordination of the various public and private procedures and activities shaping land development and to promote utilization of renewable energy resources.
- 6.1.9. To balance market rate and affordable housing within neighborhoods.

6.2. 2019 Master Plan Reexamination Report

This Redevelopment Plan is consistent with and written to comply with the 2019 Master Plan Reexamination Report. As mentioned in the 2019 Reexamination Report, the underlying issues have been consistent and have remained relevant for the goals and objectives as formulated in the Town's 2008 Master Plan. Specifically, the here relevant 2008 Master Plan goals and objectives, as mentioned in the section above, have remained relevant over time and were again included in the 2019 Reexamination Report.

6.3. Adjacent Municipal Master Plan

This Redevelopment Plan should have no negative impact or major inconsistencies with the Master Plan of adjacent Hampton Township. Nearby land uses in Hampton are highway commercial and compatible with this Redevelopment Plan.

6.4. Sussex County Master Plan

The Sussex County Strategic Growth Plan divides the County into six "landscapes," with Newton classified as a "Center." Municipalities with classifications of "Center" encourage and promote alternative transportation, cultural and physical infrastructure, and relatively dense residential development. This County Plan also prioritizes minimization of "sprawl through incentives for density transfer and focuses development into designated growth areas (centers)," which is relevant to the Redevelopment Area. This Redevelopment Plan is consistent with the Sussex County Strategic Growth Plan as the Redevelopment Plan also provides for Center-type development.

6.5. State Development + Redevelopment Plan

The Water Street Redevelopment Area falls within the State's Planning Area 5 (PA-5, Environmentally Sensitive Planning Area). As documented in the State Development + Redevelopment Plan, the following intent is identified for PA-5, which are wholly consistent with this Redevelopment Plan:

- Provide for much of the State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character in existing stable communities.

Smart Growth principals, as established in the 2001 New Jersey State Development and Redevelopment Plan, encourage a compact form of development and redevelopment in recognized Centers, which include existing infrastructure that serves and enhances the economy, the community, and the environment. The regulations within this Redevelopment Plan should encourage innovative Smart Growth projects which conform to

New Jersey's Smart Growth Principles, including:

- Public amenities and urban design which contribute to a walkable neighborhood that offers upgrades to the current use for residents, commuters, and visitors, alike.
- Programming and design recommendations which include a wide range of transportation and pedestrian infrastructure improvements and promote active transportation options, including walking, bicycling, car-sharing, scooters, and transit.
- Provide a framework for equitable, predictable, and efficient redevelopment decision making.
- Expand upon a collaborative and transparent redevelopment process.

7. APPENDIX B: DEFINITIONS

Adult Entertainment Use

- Offers as one of its principal purposes the sale, rental, exhibit, or display of any of the following: books, magazines, publications or other printed materials, photography, videotapes, or audiotapes, still or moving films, computer disks, computer games, CD ROMs, DVDs, or any other media or tangible item of any kind, depicting or exhibiting a specified anatomical area or a specified sexual activity as each is defined herein; or*
- Regularly features live performances characterized by the depiction of a specified anatomical area or by a specified sexual activity as each is defined herein; or*
- Regularly shows films, motion pictures, video cassettes, slides, or other photographic or film representations which depict or describe a specified anatomical area or specified sexual activity as each is defined herein.*
- "Adult entertainment use" shall also include establishments which constitute adult bookstores, adult video stores, adult motion-picture theaters, and/or adult novelty/gift shops.*

Automotive Share

Any establishment that makes motorized vehicles available for use by members of a service on a limited time basis, usually for durations of less than a day.

Automotive Rental

Any establishment that makes motorized vehicles available for use by the general public on a limited time basis measured in increments of one day or more.

Nightclub

Any premises licensed to provide for the on-premises consumption of alcoholic beverages where the principal use or function during regular meal hours (i.e., between 10:00 a.m. and 11:00 p.m.) is the sale of food and the principal use or function after regular meal hours is the selling of alcoholic beverages. Incident thereto may be the retail sale or consumption of food as a permitted use, consistent with N.J.S.A. 33:12 et seq., and where any of the following elements exist: (a) more than 30% of the floor area of the establishment is devoted to an entertainment portion of the business; or (b) the occupancy rate is either more than 130% of the number of seats or less than 12 square feet per occupant. Entertainment shall not include background music, whether live or recorded, whose primary purpose is to create an atmosphere or ambiance.

Roof Deck

An open common space available to tenants and their guests located on the roof of the building.

8. APPENDIX C: WATER STREET PRELIMINARY INVESTIGATION
9. APPENDIX D: RESOLUTION DESIGNATION BLOCK 10.01, LOT 4
A NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT.

Area in Need of
Redevelopment Study
for Block 10.01, Lot 4
– 121 Water Street

Town of Newton, Sussex County, New Jersey

December 29, 2017

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Acknowledgements:

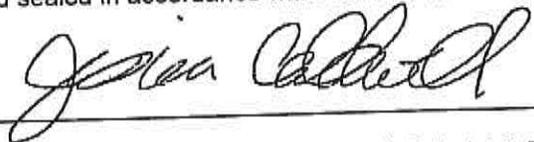
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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.



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I. Introduction

A. Background

The Town Council of the Town of Newton authorized J. Caldwell & Associates, LLC to conduct a Non-Condernnation Area in Need of Redevelopment Study for Block 10.01, Lot 4, formerly known as Block 803, Lot 48, also known as 121 Water Street. The purpose of the study is to determine if this area, shown in the map below, should be designated as a Non-Condernnation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). The study area includes one tax lot covering approximately 5.0 acres located on South Park Drive and US Route 206 (Water Street). The site is owned by G & H Service, Inc. and is the former location of G&H Tractor Supply. The business is no longer in operation.



Study Area Map

B. Methodology

This study included research and investigation into the history of the use of the area as well as field investigations of the site with interior and exterior inspections in order to determine if the area meets the statutory criteria to be deemed a Non-Condemnation Area in Need of Redevelopment.

Review of Town documents including the Town Master Plan, current zoning, proposed zoning and site records were conducted. Field investigations were conducted on the site in June 2017 and October 2017 with visual inspections and photo documentation of the building exteriors, interiors and surrounding sites. The field investigations were utilized to assess the physical conditions of the buildings, accessory structures, parking areas, landscaping and vegetation. A Phase I Environmental Site Assessment was conducted by Langan Engineering, dated May 2017, and the findings from that report were utilized to determine any environmental hazards or constraints.

The information provided from the investigation was compared with statutory criteria for designation of the site as 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

According to the Local Redevelopment and Housing Law (LRHL), an area qualifies as being in need of redevelopment if the governing body concludes that the delineated area meets at least one of the eight statutory criteria listed under Section 5 of the LRHL. The criteria are identified by the letter corresponding to the paragraph in that Section. Properties located within the area of study may meet more than one of the criteria but only one of the eight needs to be identified in order to be deemed an area in need of redevelopment. Additionally, Section 3 of the LRHL provides for the inclusion of areas that do not meet the Section 5 criteria but are necessary for the effective redevelopment of the area. The criteria are as follows:

The "a" Criterion: Deterioration(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." This criterion can be assessed by an exterior inspection, an interior inspection, or through an evaluation by a structural engineer.

The "b" Criterion: Abandoned Commercial and Industrial Buildings (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." These buildings usually will have been vacant for enough time that the building will exhibit a characteristic that will explain why it cannot be rented or sold. In most cases buildings that meet the 'b' criterion will also meet the 'a' criterion.

The "c" Criterion: Public and Vacant Land(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 (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." This criterion focuses on how the site functions (layout and design) and includes site improvements such as accessory structures, parking lots, and loading areas.

The "e" Criterion: Property Ownership and Title Issues (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 property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare." These areas can be designated in need of redevelopment if they are found to have a negative effect on the surrounding area or the community.

The "f" Criterion: Fire and Natural Disasters(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(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 al.) 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(40A:12A-5.h) - Municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principals adopted pursuant to law or regulation.

Section 3: Definitions (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. Area Description

The study area is located at 121 Water Street/ US Route 206 on the southwest corner of its intersection with South Park Drive. Block 10.01, Lot 4 is the former site of G & H Tractor Sales and South Park Drive makes up its entire eastern frontage. To the northeast of the site is the former Newton Armory buildings and ShopRite grocery store. To the Southwest of the site is Weis Supermarket and parking lot. To the northwest of the site is a group of retail stores consisting of a Dunkin Donuts, Walgreen's Pharmacy, Wells Fargo Bank and an Autozone Auto Parts Store. Further north along Water Street/ US Route 206 is Mavis Tire Repair Facility. To the immediate south of the site on South Park Drive is George's Salvage followed by Memory Park.

The study area is approximately 5.0 acres in size. Sites surrounding the study area are of similar size. The parcel is rectangular in shape with the shorter frontage along Water Street/US Route 206 and longer frontage located along South Park Drive.

Water Street/US Route 206 is an Urban Principal Arterial that runs north-south through the Town of Newton. South Park Drive is a local street that does not accommodate through traffic and provides access to the G&H Site, Shoprite, Weiss Grocery Store, Newton Park and Ride, Newton's Memory Park, the Newton Recycling Center and George's Salvage.

The area is developed with a former tractor supply and repair facility which includes three main buildings: a Main Office Building with garage and repair facilities, a Garage Building and a Quonset Hut storage building. The site also includes associated paved parking areas, gravel parking areas and grassy areas. The buildings in the area were serviced by public water and sewer prior to abandonment; however, utilities are currently shut off. Before water and sewer hook-ups, the site was served by an on-site potable water supply well and an on-site septic system. Building heat was provided by heating oil via above ground storage tanks. A 20-foot wide sanitary sewer and water main easement are present along the eastern portion of the area. An electric utility easement runs across the southern portion of the area.

The site is generally flat, sloping slightly from north to south. Stormwater sheet flows across the site, where it is captured in storm drains on the southern portion of the site or along South Park Drive. There are no wetlands or water bodies on the site. There is a tributary of the Paulinskill River approximately 1,400 feet from the site; however, the area is not located within a flood hazard area.

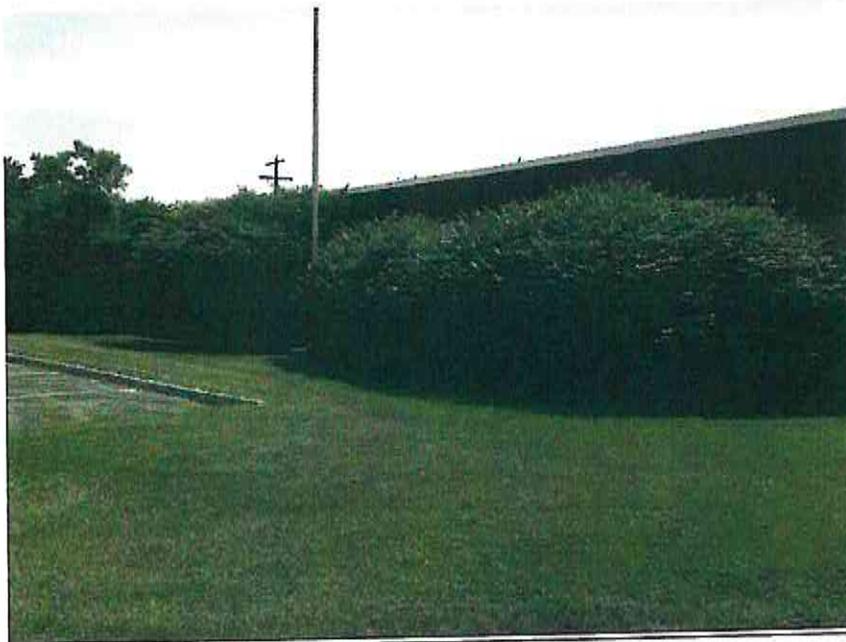


Environmental Constraints Map – Wetlands Shown to the South and East of the Area

B. General Site Photos



Front Façade of Main Office Building along Water Street/ US Route 206 (North Side)



Main Office Building Front Façade on Water Street/ US Route 206 (North Side)



Front Parking Area Looking Northwest



Gravel Drive along Western Side of Area



East Side of Building Along South Park Drive



East Side of Main Office Building with Parking Along South Park Drive



View of East Side of Main Office Building



South Facing Façade of Office Building with Garage Bay/ Gravel Parking



West Facing Façade and Garage Bays on Main Building



West Facing Garage Bays and Grated Parking Area for Truck Washing



Accessory Repair Garage (Southern Portion of the Area)



Quonset Hut Storage Building (Southern Portion of the Area)

C. Existing Land Use and Former Zoning

Existing Land Use

The current land uses in the study area are primarily commercial along Water Street/US Route 206 and industrial along South Park Drive. The site is surrounded by commercial uses to the northeast, north and northwest. To the southeast are the Newton Recycling Center, Newton Park and Ride, Newton's Memory Park and George's Salvage. To the east is the former Newton Armory site. To the southwest is Weis's Supermarket. The study area is a prime commercial location because of its location along the Water Street/US Route 206 corridor at the intersection with North Park and South Park Drive, as well as its close proximity to other commercial sites in both Newton and Hampton. The study area is made up of the former G & H Tractor Sales site. This area is Newton's main highway commercial area and is adjacent to similar development in Hampton Township.



Aerial View of the Study Area with Surrounding Land Uses

Zoning

In March 2012, the Town of Newton adopted a revision to its ordinances to incorporate the use of a Form-Based Code. It became effective on May 2, 2012. The Form-Based Code focuses on physical form as the organizing principal of planning rather than the more traditional separation of uses. 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. The Special Districts in the zone plan identify areas that fall outside of the transect concept. Under the Form-Based Code, the study area is located entirely in the Special District 3: Retail-Manufacturing District. This district permits large scale retail and industrial uses. Special District 3 is characterized by the existing highway commercial type development that follows US Route 206 from the Town of Newton north into Hampton Township.



The Study Area is located in the SD-3-Retail-Manufacturing District

The standards for Special District 3 include permitted building types and bulk requirements. The following building types are permitted in Special District 3:

- A. Research/Warehouse
- B. Large Scale Retail
- C. Retail
- D. Hotels
- E. Live/Work
- F. Drive-Through Retail
- G. Parking Garage
- H. Parking Garage with Liner Building

The bulk requirements for the SD-3 District are as follows:

Building Configuration	Principal Building	4 Stories/50 ft Max; 2 Story min. façade
	Accessory Building	2 Stories/25 ft Max
Lot Occupation	Lot Width	50 ft Min
	Lot Coverage	70% Max
Building Disposition	Edgeyard	Permitted
	Sidyard	Permitted
	Rearyard	Permitted
	Courtyard	Permitted
Principal Building Setbacks	Front Yard Primary	6 ft Min, 18 ft Max
	Front Yard Secondary	6 ft Min, 18 ft Max
	Side Yard	10 ft Min
	Rear Yard	3 ft Min.
	Frontage Build-out	50% Min at Setback
Accessory Building Setbacks	Front	20 ft Min. + Bldg. Setback
	Side Yard	5 ft Min. or 10 ft at

		Corner
	Rear Yard	5 ft Min.
Private Frontages	Common Lawn	N/A
	Porch and Fence	N/A
	Terrace	N/A
	Forecourt	Permitted
	Shopfront and Awning	Permitted
	Gallery	Permitted
	Arcade	Permitted
Civic Spaces	Park	Permitted
	Green	Permitted
	Square	Permitted
	Plaza	Permitted
	Playground	Permitted

The site is non-conforming to the SD-3 District for building type, minimum building height, maximum front yard setback, minimum frontage build-out, landscaping and buffering standards of the ordinance as well lot circulation, parking area design and access.

D. Site Analysis

Existing Site Development

There are currently three structures within the area: Main Office Building, Garage/Repair Building, and a Quonset Hut. The Main Office Building is located on the northern portion of the Site and consists of approximately 13,000 square feet. The Main Office Building is a masonry block and steel building constructed on a concrete slab on grade. The interior of the Main Office Building consisted of a main entrance area, several offices, break room, bathrooms, and garage bay areas. The Main Office Building was constructed in the mid to late 1970's and was used for office space and maintenance of farm equipment. Asphalt parking and maintained landscaped areas are located west of the Main Office Building.

The Garage Building is located to the east of the Main Office Building and is approximately 7,500 square feet. The Garage Building is constructed of concrete slab on grade concrete and earthen floor, steel, and masonry. The Garage Building was used for offices, repair, storage and maintenance of various farm related equipment.

The Quonset Hut is located in the southern portion of the area and is approximately 2,100 square feet. The Quonset Hut exterior walls consist of metal paneling with an earthen floor. The Quonset Hut was used for storage of miscellaneous farm equipment and supplies.

Relationship to Surrounding Neighborhood

The study area is located near the northeastern border of the Town adjacent to Hampton Township, one-half mile north of Newton Town Square. Along Water Street/US Route 206, highway commercial uses provide the dominant character to the area, including Wells Fargo Bank, Walgreens, Pizza Hut, Dunkin Donuts, Weis Market, Mavis Discount Tire and Auto and PNC Bank. Going north into Hampton Township, highway commercial uses continue along US Route 206 and include the Hampton Mall, along with several "big box" retail stores such as Staples, Lowes and Walmart. Along South Park Drive, industrial and commercial uses are more dominant, including Shoprite Grocery Store, the former location of the Newton Armory, the Town Recycling Center, the Newton Park and Ride and George's Salvage. Memory Park is located to the south of these uses. The closest concentration of residential uses is single family and duplex residential dwellings located on Clinton Street, approximately 0.4 miles south on Water Street/ US Route 206 toward the center of Newton, although a few scattered residences are located along Water Street/ US 206. While most of the commercial properties along Water Street/ US Route 206 have been developed with retail, commercial or service uses, this site remains vacant and underutilized having not been redeveloped into a compatible use with the surrounding area.

History

Block 10.01, Lot 4 was purchased by B. Douglas Gordon and Elizabeth Gordon in 1940, who began a tractor supply business on the site. The business later became a John Deere franchise which sold, leased, maintained, and repaired farm and construction equipment. The first building constructed around the time of purchase was the Garage Building located in the southeastern corner of the site. Originally, the building had two garage bays on the ground floor, office space and an apartment on the second floor. The apartment was later removed and changed to additional office space and restrooms for the building.

The second building constructed on the site was the Quonset Hut storage building built between 1951 and 1954 according to historical aeriels of the site. Ownership of the property was transferred to G&H Service, Inc. (same owners) on March 29, 1973. In the mid to late 1970s, the Main Office Building was constructed on the site along with associated parking and access. A truck washing system was also installed behind the Main Office Building.

The John Deere franchise was discontinued between 2011 and 2013. The site has been vacant since that time. Some informal off-site parking has occurred on the site from the Shoprite located across South Park Drive. Shoprite's employees often park at the site and walk across South Park Drive to the Shoprite. There is no formal agreement or site plan approval for this use.

Environmental – Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) was prepared for the Study Area by Langan Engineering on May 17, 2017. The ESA referenced a Preliminary Assessment/Site Investigation Report and Remedial Action Work Plan prepared by Applied Service Corp. on January 21, 2013. The report identified eight (8) Areas of Concern (AOCs), which are outlined below.

The eight AOCs included the following:

- AOCA1 – Historic Fill Area
- AOCA2 – Truck Washing System
- AOCA3 – Former On-Site Drainage Pond and Outlet Pipe
- AOCA4 – Former Seven Former USTs Closed in 1990
- AOCA5 – Former Floor Drains in Garage Building
- AOCA6 – Former Gasoline and Diesel Fuel UST Systems
- AOCA7 A Former On-Site Septic System
- AOCA8 – Former On-Site Potable Water Supply Well

Below is a summary of the environmental assessment activities completed, conclusions, and remedial action for each of the AOCs.

AOC-1 – Historic Fill Area

Historic fill was identified on the northern portion of the area and extends beyond the northern, eastern, and western area boundaries. Sampling of the soil revealed contamination from volatile organic compounds typically associated with petroleum products. The top two (2) feet of fill was determined to meet NJDEP standards to the extent that it could serve as a cap to the contaminated fill. A deed notice was placed over the historic fill area which requires monitoring, maintenance and evaluation for compliance and effectiveness of the cap. A Soil Remedial Action Permit was issued by the NJDEP in 2013.

AOC-2 – Truck Washing System

Between 2002 and 2006, G&H constructed a truck washing system on the southern and eastern sides of the Main Office Building. Fluid entering the interior drains of the garage bay area drained into the truck washing system. The system was designed to remove excess sediment and oil from truck washing water and to continually recycle and re-use the truck washing water. The sediments and oils were periodically collected and disposed by LORCO Petroleum Services of Elizabeth, New Jersey. The discharge for the system was a 12-inch diameter concrete pipe which exited a concrete block retaining wall on the south side of the Main Office Building. The discharge area was investigated as part of AOC-3. The soils around and within the truck washing area were investigated and found not to contain any hazardous materials.

AOC-3 – Former On-Site Drainage Pond and Outlet Pipe

A former on-site drainage pond and outlet pipe was located to the south of the truck washing system was reviewed for contamination and found to be impacted with heavy metals, volatile organic compounds and PCBs. On January 19, 2011 and January 31, 2012, approximately 1,966 tons of impacted soil was excavated and removed from the site. Three (3) ground water quality monitoring wells were also installed to monitor ground water in the area. No impacts to groundwater were identified so no further action was recommended for this AOC.

AOC-4 – Seven Former USTs Closed in 1990

On November 9, 2000, the NJDEP issued a no further action letter for seven (7) former underground storage tanks (USTs) in the area. The tanks were all removed from the area and soil testing confirmed that no further impact would result from those tanks. No further action was necessary.

AOC-5 – Former Floor Drains within Garage Building

A total of four (4) floor drains were removed and soil surrounding the four (4) floor drains was excavated. Groundwater monitoring wells were installed in the area of three (3) of the floor drains. No groundwater contamination was found so no further action was necessary.

AOC-6 – Former Gasoline and Diesel Fuel UST System

Two (2) gasoline and diesel pumps were once located within the central portion of the site between the Main Office Building and Garage Building. The soil and groundwater around the former gasoline and diesel fuel pump area was tested and no impacts were found. No further action was necessary.

AOC-7 – Former On-Site Septic System

Between December 8, 2011 through December 12, 2011, the former on-site septic system was excavated and removed, which was located outside the southwestern corner of the Garage Building. The soil surrounding the area was tested for impacts and no impacts were found. Therefore, no further action was necessary.

AOC-8 – Former On-Site Potable Supply Well

A former potable water supply well (PWA1) existed on the southwest corner of the Garage Building. On July 15, 2011, a New Jersey licensed well driller properly abandoned the potable well. As a result, no further action was necessary.

The ESA confirmed no further action for the eight (8) AOCs on the site. An additional off-site contamination issue was noted in 2013 by the NJDEP. The on-site monitoring well was later abandoned with approval from NJDEP. The remaining issues of concern raised in the ESA surrounded the possibility of asbestos in the building and a remaining above-ground storage tank in the Garage Building. The report noted that proper removal of those items would be necessary during any demolition of the buildings on the site.

Transportation Access

The study area is accessed by Water Street/ US Route 206 to the west and South Park Drive to the south. Water Street/ US Route 206 is an Urban Principal Arterial that primarily runs north-south. South Park Drive is a local street that does not accommodate through traffic but primarily provides access to the ShopRite, Newton Park and Ride, the Newton Recycling Center and George's Salvage. South Park Drive runs approximately northwest-southeast along the study area and changes into North Park Drive following its lighted intersection with US Route 206. South Park Drive also supplies access to Memory Park however; this is not used as a main entrance.

The Park and Ride is located in close proximity to the Study Area and is used by the Lakeland Bus Company, which takes passengers from Newton into Midtown Manhattan and other employment centers to the east of Newton. Buses run multiple times a day, seven days a week.

There is a large amount of pedestrian activity between the study area and the center of Newton. Many people walk from the center of Town to this area for shopping. Being aware of this heavily pedestrian traveled area, in 2011, the Town of Newton installed street trees along this corridor and is looking at other ways to improve the pedestrian realm in this area and add to pedestrian connectivity. Some possible future improvements are listed in the Town of Newton Circulation Plan Element and include: bike lanes, sidewalk buffers, and the creation of "complete streets".

Master Plan

The Town of Newton Master Plan was updated in August 2008 to incorporate smart growth principals which included a proposal for Transect Zoning and introduction of the concept of 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. Plan Endorsement by the State Planning Commission recognizes that the Master Plan and ordinances of the Town of Newton are consistent with the State Plan, which are consistent with smart growth principals. 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 route which will result in congestion or blight.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
- To encourage the coordination of the various public and private procedures and activities shaping land development.
- 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.
- Improve the appearance of the community by the elimination of negative elements such as non-conforming signs and by encouraging aesthetically designed screening with adequate setbacks and landscaping.

E. Findings

This investigation found that the study area meets at least four (4) of the statutory criteria to qualify as being an area in need of redevelopment. The area meets Criterion "a", "b", "d" and "h". This section provides descriptions of how the area meets each identified Criterion which is then followed by Interior and Exterior Site Photos that provide visual support for the descriptions.

Qualifying Criterion "a"

Criterion "a" of the LHRL 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 structures on the site are substandard, unsafe, unsanitary and dilapidated so as to be conducive to unwholesome living or working conditions. The Main Office Building has ceiling leaks that have caused mold and mildew as well as damage to the ceiling and floor tiles. The Main Office Building has unsanitary bathroom facilities that are not connected to working fixtures. The Main Office Building also has insect and rodent infestations and droppings throughout the building. The Garage Building has no working plumbing, earthen floors in locations and broken or non-existent walls and windows. The ceilings are also leaking. Rodent and insect infestations are also present in the Garage Building. The Quonset Hut has earthen floors, no plumbing fixtures and no working entry doors or exits.

The structures are also lacking in light and air so as to be conducive to unwholesome working conditions. The Main Office Building has limited light and air as the design has very few windows. Office spaces are small and interior to the building, most of them lacking air and light. The Quonset Hut has no windows and no working entry or exit doors. It is completely lacking in natural light. The condition of these structures is not conducive to wholesome working conditions.

The Garage Structure and the Quonset Hut are extremely dilapidated and uninhabitable for living or working conditions. The Main Office Building has been neglected and vacant for several years and is currently not habitable for use.

There are three (3) structures currently on the site, all of which are substandard and in various states of dilapidation. The buildings are currently unsafe for habitation due to leaking roofs, lack of water and sewer connections, insect and animal infestations, disrepair, mold and mildew, broken windows, dirt floors and general deterioration. The long-term vacancy of the site is worsening the conditions of the buildings.

Qualifying Criterion “b”

The site also meets Criterion "b" which states: "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 buildings on the site have been vacant for over four years. They were previously utilized for commercial and industrial purposes as noted for the tractor sales and repair on the site. The buildings are vacant and have fallen into various states of disrepair such that they are untenable. The Main Office Building has ceiling leaks that have caused mold and mildew as well as damage to the ceiling and floor tiles. The Main Office Building has unsanitary bathroom facilities that are not connected to working fixtures. The Main Office Building also has insect and rodent infestations and droppings throughout the building. The Garage Building has no working plumbing, earthen floors in locations and broken or non-existent walls and windows. The ceilings are also leaking. Rodent and insect infestations are also present in the Garage Building. The Quonset Hut has earthen floors, no plumbing fixtures and no working entry doors or exits.

Despite a high level of commercial activity surrounding the site, the site has not been occupied by a tenant. The lack of interest by viable commercial tenants along a busy commercial corridor points to the untenable condition of the site. For these reasons, the site meets criterion "b".

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 site has an obsolete layout and design. The circulation of the site is disjointed, with several different angles of access and areas that are underutilized from a site layout perspective. The parking on the east side of the building requires cars to back-up into the roadway. The Main Office Building is setback from the road and a large grass area in front of the building is not utilized. The disjointed shape of the building and lack of windows create difficulty of adaptation to other uses. More than half of the site is covered by gravel and open paved areas with no markings or organized parking or circulation. The Garage Building and the Quonset Hut are both so dilapidated as to be unusable. All three buildings are set back to the middle and rear of the site, leaving the valuable highway frontage open and vacant. The prior uses on the site resulted in a deleterious use of the land causing contamination of the soils on the site. For these reasons, the buildings and layout of the site are not readily adaptable to other uses and as a result, the long-term vacancy of the site has led to a condition of blight on the property. The site meets criteria "d" because the buildings are obsolete, dilapidated, have a faulty arrangement and design which is not readily adaptable to other viable commercial uses. The site is not in conformance with the Town's Form-Based Code, being

non-conforming for building type, front yard setback, minimum building height, parking area and landscaping design and screening and buffering. All of these conditions are causing a detriment to the public welfare because the site remains vacant along a busy commercial corridor where the public is not benefiting from a productive commercial use on the site and is instead experiencing the negative impacts of a vacant dilapidated and non-functioning property. The vacancy and dilapidation of the property is negatively impacting adjacent properties by negatively impacting the connectivity of the commercial frontage on the southern side of Water Street. Additionally, the Shoprite directly across north park drive was also declared an area in need of redevelopment in connection with the Armory Property behind it. For these stated reasons, the site meets criterion "d".

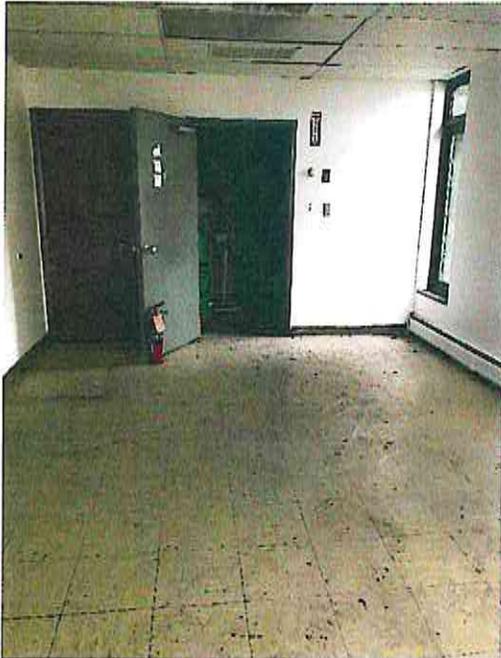
Qualifying Criterion "h"

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 principals adopted pursuant to law or regulation. The Town of Newton has adopted Transect Zoning and a Form-Based Code, which is based on the smart growth planning principals outlined in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated as a Regional Center consistent with the State Planning Act. More recently, the Town of Newton received Plan Endorsement by the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. When reviewed with the Town's Master Plan and Form-Based Code, it is apparent that Study Area is best developed consistently with smart growth principals by focusing access and development along US Route 206. The extended setback of the building which does not provide an opportunity to create a walkable site from US Route 206 makes it unfeasible for development under smart growth planning principals. Additionally, redevelopment of an underutilized site in a Town Center, an area deemed to be a smart growth area by the State Plan, is consistent with the smart growth planning principals adopted pursuant to law or regulation. For this reason, the site meets Criterion "h".

Interior and Exterior Site Photos

The following photos show evidence of Qualifying Criteria "a", "b", "d" and "h" as noted above.

Main Office Building



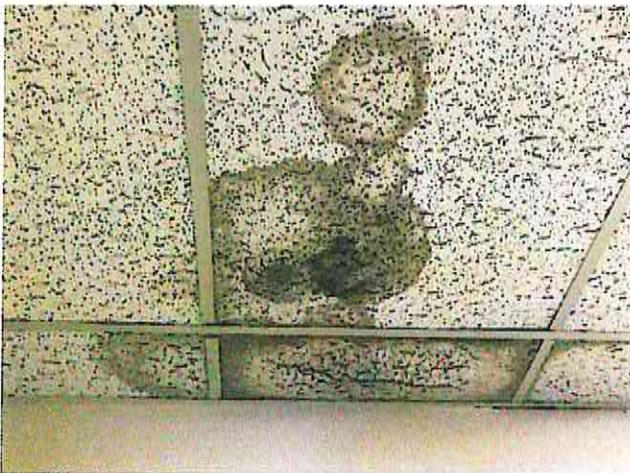
Small Interior, Leaking Ceiling, Non-Functional Bathrooms (Dead Insects and Rodent Droppings)



Conditions Not Conducive to Wholesome Working Conditions (Rodent Droppings)



Dilapidated Interior Offices, Damage from Leaking Roof (Mold and Water Damage)



Damaged Ceiling Tile, Leaking Roof with Mold



Deteriorated Bathroom Shower (Molding)



Dilapidated Interior Offices Lacking Light and Air (Molding Floors)



Overgrown Landscaping – Lacking Light and Windows



Exterior Deterioration – Lacking Windows/Light

Garage Building



Exterior Deterioration, Unsanitary, Lacking Light and Air



Exterior Dilapidation, Boarded Windows, Broken Windows, Rotting Roof Joists



Interior Dilapidation, Rusted Furnace, Broken Door, Broken Windows, Earthen Floor



Garage Walls Deteriorating



Second Floor Boards Rotting, No Walls



Outdated Wiring



Broken and Rotting Floor Boards on Second Floor

Quonset Hut



Non-functioning Access; Leaking Ceiling, No Insulation or Heat Source, No Windows

IV. Recommendations

This investigation finds that the study area identified as Block 10.01, Lots 4, meets the statutory criteria to qualify as an Area in Need of Redevelopment and recommends that the site be designated by the Town of Newton as a Non-Condensation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et. seq.

This study further recommends that the Town Council and Planning Board authorize the preparation of a Redevelopment Plan for the area in order to facilitate a unified development of the area that is in keeping with the Form-Based Code, but provides for the unique circumstances and constraints of the area.



TOWN OF NEWTON
RESOLUTION #69-2018

February 26, 2018

"Resolution of the Town of Newton, in the County of Sussex, New Jersey Designating 121 Water Street (Block 10.01, Lot 4) as a Non-Condemnation Area in Need of Redevelopment"

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land within the municipality constitute an "Area in Need of Redevelopment", as defined in the Redevelopment Law; and

WHEREAS, the Town Council of the Town of Newton directed the Planning Board by Resolution #263-2017 to examine whether Block 10.01, Lot 4 (commonly known as 121 Water Street, the "Study Area"), should be designated a Non-Condemnation Area in Need of Redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the "Planning Consultant") prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled "Area in Need of Redevelopment Study for Block 10.01, Lot 4 – 121 Water Street" (the "Study", a copy of which is attached hereto as Exhibit A); and

WHEREAS, the Study concluded that the Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, on January 31, 2018 notice of the Planning Board hearing was sent to the property owner of the Study Area and on February 2, 2018 and February 9, 2018, notice of the Planning Board hearing was published in the New Jersey Herald; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board caused a duly noticed public hearing to be held concerning the Study on February 21, 2018, giving all persons who are interested in or would be affected by a determination that the Study Area is a Non-Condemnation Area in Need of Redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, on February 21, 2018, the Planning Board adopted a resolution (a copy of which is attached hereto as Exhibit B) accepting and adopting the recommendations contained in the Study, and recommending that the Study Area be declared a non-condemnation area in need of redevelopment for the reasons set forth therein; and

WHEREAS, after careful consideration of the Study, the Planning Board resolution, and all of the relevant facts and circumstances concerning this matter;

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

Section 1. Designation of the Redevelopment Area. Based on substantial evidence and the recommendation of the Planning Board, the Town Council hereby designates Block 10.01, Lot 4 as a Non-Condemnation Area in Need of Redevelopment.

Section 2. Transmittal of Resolution to Commissioner of Community Affairs. The Town Council hereby directs the Town Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

Section 3. Transmittal of Resolution to Property Owner. The Town Council hereby directs the Town Clerk to transmit a certified copy of this resolution within 10 days of the adoption of this Resolution to the property owner of the Study Area.

Section 4. Effective Date. This resolution shall take effect in accordance with law.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at the regular meeting of said Governing Body conducted on Monday, February 26, 2018.


Lorraine A. Read, RMC
Municipal Clerk

Area in Need of Redevelopment Study for Block 10.01, Lot 4 – 121 Water Street

Town of Newton, Sussex County, New Jersey

December 29, 2017

Prepared by:

J Caldwell & Associates, LLC., 122 Main Street, Suite 104, Newton NJ 07860

Acknowledgements:

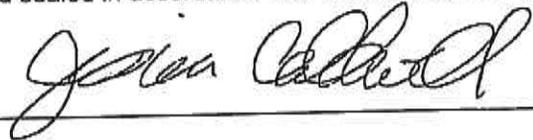
PLANNING BOARD

Gregory LeFrois, Chair
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Professional Staff

Thomas S. Russo, Jr. Town Manager
Jennifer Credidio, Esq., Redevelopment Attorney
Jessica C. Caldwell, P.P., A.I.C.P., Town Planner

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



Jessica C. Caldwell, P.P., A.I.C.P.

New Jersey Professional Planner #5944

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I. Introduction

A. Background

The Town Council of the Town of Newton authorized J. Caldwell & Associates, LLC to conduct a Non-Condensation Area in Need of Redevelopment Study for Block 10.01, Lot 4, formerly known as Block 803, Lot 48, also known as 121 Water Street. The purpose of the study is to determine if this area, shown in the map below, should be designated as a Non-Condensation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). The study area includes one tax lot covering approximately 5.0 acres located on South Park Drive and US Route 206 (Water Street). The site is owned by G & H Service, Inc. and is the former location of G&H Tractor Supply. The business is no longer in operation.



Study Area Map

B. Methodology

This study included research and investigation into the history of the use of the area as well as field investigations of the site with interior and exterior inspections in order to determine if the area meets the statutory criteria to be deemed a Non-Condensation Area in Need of Redevelopment.

Review of Town documents including the Town Master Plan, current zoning, proposed zoning and site records were conducted. Field investigations were conducted on the site in June 2017 and October 2017 with visual inspections and photo documentation of the building exteriors, interiors and surrounding sites. The field investigations were utilized to assess the physical conditions of the buildings, accessory structures, parking areas, landscaping and vegetation. A Phase I Environmental Site Assessment was conducted by Langan Engineering, dated May 2017, and the findings from that report were utilized to determine any environmental hazards or constraints.

The information provided from the investigation was compared with statutory criteria for designation of the site as 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

According to the Local Redevelopment and Housing Law (LRHL), an area qualifies as being in need of redevelopment if the governing body concludes that the delineated area meets at least one of the eight statutory criteria listed under Section 5 of the LRHL. The criteria are identified by the letter corresponding to the paragraph in that Section. Properties located within the area of study may meet more than one of the criteria but only one of the eight needs to be identified in order to be deemed an area in need of redevelopment. Additionally, Section 3 of the LRHL provides for the inclusion of areas that do not meet the Section 5 criteria but are necessary for the effective redevelopment of the area. The criteria are as follows:

The "a" Criterion: Deterioration(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." This criterion can be assessed by an exterior inspection, an interior inspection, or through an evaluation by a structural engineer.

The "b" Criterion: Abandoned Commercial and Industrial Buildings (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." These buildings usually will have been vacant for enough time that the building will exhibit a characteristic that will explain why it cannot be rented or sold. In most cases buildings that meet the 'b' criterion will also meet the 'a' criterion.

The "c" Criterion: Public and Vacant Land(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 (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." This criterion focuses on how the site functions (layout and design) and includes site improvements such as accessory structures, parking lots, and loading areas.

The "e" Criterion: Property Ownership and Title Issues (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 property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare." These areas can be designated in need of redevelopment if they are found to have a negative effect on the surrounding area or the community.

The "f" Criterion: Fire and Natural Disasters(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(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 al.) 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(40A:12A-5.h) - Municipalities can designate an area in need of redevelopment if the designation is consistent with smart growth planning principals adopted pursuant to law or regulation.

Section 3: Definitions (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. Area Description

The study area is located at 121 Water Street/ US Route 206 on the southwest corner of its intersection with South Park Drive. Block 10.01, Lot 4 is the former site of G & H Tractor Sales and South Park Drive makes up its entire eastern frontage. To the northeast of the site is the former Newton Armory buildings and ShopRite grocery store. To the Southwest of the site is Weis Supermarket and parking lot. To the northwest of the site is a group of retail stores consisting of a Dunkin Donuts, Walgreen's Pharmacy, Wells Fargo Bank and an Autozone Auto Parts Store. Further north along Water Street/ US Route 206 is Mavis Tire Repair Facility. To the immediate south of the site on South Park Drive is George's Salvage followed by Memory Park.

The study area is approximately 5.0 acres in size. Sites surrounding the study area are of similar size. The parcel is rectangular in shape with the shorter frontage along Water Street/US Route 206 and longer frontage located along South Park Drive.

Water Street/US Route 206 is an Urban Principal Arterial that runs north-south through the Town of Newton. South Park Drive is a local street that does not accommodate through traffic and provides access to the G&H Site, Shoprite, Weiss Grocery Store, Newton Park and Ride, Newton's Memory Park, the Newton Recycling Center and George's Salvage.

The area is developed with a former tractor supply and repair facility which includes three main buildings: a Main Office Building with garage and repair facilities, a Garage Building and a Quonset Hut storage building. The site also includes associated paved parking areas, gravel parking areas and grassy areas. The buildings in the area were serviced by public water and sewer prior to abandonment; however, utilities are currently shut off. Before water and sewer hook-ups, the site was served by an on-site potable water supply well and an on-site septic system. Building heat was provided by heating oil via above ground storage tanks. A 20-foot wide sanitary sewer and water main easement are present along the eastern portion of the area. An electric utility easement runs across the southern portion of the area.

The site is generally flat, sloping slightly from north to south. Stormwater sheet flows across the site, where it is captured in storm drains on the southern portion of the site or along South Park Drive. There are no wetlands or water bodies on the site. There is a tributary of the Paulinskill River approximately 1,400 feet from the site; however, the area is not located within a flood hazard area.

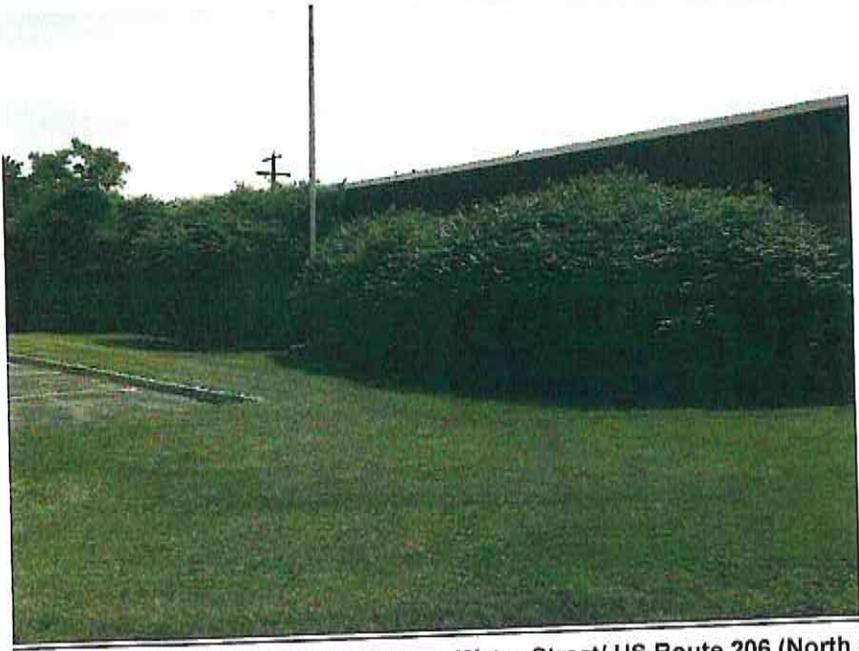


Environmental Constraints Map – Wetlands Shown to the South and East of the Area

B. General Site Photos



Front Façade of Main Office Building along Water Street/ US Route 206 (North Side)



Main Office Building Front Façade on Water Street/ US Route 206 (North Side)

Area in Need of Redevelopment Study for Block 10.01, Lot 4 – 121 Water Street



Front Parking Area Looking Northwest



Gravel Drive along Western Side of Area



East Side of Building Along South Park Drive

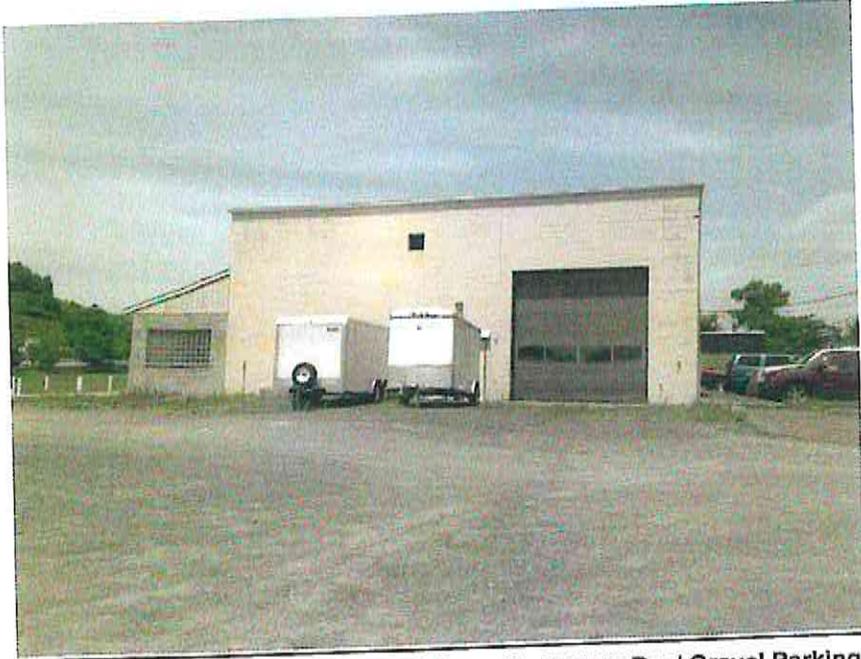


East Side of Main Office Building with Parking Along South Park Drive

Area in Need of Redevelopment Study for Block 10.01, Lot 4 – 121 Water Street



View of East Side of Main Office Building



South Facing Façade of Office Building with Garage Bay/ Gravel Parking



West Facing Façade and Garage Bays on Main Building



West Facing Garage Bays and Grated Parking Area for Truck Washing



Accessory Repair Garage (Southern Portion of the Area)



Quonset Hut Storage Building (Southern Portion of the Area)

C. Existing Land Use and Former Zoning

Existing Land Use

The current land uses in the study area are primarily commercial along Water Street/US Route 206 and industrial along South Park Drive. The site is surrounded by commercial uses to the northeast, north and northwest. To the southeast are the Newton Recycling Center, Newton Park and Ride, Newton's Memory Park and George's Salvage. To the east is the former Newton Armory site. To the southwest is Weis's Supermarket. The study area is a prime commercial location because of its location along the Water Street/US Route 206 corridor at the intersection with North Park and South Park Drive, as well as its close proximity to other commercial sites in both Newton and Hampton. The study area is made up of the former G & H Tractor Sales site. This area is Newton's main highway commercial area and is adjacent to similar development in Hampton Township.



Aerial View of the Study Area with Surrounding Land Uses

Zoning

In March 2012, the Town of Newton adopted a revision to its ordinances to incorporate the use of a Form-Based Code. It became effective on May 2, 2012. The Form-Based Code focuses on physical form as the organizing principal of planning rather than the more traditional separation of uses. 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. The Special Districts in the zone plan identify areas that fall outside of the transect concept. Under the Form-Based Code, the study area is located entirely in the Special District 3: Retail-Manufacturing District. This district permits large scale retail and industrial uses. Special District 3 is characterized by the existing highway commercial type development that follows US Route 206 from the Town of Newton north into Hampton Township.



The Study Area is located in the SD-3-Retail-Manufacturing District

The standards for Special District 3 include permitted building types and bulk requirements. The following building types are permitted in Special District 3:

- A. Research/Warehouse
- B. Large Scale Retail
- C. Retail
- D. Hotels
- E. Live/Work
- F. Drive-Through Retail
- G. Parking Garage
- H. Parking Garage with Liner Building

The bulk requirements for the SD-3 District are as follows:

Building Configuration	Principal Building	4 Stories/50 ft Max; 2 Story min. façade
	Accessory Building	2 Stories/25 ft Max
Lot Occupation	Lot Width	50 ft Min
	Lot Coverage	70% Max
Building Disposition	Edgeyard	Permitted
	Sideyard	Permitted
	Rearyard	Permitted
	Courtyard	Permitted
Principal Building Setbacks	Front Yard Primary	6 ft Min, 18 ft Max
	Front Yard Secondary	6 ft Min, 18 ft Max
	Side Yard	10 ft Min
	Rear Yard	3 ft Min.
	Frontage Build-out	50% Min at Setback
Accessory Building Setbacks	Front	20 ft Min. + Bldg. Setback
	Side Yard	5 ft Min. or 10 ft at

		Corner
	Rear Yard	5 ft Min.
Private Frontages	Common Lawn	N/A
	Porch and Fence	N/A
	Terrace	N/A
	Forecourt	Permitted
	Shopfront and Awning	Permitted
	Gallery	Permitted
	Arcade	Permitted
Civic Spaces	Park	Permitted
	Green	Permitted
	Square	Permitted
	Plaza	Permitted
	Playground	Permitted

The site is non-conforming to the SD-3 District for building type, minimum building height, maximum front yard setback, minimum frontage build-out, landscaping and buffering standards of the ordinance as well lot circulation, parking area design and access.

D. Site Analysis

Existing Site Development

There are currently three structures within the area: Main Office Building, Garage/Repair Building, and a Quonset Hut. The Main Office Building is located on the northern portion of the Site and consists of approximately 13,000 square feet. The Main Office Building is a masonry block and steel building constructed on a concrete slab on grade. The interior of the Main Office Building consisted of a main entrance area, several offices, break room, bathrooms, and garage bay areas. The Main Office Building was constructed in the mid to late 1970's and was used for office space and maintenance of farm equipment. Asphalt parking and maintained landscaped areas are located west of the Main Office Building.

The Garage Building is located to the east of the Main Office Building and is approximately 7,500 square feet. The Garage Building is constructed of concrete slab on grade concrete and earthen floor, steel, and masonry. The Garage Building was used for offices, repair, storage and maintenance of various farm related equipment.

The Quonset Hut is located in the southern portion of the area and is approximately 2,100 square feet. The Quonset Hut exterior walls consist of metal paneling with an earthen floor. The Quonset Hut was used for storage of miscellaneous farm equipment and supplies.

Relationship to Surrounding Neighborhood

The study area is located near the northeastern border of the Town adjacent to Hampton Township, one-half mile north of Newton Town Square. Along Water Street/US Route 206, highway commercial uses provide the dominant character to the area, including Wells Fargo Bank, Walgreens, Pizza Hut, Dunkin Donuts, Weis Market, Mavis Discount Tire and Auto and PNC Bank. Going north into Hampton Township, highway commercial uses continue along US Route 206 and include the Hampton Mall, along with several "big box" retail stores such as Staples, Lowes and Walmart. Along South Park Drive, industrial and commercial uses are more dominant, including Shoprite Grocery Store, the former location of the Newton Armory, the Town Recycling Center, the Newton Park and Ride and George's Salvage. Memory Park is located to the south of these uses. The closest concentration of residential uses is single family and duplex residential dwellings located on Clinton Street, approximately 0.4 miles south on Water Street/ US Route 206 toward the center of Newton, although a few scattered residences are located along Water Street/ US 206. While most of the commercial properties along Water Street/ US Route 206 have been developed with retail, commercial or service uses, this site remains vacant and underutilized having not been redeveloped into a compatible use with the surrounding area.

History

Block 10.01, Lot 4 was purchased by B. Douglas Gordon and Elizabeth Gordon in 1940, who began a tractor supply business on the site. The business later became a John Deere franchise which sold, leased, maintained, and repaired farm and construction equipment. The first building constructed around the time of purchase was the Garage Building located in the southeastern corner of the site. Originally, the building had two garage bays on the ground floor, office space and an apartment on the second floor. The apartment was later removed and changed to additional office space and restrooms for the building.

The second building constructed on the site was the Quonset Hut storage building built between 1951 and 1954 according to historical aerials of the site. Ownership of the property was transferred to G&H Service, Inc. (same owners) on March 29, 1973. In the mid to late 1970s, the Main Office Building was constructed on the site along with associated parking and access. A truck washing system was also installed behind the Main Office Building.

The John Deere franchise was discontinued between 2011 and 2013. The site has been vacant since that time. Some informal off-site parking has occurred on the site from the Shoprite located across South Park Drive. Shoprite's employees often park at the site and walk across South Park Drive to the Shoprite. There is no formal agreement or site plan approval for this use.

Environmental – Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) was prepared for the Study Area by Langan Engineering on May 17, 2017. The ESA referenced a Preliminary Assessment/Site Investigation Report and Remedial Action Work Plan prepared by Applied Service Corp. on January 21, 2013. The report identified eight (8) Areas of Concern (AOCs), which are outlined below.

The eight AOCs included the following:

- AOCA1 – Historic Fill Area
- AOCA2 – Truck Washing System
- AOCA3 – Former On-Site Drainage Pond and Outlet Pipe
- AOCA4 – Former Seven Former USTs Closed in 1990
- AOCA5 – Former Floor Drains in Garage Building
- AOCA6 – Former Gasoline and Diesel Fuel UST Systems
- AOCA7 A Former On-Site Septic System
- AOCA8 – Former On-Site Potable Water Supply Well

Below is a summary of the environmental assessment activities completed, conclusions, and remedial action for each of the AOCs.

AOC-1 – Historic Fill Area

Historic fill was identified on the northern portion of the area and extends beyond the northern, eastern, and western area boundaries. Sampling of the soil revealed contamination from volatile organic compounds typically associated with petroleum products. The top two (2) feet of fill was determined to meet NJDEP standards to the extent that it could serve as a cap to the contaminated fill. A deed notice was placed over the historic fill area which requires monitoring, maintenance and evaluation for compliance and effectiveness of the cap. A Soil Remedial Action Permit was issued by the NJDEP in 2013.

AOC-2 – Truck Washing System

Between 2002 and 2006, G&H constructed a truck washing system on the southern and eastern sides of the Main Office Building. Fluid entering the interior drains of the garage bay area drained into the truck washing system. The system was designed to remove excess sediment and oil from truck washing water and to continually recycle and re-use the truck washing water. The sediments and oils were periodically collected and disposed by LORCO Petroleum Services of Elizabeth, New Jersey. The discharge for the system was a 12-inch diameter concrete pipe which exited a concrete block retaining wall on the south side of the Main Office Building. The discharge area was investigated as part of AOC-3. The soils around and within the truck washing area were investigated and found not to contain any hazardous materials.

AOC-3 – Former On-Site Drainage Pond and Outlet Pipe

A former on-site drainage pond and outlet pipe was located to the south of the truck washing system was reviewed for contamination and found to be impacted with heavy metals, volatile organic compounds and PCBs. On January 19, 2011 and January 31, 2012, approximately 1,966 tons of impacted soil was excavated and removed from the site. Three (3) ground water quality monitoring wells were also installed to monitor ground water in the area. No impacts to groundwater were identified so no further action was recommended for this AOC.

AOC-4 – Seven Former USTs Closed in 1990

On November 9, 2000, the NJDEP issued a no further action letter for seven (7) former underground storage tanks (USTs) in the area. The tanks were all removed from the area and soil testing confirmed that no further impact would result from those tanks. No further action was necessary.

AOC-5 – Former Floor Drains within Garage Building

A total of four (4) floor drains were removed and soil surrounding the four (4) floor drains was excavated. Groundwater monitoring wells were installed in the area of three (3) of the floor drains. No groundwater contamination was found so no further action was necessary.

AOC-6 – Former Gasoline and Diesel Fuel UST System

Two (2) gasoline and diesel pumps were once located within the central portion of the site between the Main Office Building and Garage Building. The soil and groundwater around the former gasoline and diesel fuel pump area was tested and no impacts were found. No further action was necessary.

AOC-7 – Former On-Site Septic System

Between December 8, 2011 through December 12, 2011, the former on-site septic system was excavated and removed, which was located outside the southwestern corner of the Garage Building. The soil surrounding the area was tested for impacts and no impacts were found. Therefore, no further action was necessary.

AOC-8 – Former On-Site Potable Supply Well

A former potable water supply well (PWA1) existed on the southwest corner of the Garage Building. On July 15, 2011, a New Jersey licensed well driller properly abandoned the potable well. As a result, no further action was necessary.

The ESA confirmed no further action for the eight (8) AOCs on the site. An additional off-site contamination issue was noted in 2013 by the NJDEP. The on-site monitoring well was later abandoned with approval from NJDEP. The remaining issues of concern raised in the ESA surrounded the possibility of asbestos in the building and a remaining above-ground storage tank in the Garage Building. The report noted that proper removal of those items would be necessary during any demolition of the buildings on the site.

Transportation Access

The study area is accessed by Water Street/ US Route 206 to the west and South Park Drive to the south. Water Street/ US Route 206 is an Urban Principal Arterial that primarily runs north-south. South Park Drive is a local street that does not accommodate through traffic but primarily provides access to the ShopRite, Newton Park and Ride, the Newton Recycling Center and George's Salvage. South Park Drive runs approximately northwest-southeast along the study area and changes into North Park Drive following its lighted intersection with US Route 206. South Park Drive also supplies access to Memory Park however; this is not used as a main entrance.

The Park and Ride is located in close proximity to the Study Area and is used by the Lakeland Bus Company, which takes passengers from Newton into Midtown Manhattan and other employment centers to the east of Newton. Buses run multiple times a day, seven days a week.

There is a large amount of pedestrian activity between the study area and the center of Newton. Many people walk from the center of Town to this area for shopping. Being aware of this heavily pedestrian traveled area, in 2011, the Town of Newton installed street trees along this corridor and is looking at other ways to improve the pedestrian realm in this area and add to pedestrian connectivity. Some possible future improvements are listed in the Town of Newton Circulation Plan Element and include: bike lanes, sidewalk buffers, and the creation of "complete streets".

Master Plan

The Town of Newton Master Plan was updated in August 2008 to incorporate smart growth principals which included a proposal for Transect Zoning and introduction of the concept of 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. Plan Endorsement by the State Planning Commission recognizes that the Master Plan and ordinances of the Town of Newton are consistent with the State Plan, which are consistent with smart growth principals. 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 route which will result in congestion or blight.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
- To encourage the coordination of the various public and private procedures and activities shaping land development.
- 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.
- Improve the appearance of the community by the elimination of negative elements such as non-conforming signs and by encouraging aesthetically designed screening with adequate setbacks and landscaping.

E. Findings

This investigation found that the study area meets at least four (4) of the statutory criteria to qualify as being an area in need of redevelopment. The area meets Criterion "a", "b", "d" and "h". This section provides descriptions of how the area meets each identified Criterion which is then followed by Interior and Exterior Site Photos that provide visual support for the descriptions.

Qualifying Criterion "a"

Criterion "a" of the LHRL 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 structures on the site are substandard, unsafe, unsanitary and dilapidated so as to be conducive to unwholesome living or working conditions. The Main Office Building has ceiling leaks that have caused mold and mildew as well as damage to the ceiling and floor tiles. The Main Office Building has unsanitary bathroom facilities that are not connected to working fixtures. The Main Office Building also has insect and rodent infestations and droppings throughout the building. The Garage Building has no working plumbing, earthen floors in locations and broken or non-existent walls and windows. The ceilings are also leaking. Rodent and insect infestations are also present in the Garage Building. The Quonset Hut has earthen floors, no plumbing fixtures and no working entry doors or exits.

The structures are also lacking in light and air so as to be conducive to unwholesome working conditions. The Main Office Building has limited light and air as the design has very few windows. Office spaces are small and interior to the building, most of them lacking air and light. The Quonset Hut has no windows and no working entry or exit doors. It is completely lacking in natural light. The condition of these structures is not conducive to wholesome working conditions.

The Garage Structure and the Quonset Hut are extremely dilapidated and uninhabitable for living or working conditions. The Main Office Building has been neglected and vacant for several years and is currently not habitable for use.

There are three (3) structures currently on the site, all of which are substandard and in various states of dilapidation. The buildings are currently unsafe for habitation due to leaking roofs, lack of water and sewer connections, insect and animal infestations, disrepair, mold and mildew, broken windows, dirt floors and general deterioration. The long-term vacancy of the site is worsening the conditions of the buildings.

Qualifying Criterion “b”

The site also meets Criterion "b" which states: "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 buildings on the site have been vacant for over four years. They were previously utilized for commercial and industrial purposes as noted for the tractor sales and repair on the site. The buildings are vacant and have fallen into various states of disrepair such that they are untenable. The Main Office Building has ceiling leaks that have caused mold and mildew as well as damage to the ceiling and floor tiles. The Main Office Building has unsanitary bathroom facilities that are not connected to working fixtures. The Main Office Building also has insect and rodent infestations and droppings throughout the building. The Garage Building has no working plumbing, earthen floors in locations and broken or non-existent walls and windows. The ceilings are also leaking. Rodent and insect infestations are also present in the Garage Building. The Quonset Hut has earthen floors, no plumbing fixtures and no working entry doors or exits.

Despite a high level of commercial activity surrounding the site, the site has not been occupied by a tenant. The lack of interest by viable commercial tenants along a busy commercial corridor points to the untenable condition of the site. For these reasons, the site meets criterion "b".

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 site has an obsolete layout and design. The circulation of the site is disjointed, with several different angles of access and areas that are underutilized from a site layout perspective. The parking on the east side of the building requires cars to back-up into the roadway. The Main Office Building is setback from the road and a large grass area in front of the building is not utilized. The disjointed shape of the building and lack of windows create difficulty of adaptation to other uses. More than half of the site is covered by gravel and open paved areas with no markings or organized parking or circulation. The Garage Building and the Quonset Hut are both so dilapidated as to be unusable. All three buildings are set back to the middle and rear of the site, leaving the valuable highway frontage open and vacant. The prior uses on the site resulted in a deleterious use of the land causing contamination of the soils on the site. For these reasons, the buildings and layout of the site are not readily adaptable to other uses and as a result, the long-term vacancy of the site has led to a condition of blight on the property. The site meets criteria "d" because the buildings are obsolete, dilapidated, have a faulty arrangement and design which is not readily adaptable to other viable commercial uses. The site is not in conformance with the Town's Form-Based Code, being

non-conforming for building type, front yard setback, minimum building height, parking area and landscaping design and screening and buffering. All of these conditions are causing a detriment to the public welfare because the site remains vacant along a busy commercial corridor where the public is not benefiting from a productive commercial use on the site and is instead experiencing the negative impacts of a vacant dilapidated and non-functioning property. The vacancy and dilapidation of the property is negatively impacting adjacent properties by negatively impacting the connectivity of the commercial frontage on the southern side of Water Street. Additionally, the Shoprite directly across north park drive was also declared an area in need of redevelopment in connection with the Armory Property behind it. For these stated reasons, the 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 principals adopted pursuant to law or regulation. The Town of Newton has adopted Transect Zoning and a Form-Based Code, which is based on the smart growth planning principals outlined in the Town's 2008 Master Plan. Additionally, the Town has worked with the State Planning Commission since 1993, when it was first designated as a Regional Center consistent with the State Planning Act. More recently, the Town of Newton received Plan Endorsement by the State Planning Commission, also deeming the Town of Newton's plans and ordinances as consistent with the State Plan. When reviewed with the Town's Master Plan and Form-Based Code, it is apparent that Study Area is best developed consistently with smart growth principals by focusing access and development along US Route 206. The extended setback of the building which does not provide an opportunity to create a walkable site from US Route 206 makes it unfeasible for development under smart growth planning principals. Additionally, redevelopment of an underutilized site in a Town Center, an area deemed to be a smart growth area by the State Plan, is consistent with the smart growth planning principals adopted pursuant to law or regulation. For this reason, the site meets Criterion "h".

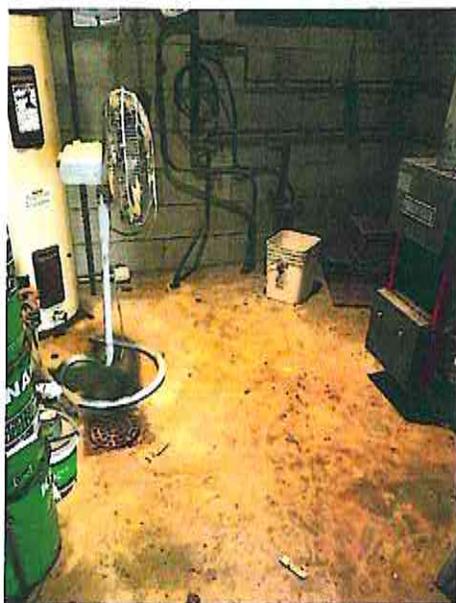
Interior and Exterior Site Photos

The following photos show evidence of Qualifying Criteria "a", "b", "d" and "h" as noted above.

Main Office Building



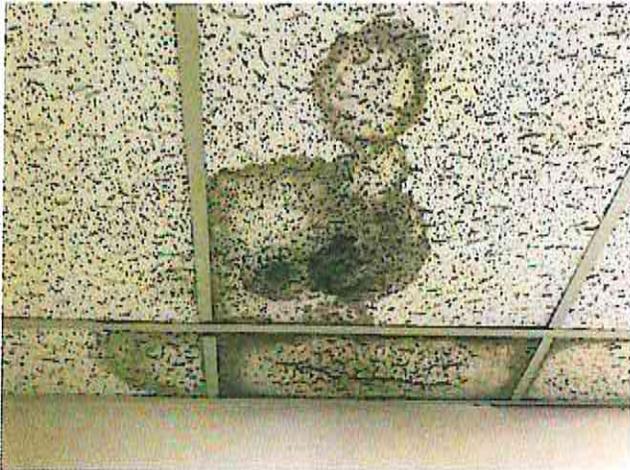
Small Interior, Leaking Ceiling, Non-Functional Bathrooms (Dead Insects and Rodent Droppings)



Conditions Not Conducive to Wholesome Working Conditions (Rodent Droppings)



Dilapidated Interior Offices, Damage from Leaking Roof (Mold and Water Damage)



Damaged Ceiling Tile, Leaking Roof with Mold



Deteriorated Bathroom Shower (Molding)



Dilapidated Interior Offices Lacking Light and Air (Molding Floors)



Overgrown Landscaping – Lacking Light and Windows



Exterior Deterioration – Lacking Windows/Light

Garage Building



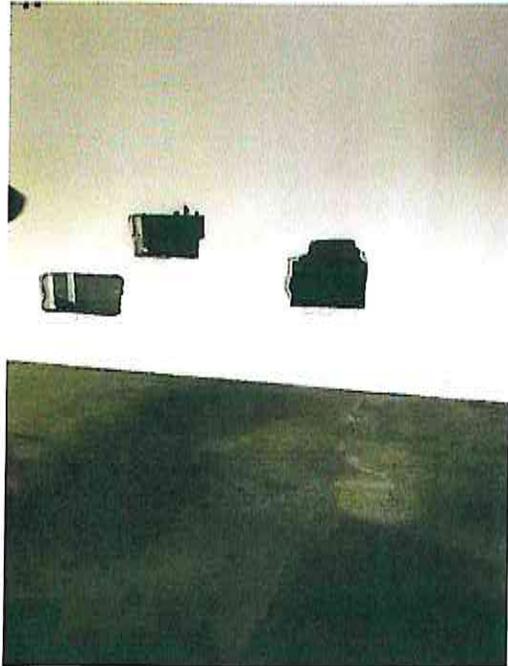
Exterior Deterioration, Unsanitary, Lacking Light and Air



Exterior Dilapidation, Boarded Windows, Broken Windows, Rotting Roof Joists



Interior Dilapidation, Rusted Furnace, Broken Door, Broken Windows, Earthen Floor



Garage Walls Deteriorating



Second Floor Boards Rotting, No Walls



Outdated Wiring



Broken and Rotting Floor Boards on Second Floor

Quonset Hut



Non-functioning Access; Leaking Ceiling, No Insulation or Heat Source, No Windows

IV. Recommendations

This investigation finds that the study area identified as Block 10.01, Lots 4, meets the statutory criteria to qualify as an Area in Need of Redevelopment and recommends that the site be designated by the Town of Newton as a Non-Condernation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et. seq.

This study further recommends that the Town Council and Planning Board authorize the preparation of a Redevelopment Plan for the area in order to facilitate a unified development of the area that is in keeping with the Form-Based Code, but provides for the unique circumstances and constraints of the area.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THAT BLOCK 10.01 LOT 4 (121 WATER STREET)
BE DESIGNATED AS A NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT**

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

WHEREAS, the Town directed the Planning Board by resolution to examine whether Block 10.01, Lot 4, commonly known as 121 Water Street (the "Study Area"), should be determined a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, J. Caldwell and Associates, LLC (the "Planning Consultant") prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled "Area in Need of Redevelopment Study for Block 10.01, Lot 4 – 121 Water Street" (the "Study"); and

WHEREAS, the Study concluded that the Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board caused a duly noticed public hearing to be held concerning the Study on February 21, 2018, giving all persons who are interested in or would be affected by a determination that the Study Area is a non-condemnation area in need of redevelopment the opportunity to be heard; and

WHEREAS, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, after careful consideration of all evidence presented and all testimony offered,

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE TOWN OF NEWTON AS FOLLOWS:

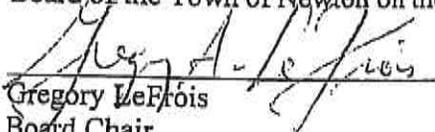
Section 1. Transmission to the Town Council. The Study, and the findings of fact and conclusions contained therein, is hereby incorporated herein by reference in its entirety. The Planning Board Secretary is hereby directed to transmit a copy of the Study and of this Resolution to the Town Council.

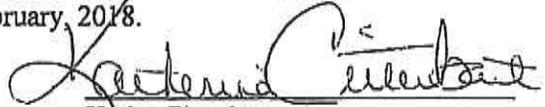
Section 2. Recommendation – Area in Need of Redevelopment. After consideration of all evidence presented and all testimony offered, the Planning Board accepts and adopts the

recommendation contained in the Study, and hereby recommends that the Study Area be declared a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law, for the reasons set forth in the Study.

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

We hereby certify this to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 21st day of February, 2018.


Gregory LeFrois
Board Chair


Kathy Citterbart
Board Secretary