

**TOWN OF NEWTON  
ORDINANCE 2009-33**

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

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

**WHEREAS**, to determine whether certain areas within the Town of Newton, in the County of Sussex, New Jersey (the "Town") constitute areas in need of redevelopment, the Town Council, by way of Resolution 56-2004 adopted April 26, 2004, authorized and directed the Planning Board (the "Planning Board") of the Town of Newton to conduct a preliminary investigation and public hearing to determine whether Block 1104, Lot 21 in the Town (the "Study Area" or the "Area") met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

**WHEREAS**, on April 25, 2005, after review of the findings of the Planning Board in accordance with the Act, the Town designated Block 1104, Lot 21 as an "area in need of redevelopment" under the Act (the "Redevelopment Area"); and

**WHEREAS**, on April 23, 2007, the Town designated a portion of the Town, including the public streets and rights-of-way of Sparta Avenue, Merriam Avenue and Pine Street adjacent to the Redevelopment Area as an "area in need of rehabilitation" in accordance with the Act (the "Rehabilitation Area", and together with the Redevelopment Area, the "Plan Area"); and

**WHEREAS**, on March 23, 2009, after the review and comment of the Planning Board in accordance with the Act, the Town finally adopted Ordinance 2009-6 implementing a redevelopment plan for the Plan Area (the "Redevelopment Plan"); and

**WHEREAS**, by Resolution 232-2009 adopted November 9, 2009, the Town designated Thorlabs, Inc. ("Thorlabs") as Redeveloper for the Plan Area and authorized the execution of a redevelopment agreement (the "Redevelopment Agreement") with respect to the development of a mixed-use facility within the Plan Area, incorporating research and development, office space, manufacturing, ancillary parking, and infrastructure improvements (collectively, the "Project"); and

**WHEREAS**, in connection with the negotiation of the Redevelopment Agreement, the Redeveloper requested certain amendments to the Redevelopment Plan (the "Proposed Amendments"), which are attached hereto as Exhibit A; and

**WHEREAS**, by Resolution 239-2009 adopted November 23, 2009, the Town requested that the Planning Board review and comment on the Proposed Amendments to the Redevelopment Plan; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on November 30, 2009, the Planning Board considered the Proposed Amendments; and

**WHEREAS**, after due consideration of the Proposed Amendments, the Planning Board, acting by Resolution, a copy of which is attached hereto as Exhibit B (the "Planning Board Resolution"), determined that they are consistent with the Town's Master Plan, and recommended to the Town Council that it adopt the Proposed Amendments; and

**WHEREAS**, the Planning Board Resolution constitutes the Planning Board's Report for the purposes of Section 7 of the Act;

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

Section 1. The Proposed Amendments, as filed in the Office of the Town Clerk, and attached hereto as Exhibit A, are hereby approved. All other provisions of the Redevelopment Plan not expressly amended by the Proposed Amendments shall remain intact and in full force and effect.

Section 2. The zoning map and the zoning code of the Town of Newton are hereby amended to incorporate the provisions of the Proposed Amendments.

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

### NOTICE

**TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, December 28, 2009. It was adopted, after final reading and public hearing thereon, at a meeting of the Town Council of the Town of Newton held conducted at 7:00pm on Monday, January 11, 2010 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.



Lorraine A. Read, RMC  
Municipal Clerk

## **EXHIBIT A**

### **PROPOSED AMENDMENTS**

1. Section 6.5.1 to be revised as follows: Facade Materials: Exterior facades may be split face decorative masonry, brick, glass, EIFS, or of a similar material. Metal used on any façade shall only include aluminum, coated steel, copper, zinc, and painted wrought iron.
2. Section 6.5.9 to be revised to provide for the reuse of rain water for irrigation, in combination with the use of drought resistant plants.
3. Section 6.6.1 The requirement for operable windows to be deleted.
4. Section 6.8.1 will be re-written to reflect that LEED Certification is strongly recommended but not mandatory.
5. Section 6.8.7 will be revised as follows: "Wastewater: Reduction of potable water use for building sewage conveyance by 20% through use of measures which may include water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater."
6. Section 6.8.8 ("Water Reduction") to be revised by deleting the following sentence: "Reuse of stormwater and greywater for non-potable applications such as toilet and urinal flushing and custodial uses per a Potable Water Conservation Program is mandatory."

EXHIBIT B

PLANNING BOARD RESOLUTION

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY RECOMMENDING THE ADOPTION OF PROPOSED AMENDMENTS TO 56 SPARTA AVENUE REDEVELOPMENT PLAN**

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

**WHEREAS**, to determine whether certain areas within the Town of Newton, in the County of Sussex, New Jersey (the "Town") constitute areas in need of redevelopment, the Town Council, by way of Resolution 56-2004 adopted April 26, 2004, authorized and directed the Planning Board (the "Planning Board") of the Town of Newton to conduct a preliminary investigation and public hearing to determine whether Block 1104, Lot 21 in the Town (the "Property") met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

**WHEREAS**, on April 25, 2005, after review of the findings of the Planning Board in accordance with the Act, the Town designated Block 1104, Lot 21 as an "area in need of redevelopment" under the Act (the "Redevelopment Area"); and

**WHEREAS**, on April 23, 2007, the Town designated a portion of the Town, including the public streets and rights-of-way of Sparta Avenue, Merriam Avenue and Pine Street adjacent to the Redevelopment Area as an "area in need of rehabilitation" in accordance with the Act (the "Rehabilitation Area", that certain portion of the Rehabilitation Area laying adjacent to the Redevelopment Area, as further delineated in the Redevelopment Plan defined below, referred to hereinafter together with the Redevelopment Area as the "Sparta Avenue Plan Area"); and

**WHEREAS**, the Town developed a proposed redevelopment plan for the Sparta Avenue Plan Area (the "Proposal") and referred the same to the Planning Board for its review in accordance with the Act; and

**WHEREAS**, at a public meeting duly noticed and held on March 4, 2009, the Planning Board reviewed the Proposal, and recommended its adoption with certain modifications (the "Revised Proposal"); and

**WHEREAS**, by Ordinance 2009-6 finally adopted on March 23, 2009, the Town, acting on the Planning Board's recommendation, approved the Revised Proposal as the redevelopment plan for the Sparta Avenue Plan Area (the "Redevelopment Plan"); and

**WHEREAS**, by Resolution 232-2009 adopted November 9, 2009, the Town designated Thorlabs, Inc. ("Thorlabs") as Redeveloper for the Sparta Avenue Plan Area and authorized the execution of a redevelopment agreement (the "Redevelopment Agreement") with respect to the development of a mixed-use facility within the Sparta Avenue Plan Area, incorporating research and development, office space, manufacturing, ancillary parking, and infrastructure improvements (collectively, the "Project"); and

**WHEREAS**, in connection with the negotiation of the Redevelopment Agreement, the Redeveloper has requested certain amendments to the Redevelopment Plan (the "Proposed Amendments") attached hereto as Exhibit A; and

**WHEREAS**, by Resolution 239-2009 adopted November 23, 2009, the Town requested that the Planning Board review and comment on the Proposed Amendments to the Redevelopment Plan; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on November 30, 2009, the Planning Board considered the Proposed Amendments; and

**WHEREAS**, after due consideration of the Proposed Amendments, the Planning Board has determined that they are consistent with the Town's Master Plan, and wishes to recommend to the Town Council that it adopt the Proposed Amendments,

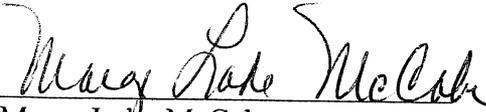
**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Newton as follows:

**Section 1.** Recommendation – Adoption of Proposed Amendments. The Planning Board hereby recommends to the Town Council that the Proposed Amendments attached hereto as Exhibit A be adopted. The Planning Board hereby finds and determines that the Proposed Amendments are consistent with the Town's Master Plan.

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

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

The above is hereby certified to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 30<sup>th</sup> day of November, 2009.

  
Marge Lake McCabe  
Planning Board Chair

  
Kathy Citterbart  
Planning Board Secretary