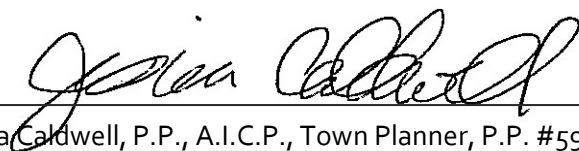


# DILLER AVENUE REDEVELOPMENT PLAN

Town of Newton  
Sussex County, New Jersey

Block 18.02, Lots 2, 3, 19-23, 30-32  
Adopted December 26, 2018



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The original of this document was signed and sealed in accordance with Chapter 41 of  
Title 13 of the State Board of Professional Planners.



**J Caldwell  
& Associates, LLC**  
Community Planning Consultants

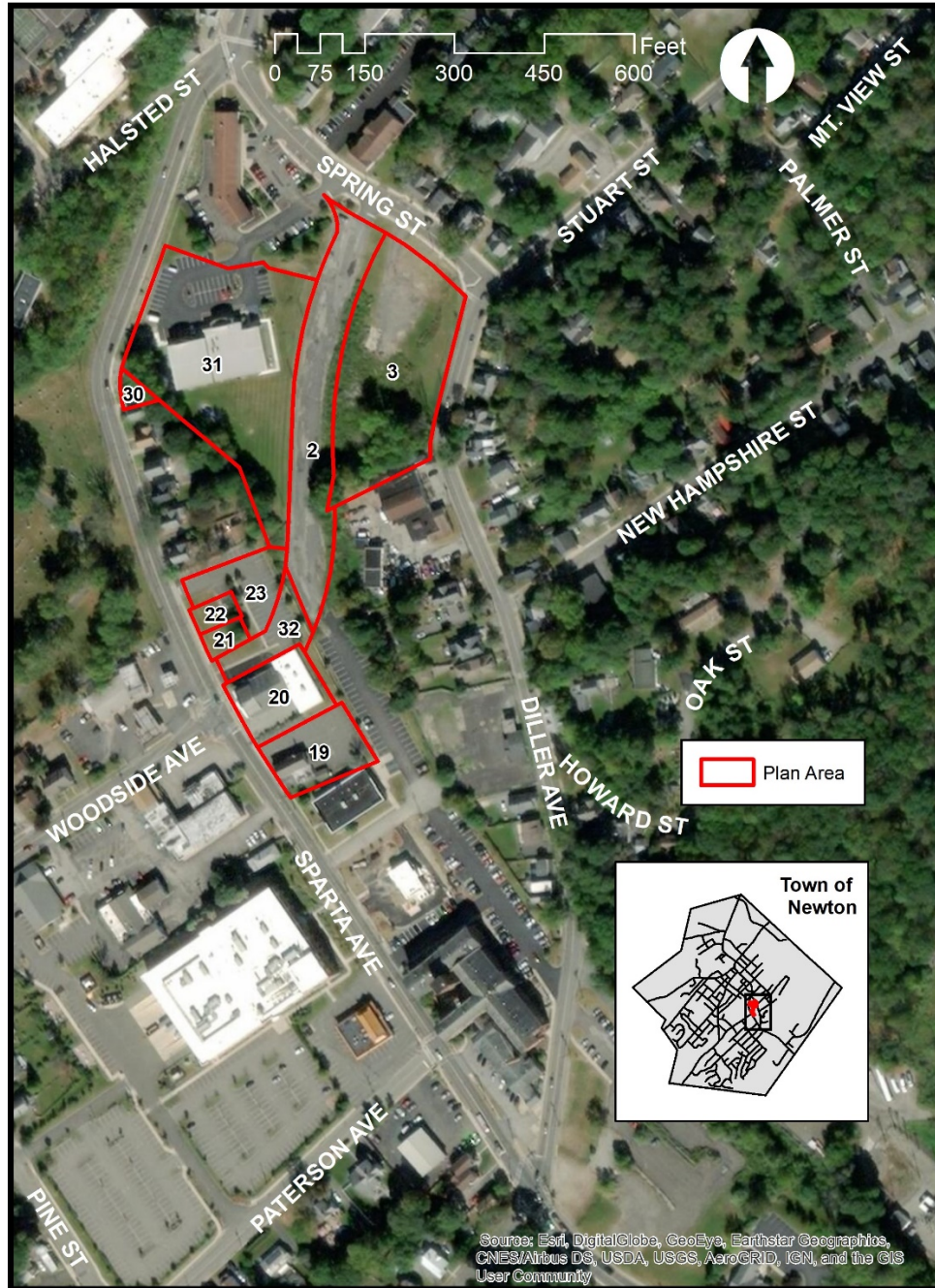
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## INTRODUCTION

The Diller Avenue Redevelopment Plan (the "Plan") governs the Non-Condemnation Area in Need of Redevelopment (the "Plan Area") designated by a resolution adopted by the Town Council of the Town of Newton on December 10, 2018, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), including Block 18.02, Lots 2, 3, 19, 20, 21, 22, 23, 30, 31, and 32 (the "Plan Area"). This Plan is proposed to effectuate the redevelopment of the Area, shown below.



## PLAN CONTEXT

The Plan Area occupies approximately 6.1 acres and includes ten tax lots bounded by Diller Avenue to the north and east, Sparta Avenue to the west, and Spring Street to the north. Block 18.02 is roughly triangular in shape, and the Plan Area forms an irregular portion of the Block's northern half, just southeast of the Town's central business district. The existing uses in the Plan Area primarily consist of vacant land, commercial and mixed-use. There is very little residential use in the Plan Area. The primary goal of the Redevelopment Plan is to promote vibrancy in an underutilized neighborhood, which acts as a gateway to Newton's central business district.

Eight of the ten parcels are currently zoned T-4 Neighborhood Services, while Lots 19 and 20 are zoned T-5 Town Core Support Area / Neighborhood Core. The purpose of the T-4 Neighborhood Services Transect Zone is to support smaller mixed-use neighborhood centers and larger neighborhood centers that provide local services to neighborhoods. These small neighborhood mixed-use commercial areas provide a sense of place and identity to the neighborhood which surrounds it. The T-5 Town Core Support Area / Neighborhood Cores Transect Zone includes the area surrounding the Town Core, providing most of the housing and employment that directly supports the Core. The T-5 Zone also provides for neighborhood cores to serve some of the neighborhoods which are closer to the Town Core area. The portion of the Plan Area which is zoned T-5 is not contiguous with the main T-5 area surrounding the Town Core, but forms a smaller neighborhood core at the intersection of Woodside and Sparta Avenues.

## PURPOSE

This Redevelopment Plan is designed to serve as the zoning for the Area to provide guidelines for new construction in the Plan Area and establish permitted land uses and building requirements for the Area. The Plan calls for a mix of uses including residential, commercial, and light industrial to enliven this underutilized section of the Town. The right-of-way should be developed with an inviting streetscape, including buildings and/or other elements to create an engaging public realm. The Plan includes additional standards for green infrastructure and pedestrian mobility, to provide sustainable options for stormwater management and connectivity. Furthermore, the Plan is designed to encourage the integration of building, parking, landscape, and signage elements in order to improve the appearance of the streetscape in the former Railroad District and to support the specific goals and policy statements set forth in the Town Master Plan.

## PLAN CONSISTENCY REVIEW

### Town Master Plan Consistency

The Redevelopment Law requires that the Redevelopment Plan define the plan's relationship to local master plan goals and objectives such as appropriate land uses, population densities, improvements to traffic, public utilities, recreational and community facilities, and other improvements. The Redevelopment Law also requires that the Redevelopment Plan be substantially consistent with the municipal master plan or designed to effectuate the master plan.

The Town's 2008 Master Plan is currently undergoing reexamination. The following Master Plan goals and objectives relate to the Redevelopment Area:

Economic: "Focus revitalization, code enforcement, and rehabilitation efforts." "Encourage light industrial development subject to performance standards that would be compatible with the 'Regional Center' development concept of Newton."

The Redevelopment Area is a key component of Newton's "spine" as outlined in the Town's 2006 Urban Design Plan. Redevelopment in this area will represent a focused incision into Newton's urbanized fabric and concentrate rehabilitation and employment efforts. The Redevelopment Plan will help attract light industrial development close to Newton's many amenities, providing employment close to a residential center.

This Redevelopment Plan is consistent with these goals and objectives of the Town's Master Plan.

### Local, Regional, and State Plan Consistency

The relationship of the Redevelopment Plan with surrounding communities' master plans is also reviewed to determine whether any significant relationship exists. Its relationship to the State Development and Redevelopment Plan must also be reviewed. The Plan Area is centrally located in the Town and doesn't create any potential issues or significant relationships with master plans in surrounding municipalities.

The Sussex County Strategic Growth Plan divides the County into six "landscapes," and Newton is classified as a "Center" where alternative transportation, cultural and physical infrastructure, and relatively dense residential development is encouraged and promoted. The Plan also highlights the following objective relevant to the Redevelopment Area: "Minimize sprawl through incentives for density transfer and focus development into designated growth areas (centers)". This Redevelopment Plan is consistent with the Sussex County Strategic Growth Plan because the Redevelopment Plan provides for Center-type development.

The State Development and Redevelopment Plan designates the Town of Newton as a Regional Center, and the Redevelopment Area is within the Environmentally Sensitive Planning Area (PA-5). Within its Goal#1: Revitalize the State's Cities and Towns, the Plan states that municipalities should "[b]uild on the assets of cities and towns such as their labor force, available land and buildings, strategic location, and diverse populations." By concentrating redevelopment, employment, and housing in a designated center, the Redevelopment Plan also aligns with Goal #2: Conserve the State's Natural Resources and

Systems, which recommends “accommodating environmentally designed development and redevelopment in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas.” This Redevelopment Plan is consistent with the State Development and Redevelopment Plan.

## APPLICATION OF REGULATIONS

The Town will seek a Redeveloper, or Redevelopers, for all or portions of the site based on developer interest and ability to assemble parcels. The Redeveloper will acquire, or work with the Town to acquire, all or portions of the Redevelopment Area in order to redevelop the Area according to the following land use regulations:

### Permitted Uses

The following uses are permitted in the Plan Area. Uses not identified below are prohibited.

#### A. Principal permitted uses:

1. Public, private, or parochial school
2. Institutional use
3. Plaza/square/piazza
4. Cultural uses (museum/gallery/library)
5. Park/playground
6. House of worship
7. All public buildings and uses
8. Government or public utility use (not including storage uses and garages)
9. Governmental administrative/institutional uses
10. Law enforcement
11. Public works
12. Community center/senior center
13. Antique stores
14. Appliance stores
15. Arts and crafts stores
16. Bakeries
17. Banks
18. Beauty salons, spas, and barber shops
19. Bed-and-breakfasts
20. Bookstores (excluding adult bookstores)
21. Camera and photographic supply stores
22. Candy and ice cream shops
23. Clothing apparel and shoe stores
24. Child-care centers
25. Coffee shops
26. Computer supplies and software stores
27. Cosmetic stores, beauty supply stores, and perfumeries

28. Delicatessens
29. Department stores
30. Diners, cafes, and restaurants
31. Drugstores
32. Electronics, audio, and cell phone stores
33. Farmers' market
34. Florists
35. Food (health) and supplement stores
36. Furniture stores
37. Garden supply stores
38. Grocery stores and specialty food stores
39. Hobby, toy, and game stores
40. Home goods, furnishings, and accessories stores
41. Jewelers and watch stores (excluding pawn shops)
42. Luggage and leather goods
43. Meat markets
44. Musical instruments and supplies stores
45. Optical goods stores
46. Package goods stores/liquor stores
47. Paint, wallpaper, and/or hardware stores
48. Pet grooming, pet shops, and pet supplies
49. Pharmacies
50. Photographers and picture framers
51. Recreational facilities, i.e., gym, bowling alley
52. Souvenir shops
53. Sports and recreation stores (excluding gun stores)
54. Stationery, office supply, and card stores
55. Taverns and bars
56. Tattoo parlor
57. General and professional offices
58. Business services
59. Laboratory (medical/dental)
60. Office (dental, medical, veterinary, administrative)
61. Research and development
62. Warehouse and storage
63. Light manufacturing
64. Product filling and assembly
65. Artisanal workshop
66. Food and beverage production
67. Single-family detached residential
68. Duplex residential

69. Age restricted residential
70. Residential Apartments over commercial
71. Apartments (Flats or Lofts)
72. Group care (elder-care, extended care, special care)
73. Live/work
74. Club, lodge, or fraternal organization
75. Parking structure as principal use
76. Surface parking as principal uses
77. Temporary uses

B. Conditional uses:

1. There are no conditional uses.

C. Accessory uses:

1. Accessory apartment
2. Carport
3. Private garage
4. Storage shed
5. Surface parking lot
6. Parking structure
7. Sidewalk café (March 1-Dec. 1 provided snow and ice are not present)
8. Street furniture
9. Outdoor display (March 1-Dec. 1 provided snow and ice are not present)



### Area and Bulk Requirements

As the Plan Area straddles two transect zones, the area and bulk requirements generally reflect a mix of the T-4 and T-5 districts. The following regulatory controls apply to properties located within the Plan Area:

<b>Minimum Lot Area</b>	None	
<b>Minimum Lot Width</b>	18 feet	
<b>Minimum Lot Depth</b>	None	
<b>Front Yard Setback</b>	Principal building	2 feet minimum
	Accessory building	20 feet minimum
<b>Side Yard Setback</b>	Principal building	0 feet minimum
	Accessory building	3 feet minimum or 5 feet for a corner lot
<b>Rear Yard Setback</b>	Principal building	3 feet minimum
	Accessory building	5 feet minimum
<b>Building Height</b>	Principal building	5 stories/65 feet maximum
	Accessory building	2 stories/25 feet maximum
<b>Maximum Impervious Coverage</b>	90%	

### Additional Zoning Regulations

- A. Multiple principal uses are permitted on one lot.
- B. The Town's parade and sanitary force main easements, which both run roughly lengthwise along the current Lot 2, must be maintained.

### Rail Trail Requirements

Lot 2 is a former railroad right of way that is proposed to be converted to a rail trail connection for the Sussex Branch Rail Trail. An eight (8) foot wide rail trail connection must be constructed through the Plan Area to connect to adjacent rail trail easements on adjacent properties. The rail trail may be located anywhere on the property provided that it connects to adjacent rail trail properties to the north and south of the Plan Area. The rail trail connection can provide pedestrian and bike connectivity through the Plan Area for the proposed development. The redeveloper should look to NJDOT and AASHTO standards as guidelines for bicycle/pedestrian trail development.

### Affordable Housing Requirements

In its section on Underutilized Land, the 2008 Master Plan identifies the Plan Area as the Railroad District, and notes that the Town's 2006 Urban Design Plan describes potential residential uses in redevelopment areas that would include apartments, live/work units, and mixed-use buildings with commercial on the first floor and residential units above. In the event that any residential development is proposed in the Plan Area, it must be constructed at a minimum of 12 units per acre and with a mandatory 20% set-aside for affordable housing, subject to the regulations of Section 320-29 of the Town Code. In the event that there is only non-residential development in the Plan Area, the developer will not be required to construct any affordable housing units.

## Parking Standards

The parking standards of this Redevelopment Plan generally follow the standards for parking of the T-6 Transect Zone District in the Town Code, with the following exceptions in A, B, and C.

For the purposes of promoting the efficient use of parking facilities, decreasing the amount of impervious surface, and improving the visual character of the public realm, this Redevelopment Plan encourages the use of structured parking and compact spaces. The Plan also allows for a three-way shared parking arrangement between the Plan Area and two nearby Redevelopment Areas: the Sparta Avenue and Merriam Gateway Redevelopment Areas.

A. 30% of required spaces may be compact spaces, measuring 8.5 x 15 feet each.

B. If structured parking is a separate building from the building that it is primarily meant to serve, the parking structure must be no higher than the height of the main building. All other regulations regarding structured parking are provided in Section 320-23(D) of the Town Code.

C. The number of parking spaces required per use in the Plan Area may be reduced through a shared parking arrangement between the Diller Avenue Plan Area, the Sparta Avenue Plan Area, and the Merriam Gateway Plan Area, or other off-site parking areas under control of the Redeveloper. A parking space may be counted towards the parking requirement for the uses of two or more different redevelopment areas, provided that:

1. The applicant demonstrates to the Planning Board's satisfaction that demand for shared parking spaces by each use in each Redevelopment Area, based on time of day, will not significantly overlap.
2. No more than 75% of the parking spaces counted toward any use are considered shared spaces.

## Buffer Requirements

A. the redeveloper should buffer, to the extent practicable, proposed buildings and/or structures which are adjacent to existing residential properties.

B. Fences and walls must not exceed ten (10) feet in height above ground level in the front yard and eight (8) feet in the side and rear yards.

C. Fences and walls must have a minimum setback of one (1) foot from the property line when adjoining residential properties.

D. The finished side of a fence must face adjoining properties. Fence posts that are unfinished and any other structural component of the fence must be installed facing the subject property rather than the adjoining property.

E. Dumpsters located in parking lots must be fully screened from view from both the parking lot and adjoining residential properties.

### Landscaping Requirements

Landscaping must be provided to promote a desirable and cohesive natural environment for residents, downtown patrons and employees, and passing motorists and recreators. Landscaping must also be utilized to screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A. Ornamental trees should be provided throughout the Plan Area, particularly at key locations such as site entrances and along existing roadway frontages.
- B. Hedges, shrubs, and ground cover must be used to define space and provide privacy. Foundation plantings should include evergreen and deciduous shrubs.
- C. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.

### Street Trees

The 2008 Master Plan includes the following environmental/conservation goal: “preserve and protect existing street trees and promote planting of additional street trees and replacement of dying and diseased trees, utilizing properly sized trees in appropriate locations.” The T-5 Transect Zone requires street trees at the public frontage. To that end, the following standards regulate the installation and maintenance of street trees in the Plan Area:

- A. Where possible, existing street trees must be maintained.
- B. All new trees must have a minimum caliper, or trunk diameter, of three (3) inches diameter at breast height (dbh) with standards established by the American Standard for Nursery Stock. Trees must be nursery-grown, free of disease, substantially uniform in size and shape, and have straight trunks. The minimum tree height at planting must be six (6) feet. Native tree species are encouraged.

### Green Infrastructure

For the purposes of implementing cost-effective stormwater management strategies in the Plan Area, the Redevelopment Area highly encourages the inclusion of green infrastructure in site plans for the Area. Also known as non-structural stormwater management, these strategies can include green roofs, bioswales, rain gardens, cisterns, and tree boxes/trenches, which can help capture, filter, and infiltrate stormwater runoff to the benefit of public health and the Town’s expenditures.

- A. The Redeveloper(s) should prepare a Reduction Action Plan for each site plan within the Plan Area. This Plan should include photos of the site, estimates of impervious cover, runoff, recharge, discharge, total suspended solids (TSS) removal, and cost, and a map showing the general location(s) of the proposed green infrastructure.
- B. Green infrastructure including plantings should conform to the standards for Landscaping and Street Trees provided elsewhere within this Plan.
- C. It is encouraged that stormwater from pitched roofs be collected on site and reused for irrigation and other uses that require non-potable water.

## Mobility Regulations

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The design of the Plan Area plays a key role in forming this sense of place for the neighborhood and the nearby central business district.

### A. Streets and automobile circulation

1. The primary automobile access points should be from driveways on Spring Street or Sparta Avenue.
2. Appropriate traffic control signs must be installed to ensure the safe flow of traffic into and through the redeveloped area.
3. Right-of-way widening dedications may be required for this Plan.

### B. Pedestrian and bicycle access and circulation

1. Sidewalks must be provided along all streets and must be a minimum of six (6) feet wide (including a two-foot paver strip) to provide safe and convenient movement for pedestrians.
2. Pedestrian-only walkways must be at least four (4) feet wide and constructed according to Chapter 266 Article V of the Town Code.
3. All building entrances must provide pedestrian access to adjacent streets and parking areas.
4. Crosswalks must be maintained at the intersection of Diller Avenue and Stuart Street and the intersection of Sparta and Woodside Avenues.
5. Provisions for the continuation of the Sussex Branch Trail must be afforded and maintained in the Plan Area. This may involve a trail easement to allow public access along the site.

## Building Design Standards

A. Building design should meet, to the maximum extent practicable, the requirements of Section 320-21 (General design standards) of the Town Code.

B. In the design and layout of buildings, particular attention must be given to energy conservation, safety and fire protection, and impact on surrounding development.

C. Fire escapes must be constructed only against the side or rear wall of a building and must be located and/or screened so as not to detract from the appearance of such buildings.

D. All new buildings must strengthen the particular design features of their locale, by, for example, framing scenic views, defining and inviting the use of open spaces, or continuing particular and desirable design features or statements.

E. All storefronts must include display windows with a sill height of not more than two feet from grade. Commercial buildings containing separate stores or open spaces must be designed with architectural relief and interesting façade treatment to suggest the creation of separate spaces instead of repeated spaces of the same visual appearance.

F. Where large structures are required, massing and blank walls should be avoided as much as possible and, where necessary, relieved by variation and architectural relief and details. Excessively expansive

blank walls are prohibited. Offsets should be placed every 80 feet. Building offsets should be provided along each building wall to relieve the visual effect of a singly long wall. Rooflines should also be varied. Building designs should incorporate a variety of features with architectural appeal.

G. Roof shape and material must be architecturally compatible with the rest of the building.

H. Environmental elements relating to prevention of soil erosion, protection of significant vistas or views, preservation of trees and protection of watercourses, resources, topography, soil, and animal life must be reviewed, and the design of the plan must minimize any adverse impact on these elements. The requirements of Section 240-12 (Riparian zones), Section 240-11 (Steep slopes), and Section 240-10 (Wellhead protection) apply.

### Lighting

Lighting standards for the Redevelopment Plan are regulated by Section 320-24(E) of the Town Code.

### Signage

A comprehensive wayfinding and directional signage package for the parking areas, pedestrian corridors, and buildings should be provided that is consistent with the architecture of the buildings. The sign package should include design elements such as size, materials, style, and illumination.

Signage standards for the Redevelopment Plan are regulated by Section 320-25 of the Town Code, as it pertains to the T-4 Transect Zoning district.

### Submittal Requirements

The Redeveloper(s) will submit a site plan for all, or a portion of, the Plan Area. The site plan approval process will occur as per the Town's site plan review requirements.

## LEGAL PROVISIONS

### Validity of the Plan

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

### Zoning Map Revisions

Upon final adoption of this Redevelopment Plan by the Town Council, the Zoning Map of the Town of Newton is hereby amended and must be revised to show the boundaries of the Diller Avenue Redevelopment Area and identify the district as the “Diller Avenue Redevelopment Area”. All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Town Council, this Redevelopment Plan will supersede all provisions of the Newton Zoning Ordinance for the Plan Area. Any zoning-related issue that is not addressed herein will refer to the Newton Zoning Ordinance for guidance. No variance from the requirements herein will be cognizable by the Zoning Board of Adjustment. The Planning Board alone will have the authority to grant deviations from the requirements of this Plan, as provided herein.

### Amendment to the Diller Avenue Redevelopment Plan

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

As development occurs within the 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.

### Variations in Site Plan Design

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

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

one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

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

No deviations may be granted which will result in permitting:

1. A use or principal structure not permitted in this Plan;
2. An expansion of a non-conforming use; and
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in this Plan.

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

## ACQUISITION PLAN

There is no property acquisition by the Town is anticipated by this Plan.

## RELOCATION PLAN

Because there is no property acquisition by the Town anticipated by this Plan, no Relocation Plan is necessary.