

TOWN OF NEWTON

ORDINANCE 2020-2

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

WHEREAS, on December 10, 2007, the Town of Newton (the “Town”), designated property identified as Block 16.03, Lots 6 and 7 (formerly Block 1201.02, Lots 2 and 2.01), along with the adjacent public rights-of-way along Paterson Avenue, Stratford Lane, and Jersey Place, as an area in need of redevelopment in accordance with the Act (the “Redevelopment Area”); and

WHEREAS, a redevelopment plan for the Redevelopment Area was adopted by the Town on November 10, 2008 and amended on August 22, 2011 (as thereafter amended from time to time, the “Redevelopment Plan”); and

WHEREAS, the Town wishes to amend the Redevelopment Plan to provide for an updated design concept, including but not limited to townhomes, along with certain other amendments as further detailed in the proposed amendment to the Redevelopment Plan entitled “Paterson Avenue Redevelopment Plan Amendment”, dated November 18, 2019 and prepared by J Caldwell & Associates, LLC (the “Plan Amendment”); and

WHEREAS, by Resolution No. 234-2019 adopted on November 25, 2019, the Town referred the Plan Amendment to the Planning Board for review and comment, pursuant to the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on December 18, 2019, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Plan Amendment and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Plan Amendment, testimony regarding the Plan Amendment, and discussion of the foregoing, the Planning Board recommended the Plan Amendment be modified to require a perimeter buffer to ensure that buildings are not too close to existing residences, determined the Plan Amendment is consistent with the Town's Master Plan, and recommended that the Town adopt the Plan Amendment, including the Planning Board's recommended changes, as an amendment to the Redevelopment Plan; and

WHEREAS, the Town wishes to adopt the Plan Amendment with the Planning Board's recommended changes and has incorporated the Planning Board's recommended changes into the Plan Amendment dated December 19, 2019, (the “Revised Plan Amendment”), which is attached hereto as EXHIBIT A,

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

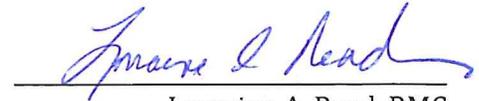
Section 1. The Town concurs with the Planning Board's determination that the Revised Plan Amendment is consistent with the Master Plan. The Revised Plan Amendment attached hereto as EXHIBIT A, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Revised Plan Amendment.

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

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, January 13, 2020. It was adopted after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, January 27, 2020 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

ATTEST:



Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

REVISED PLAN AMENDMENT

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

TOWN OF NEWTON
SUSSEX COUNTY, NEW JERSEY



December 19, 2019



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

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

TOWN OF NEWTON
SUSSEX COUNTY, NEW JERSEY

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

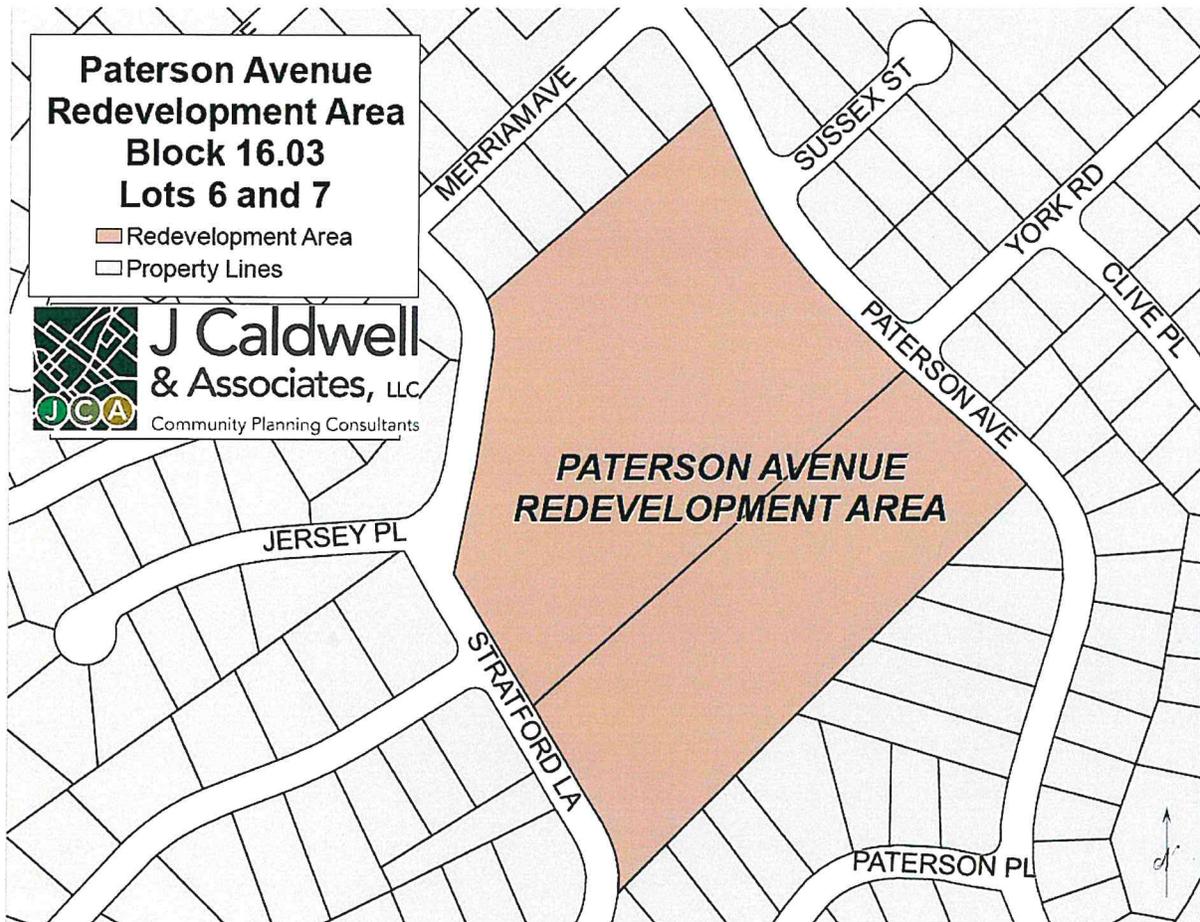
PLAN CONSISTENCY REVIEW

BACKGROUND

The Paterson Avenue Redevelopment Plan (the “Plan”) governs the Paterson Avenue Redevelopment Area, designated by the Town of Newton on December 10, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). The Plan was adopted by the Town Council on November 10, 2008 and amended on August 22, 2011 to permit the continuation of Light Industrial, Offices, and Research and Development on the site. Additionally, on December 28, 2015, the Plan was amended to permit Food and Beverage Production.

The Plan Area consists of Block 16.03, Lots 6 and 7 (former Block 1201.02, Lots 2 and 2.01), along with the adjacent public rights-of-way along Paterson Avenue, Stratford Lane, and Jersey Place as shown in the map below. The Plan Area covers 12.57 acres.

The purpose of this Plan Amendment is to provide for an updated design concept for the Redevelopment Area. The original plan contemplated Single Family Residential and Paired Villas and was later updated to include Light Industrial uses such as Food and Beverage Production with accessory Sampling Rooms, Retail Sales and Special Events, Craft Breweries with accessory Tasting Rooms, Retail Sales, Tours and Special Events, and Craft Distilleries with accessory Tasting Rooms, Retail Sales, and Tours and Special Events. The plan amendment continues to propose the above-mentioned uses but also proposes a new type of residential development, specifically townhomes. All the provisions of the Plan not specifically amended by this Amendment continue to be in full force and effect.



AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the Plan. Section 9.1 of the Redevelopment Plan states the following: “as development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the needs of market demand, the Town of Newton, and its citizens. Amendments may be required in order to accommodate these changes.” As noted previously, the amendments proposed are being developed to provide greater development opportunities including a greater variety of residential uses. The Plan continues to allow Single Family Residential, Duplexes and Light Industrial Uses, namely Food and Beverage Production with accessory Sampling Rooms, Retail Sales and Special Events and Craft Distilleries and Craft Breweries, both with accessory Tasting Rooms, Retail Sales, Tours and Special Events.

The redevelopment goals as stated in the Plan focus on creating positive development opportunities within the Plan Area. The Plan Amendment seeks to further support the redevelopment goals by providing opportunity for new development in addition to rehabilitation of existing structures. Some specific Redevelopment Goals furthered by this Plan Amendment are as follows:

1. To create a well-planned development that will provide opportunities for single-family and duplex residential units within the Town and region, and also has the potential for high quality development that will improve overall quality-of-life.
2. To maximize the participation of private developer(s) while minimizing the participation of the public sector.
3. To enhance the positive visual character and safety of the Area and surrounding neighborhood through building placement and design, landscaping, and streetscape improvements.

The proposal is also consistent with the Town of Newton Master Plan. In particular, the proposed amendment furthers the following goals:

1. 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 citizens of Newton.
2. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
3. To encourage planned unit developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, and recreational development to the particular site.

The proposal is also consistent with the New Jersey State Development and Redevelopment Plan (SDRP), which designates the Town of Newton as a Regional Center. Regional Centers should provide a variety of commercial and residential uses in a compact development pattern.

For these reasons, the proposed Plan Amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan, and the State Development and Redevelopment Plan.

The proposed Plan Amendments do not impact the zoning plans of any adjacent municipalities as the proposed use changes do not vary in a significant way from the existing uses for this area, which include other types of residential uses. In addition to the foregoing, the findings, analyses, and elements required by N.J.S.A. 40A:12A-7 in the existing Plan are not affected by this Amendment and are incorporated herein by reference.

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

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

Generally:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, graphics included in this Redevelopment Plan which represent residential and home office uses, including but not necessarily limited to Section 1.8 Development Axonometric, Section 1.9 Illustrative Site Plan, and Section 4.1 Land Use Plan, shall continue to apply to residential and home office uses permitted under this Redevelopment Plan and shall not be construed to prohibit Offices, Light Industrial, Research and Development, Warehouses, Craft Breweries, Craft Distilleries, Food and Beverage Production, and other related accessory uses that are permitted in accordance with Section 4.1 of this Redevelopment Plan.

At Section 1.7 Goals of the Plan, under Redevelopment Goals, revise Goal #6 as follows:

To create a well-planned development that will provide expanded opportunities for townhouse and duplex residential units within the Town and region and that also has the potential for sound development that will improve overall quality of life.

At Section 3.0 Definitions, add the following:

Duplex: A residential dwelling divided into two separate and independent units.

Townhouse: A multi-story residential dwelling which is attached to one or more characteristically similar dwellings by one or more shared walls.

At Section 4.1 Land Use Regulations, revise Permitted Uses Number 1 as follows:

Residential: Includes premises available for long-term human habitation by home ownership or rental; excludes all boarding houses and rooming houses. Residential uses are limited to single-family dwellings, duplexes and townhouses. Twenty-percent (20%) of the total units if for “for-sale” and fifteen-percent (15%) of the units if “for rent” proposed for construction must be set-aside for low- and moderate-income households in compliance with applicable New Jersey Council on Affordable Housing rules and regulations and Uniform Housing Affordability Controls.

At Section 6.2 Bulk & Setback Regulations, the bulk standards shall be revised as follows:

Density: The allowable density of the Area is to be no more than 15 dwelling units per acre.

Lot Sizes: Lot sizes may vary depending on the building type and layout of the redevelopment. Lot sizes will be a function of building size plus required setbacks. Alternatively, the Area, or a portion thereof, may be redeveloped as one lot with multiple structures and uses. In this case, setbacks will be measured from exterior lot lines. Pre-existing residential uses on individual lots shall be deemed conforming as they exist at the time of adoption of this Plan and may be reconstructed within the same footprint on the existing lot. Additionally, the redevelopment of the area may be phased and various phases may be subdivided and developed as outlined in the Plan.

At Section 6.3 Minimum and Maximum Height Regulations, page 42, this section shall be deleted and replaced with the following:

Height is expressed in the number of stories, with the range of feet per story from floor to floor determined by building type, and the height of the building in feet, measured from the grade of the mean front elevation of the structure to the highest point in the roof. The ground floors of residential units can be higher (taller), with floor-to-ceiling heights ranging from 8 to 12 feet. The total number of floors is illustrated for each typology. A typical maximum height is illustrated in the graphic on the following page.

Residential:

Minimum 1.0 floor

Maximum 3.0 floors or 35 feet (measured from the grade of the mean front elevation to the highest point of the roof).

Live/Work or Home Occupation:

Maximum 2 stories (office space above garages)

At Section 6.5 Building Type Plan, page 44, revise Number 1. As follows:

1. Type One (40x92 foot lot) – 1 to 3 story single-family and Paired Villas (duplex dwellings with front-yard access to parking). This typology is further differentiated into 1A, 1B, 1C, and 1D based on the location of the garage on the lot. As paired Villas, these dwellings must be constructed to resemble single family houses, with single front and rear entrances. As Duplexes, the structures may be constructed as a two townhouses side by side.

At Section 6.5 Building Type Plan, page 44, add the following at the end of the section:

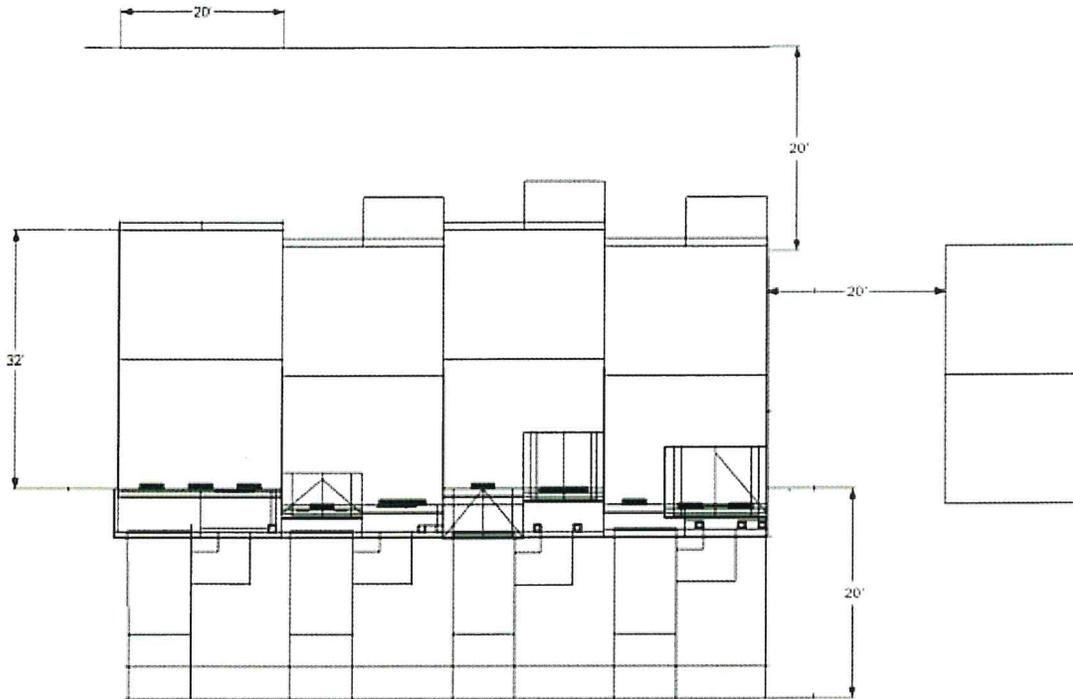
This plan is conceptual in nature and alternate layouts are permitted.

At Section 6.6 Building Typologies, page 45, add the following:

Townhouse E: 20 x 32 (Garage in Front)

Regulations	Feet
Front Yard Setback	20 min.
Side Yard Setback	6 min. / 20 between buildings
Rear Yard Setback	8 min. / 20 between buildings
Front & Rear Encroachment	6 max.
Side Encroachment	4 max.
Primary Building Footprint -Townhouse	20 x 32 (may vary)
Maximum Units in One Building	8 units
Building Height	35 / 3 floors
Lot Width	52
Lot Depth	90
Perimeter Buffer: Building to Perimeter of Plan Area	20

Townhouse Example: 20' x 32' (Garage in Front)



Architectural Style and Colors are Illustrative and may change subject to Planning Board Approval.

At Section 6.10 Building Entrance, Balcony, and Porch Regulations page 55, amend item 2 as follows:

2. Every unit shall have a usable front porch, rear patio and/or balcony.

At Section 6.12 Building Parking Standards, page 57, delete item #2:

- ~~3. Garages: Garages shall be located behind the back facade of the primary building. Garages, where they are present, may be located at the rear of properties or attached to the rear of the primary building. Garages in the front of properties are not permitted. Garages may be built to accommodate one car or two cars, and may be built with a second floor or loft above.~~

At Section 7.2 General Provisions page 68, amend item 4 and add 4.a as follows:

4. Single Family/Duplex Residential: All yard spaces shall be landscaped with shade trees, flowering trees, evergreen and deciduous shrubs and perennials and bulbs. The developer shall plant at least two (2) trees (of approved shade and/or flowering species) per property (one in the front yard, one in the rear yard). The developer shall landscape the front facade of each structure with at least 5 shrubs/bushes fronting buildings 25 feet wide and 6 shrubs/bushes fronting buildings 30 feet wide. Shrubs must be at least 2.5 feet high by 2.5 feet wide (30" high by 30" wide).
 - a. Townhouses: Yards and open spaces surrounding townhouse buildings shall be landscaped with shade trees, flowering trees, evergreen and deciduous shrubs and perennials and bulbs. The developer shall plant at least one (1) tree per unit in the building (of approved shade and/or flowering species) either in the front or in the rear of the building. The developer shall landscape the front façade of each building with at least 3 shrubs per unit in the building.