

**TOWN OF NEWTON**  
**ORDINANCE 2020-14**

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN  
FOR BLOCK 10.01, LOT 4, COMMONLY KNOWN AS 121  
WATER STREET**

**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**, 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 (the "Redevelopment Area"); and

**WHEREAS**, in accordance with the Act, the Town prepared a proposed redevelopment plan for the Redevelopment Area (the "Plan"); and

**WHEREAS**, the Town Council by Resolution #139-2020 adopted on June 8, 2020, referred the Plan to the Planning Board for its review and comment in accordance with *N.J.S.A. 40A:12A-7(e)* of the Act; and

**WHEREAS**, at a duly noticed and constituted public meeting of the Planning Board held on June 17, 2020, Annie Hindenlang, P.P., A.I.C.P. (the "Planning Consultant") presented the Plan and further addressed any questions and comments presented by the Planning Board; and

**WHEREAS**, after due consideration of the Plan, testimony regarding the Plan, and discussion of the foregoing, the Planning Board determined the Plan is consistent with the Town's Master Plan and recommended the Town adopt the Plan as set forth in written correspondence from the Board to the Town Council; and

**WHEREAS**, the Town wishes to adopt the Plan attached hereto as Exhibit A (the "Redevelopment Plan");

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

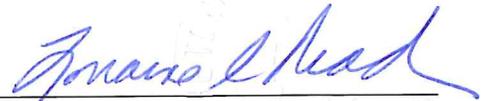
**Section 1.** The Town hereby adopt the Redevelopment Plan attached hereto as Exhibit A.

**Section 2.** The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Redevelopment Plan, and to delineate the boundaries of the Redevelopment Area, as set forth in the Redevelopment Plan.

**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, June 22, 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, July 13, 2020 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**

**REDEVELOPMENT PLAN**

**On File in the Municipal Clerk's Office**

**Or**

**[www.newtontownhall.com/planning](http://www.newtontownhall.com/planning)**



## *Memorandum*

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**To:** Town Council  
Tiena Cofoni, Esq.

**Cc:** Planning Board

**FROM:** Kathy Citterbart, Planning Board Secretary

**DATE:** June 19, 2020

**RE:** **121 Water Street Redevelopment Plan**

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As directed by the Town Council in Resolution No. 139-2020, the Planning Board met on June 17, 2020, to conduct the review required by N.J.S.A. 40A:12A-7(e) of the Proposed Redevelopment Plan for Block 10.01, Lot 4, commonly known as 121 Water Street.

The Planning Board did not find any inconsistencies with the Master Plan of the Town, and had no recommendations concerning the Plan. Please consider this letter as the report required by N.J.S.A. 40A:12A-7.

# 121 WATER STREET

## REDEVELOPMENT PLAN

THE TOWN OF NEWTON, NEW JERSEY



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# ACKNOWLEDGEMENTS

## MAYOR

Sandra Lee Diglio, Mayor

## PLANNING BOARD

## TOWN COUNCIL

Sandra Lee Diglio, Mayor  
Daniel G. Flynn, Deputy Mayor  
Jason J. Schlaffer, Councilman  
Matthew S. Dickson, Councilman  
Helen R. Le Frois, Councilwoman  
Lorraine A. Read, Municipal Clerk

## ENGINEERS:

David B. Simmons, Jr.  
*Harold E. Pellow & Associates, Inc.*

Frederick J. Margron, P.E., REM, CEA  
*Professional Consulting, Inc.*

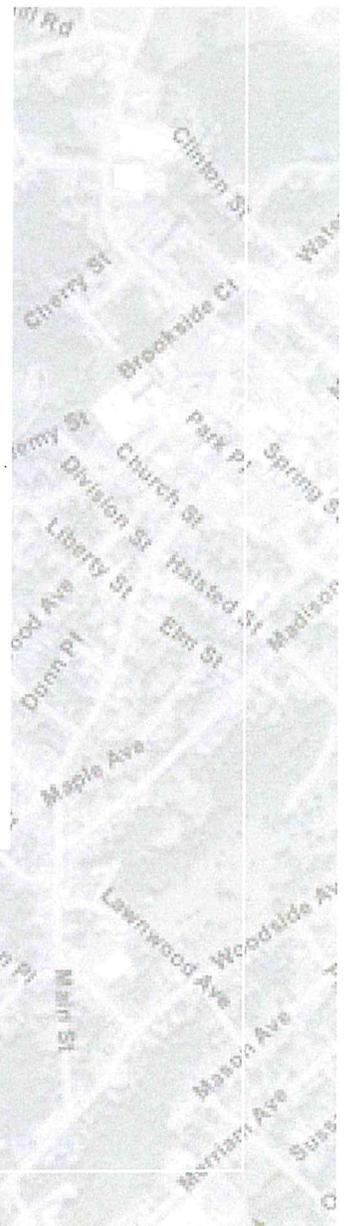
## PREPARED BY:



Leigh Anne Hindenlang, AICP/PP  
NJ Planner License No. 628600

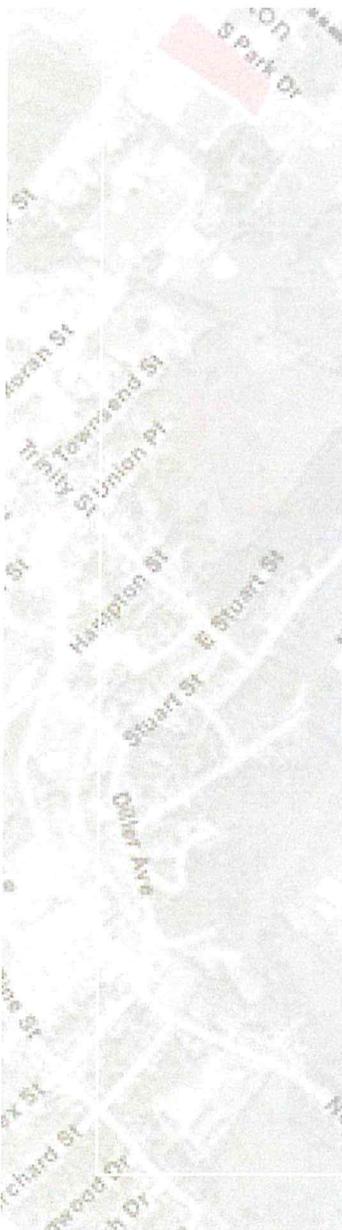
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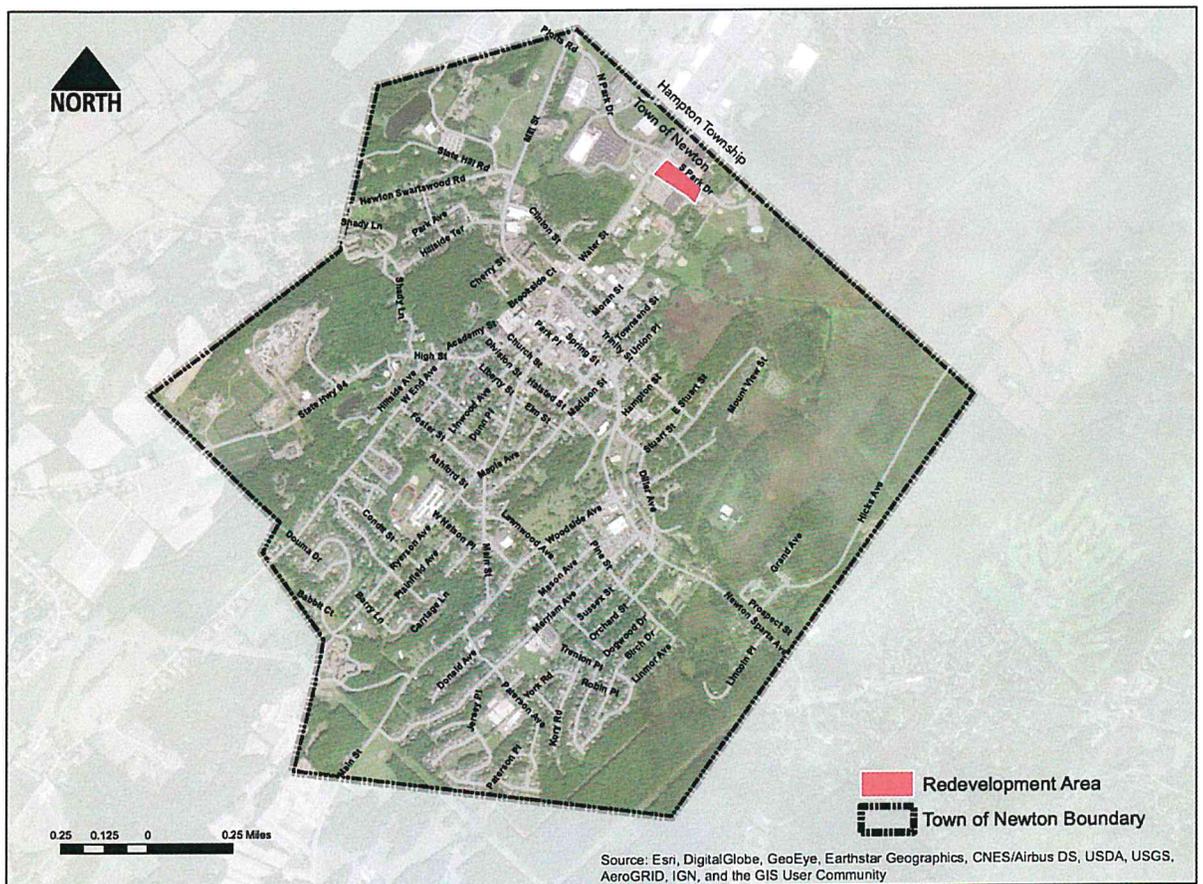
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# 1. INTRODUCTION

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



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## 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 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.

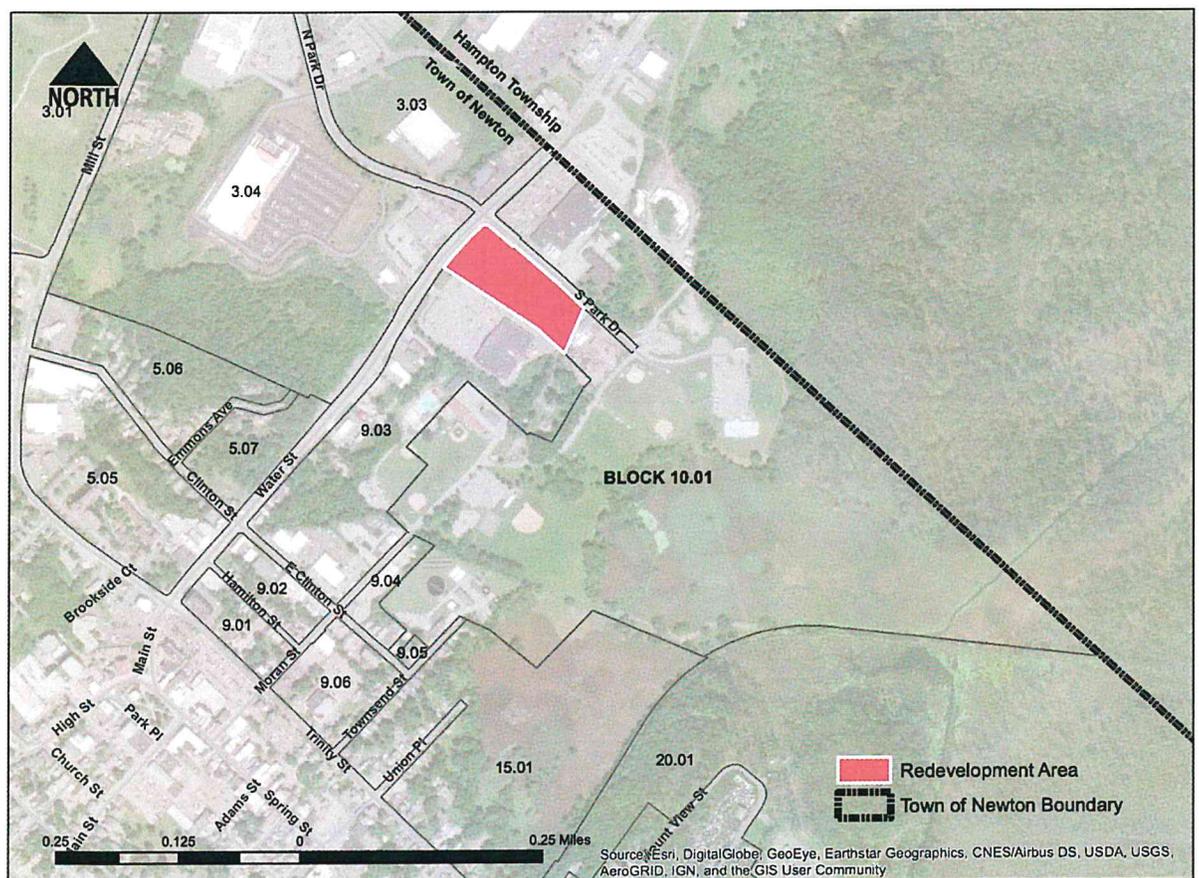
It should be noted that this Redevelopment Plan is only an initial step in finalizing projects within the Redevelopment Area. It is expected that this document will serve as a baseline that reflects the broadest and minimal parameters and expectations identified by the community. Any necessary changes 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

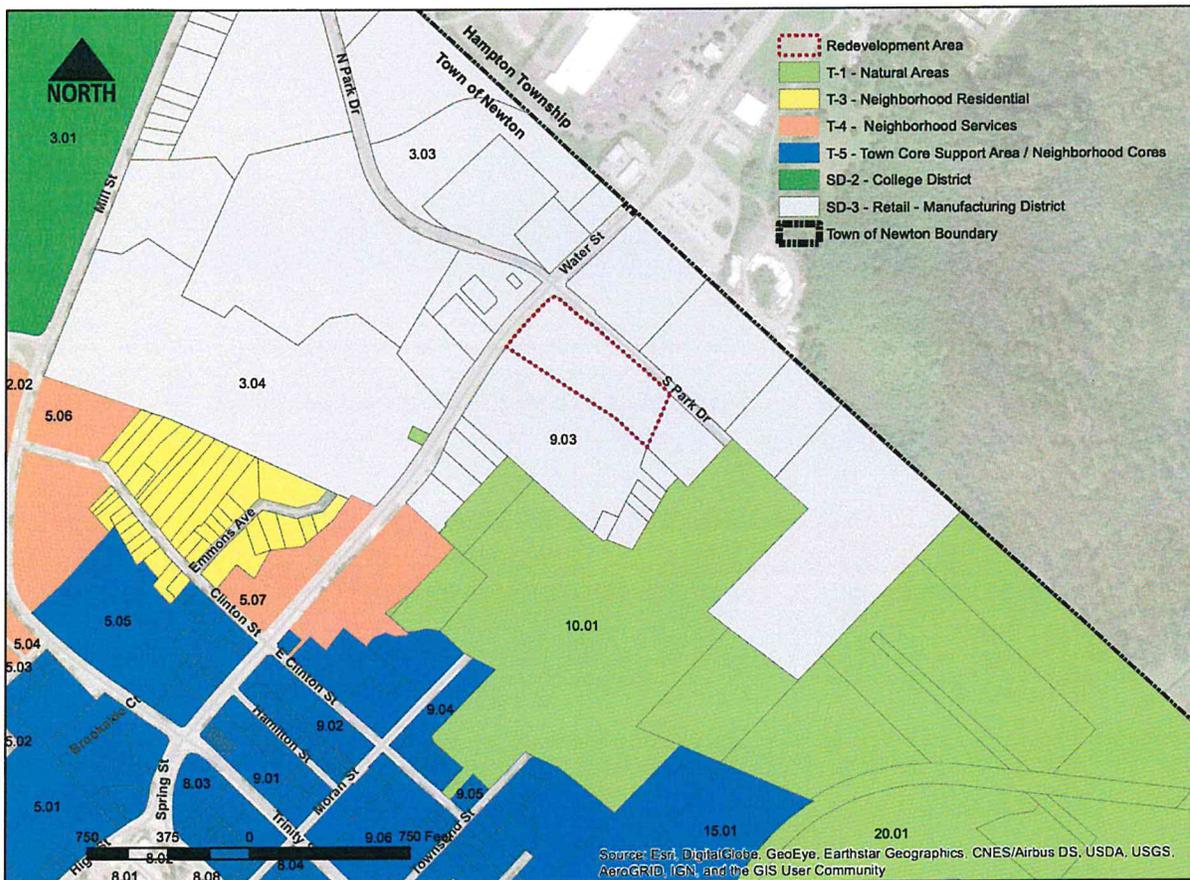
The Redevelopment Area is currently zoned SD-3 Retail-

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

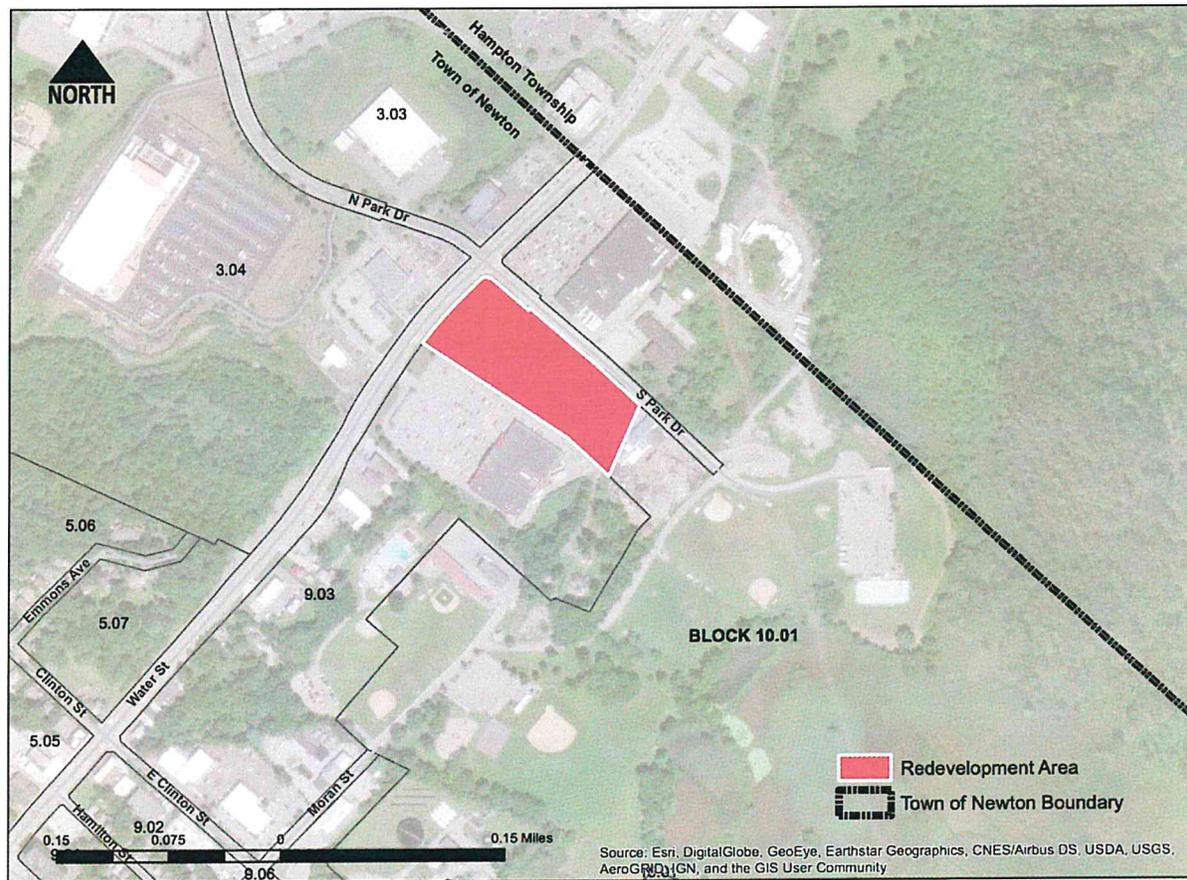
At the time of the preparation of this Redevelopment Plan, a number of easements are established within the Redevelopment Area. The

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.

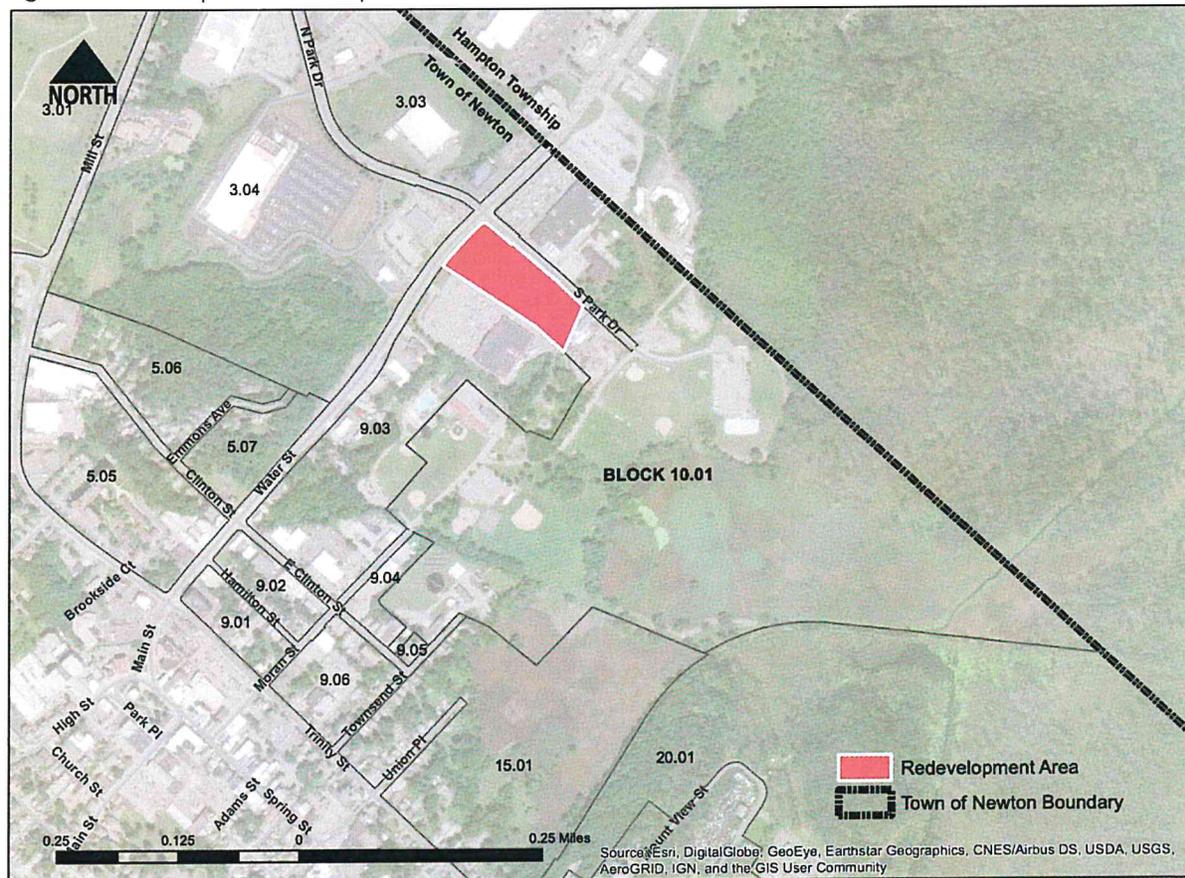
### 3. PUBLIC PURPOSES

#### 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 5.1: Creating a street-tree canopy for pedestrian thoroughfares, creating a more comfortable and inviting environment.
- B. Objective 5.2: Supporting water conservation through xeriscaping and thoughtful design.
- C. Objective 5.3: Providing for the provision and management of adequate recycling facilities for all users in accordance with best management practices.

3.3.6. Goal 6: Reducing Negative Impact of Car Circulation + Traffic Issues

- A. Objective 6.1: 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*
- 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. Drug Rehabilitation Clinic
- E. Farming or Agricultural Uses
- F. Gas Stations
- G. Licensed Taxicab Business Office
- H. Nightclubs
- I. Outdoor Storage
- J. Single-family Detached
- K. 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 4<sup>th</sup> 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:*

*a. The street configurations and locations shall be designed utilizing context-sensitive design in combination with the design standards identified herein.*

- i. 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.
- ii. 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.
- iii. 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.

- iv. The street improvements identified in this section include all infrastructure, paving base and surfaces, sidewalks, street trees, streetlights, and curbs to meet Town and if applicable, County and State standards.
- v. 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 with 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 coordination of the various public and private procedures and activities shaping land development and to promote utilization of renewable energy resources.

6.1.8. 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**

- A. *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; or*
- B. *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*
- C. *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.*
- D. *"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

Prepared by:

J Caldwell & Associates, LLC., 122 Main Street, Suite 104, Newton NJ 07860

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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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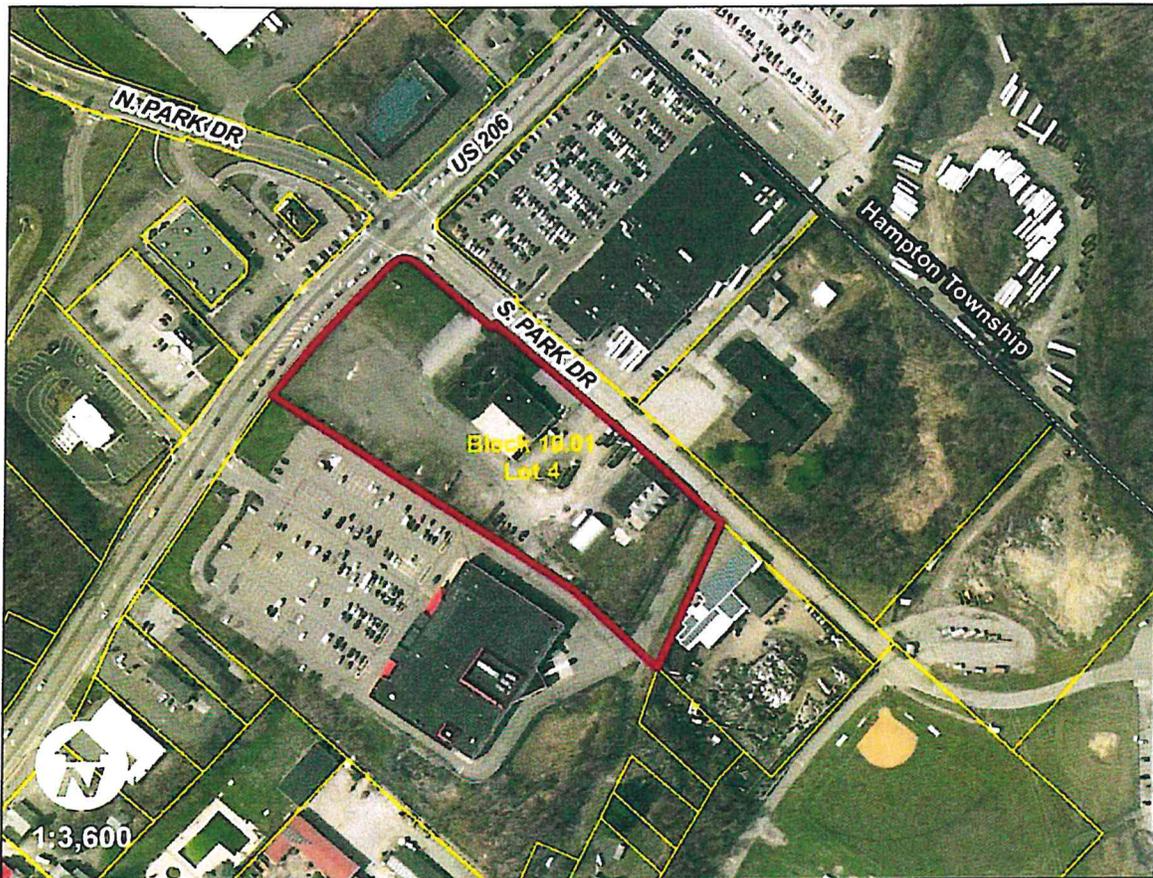
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# I. Introduction

## 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.

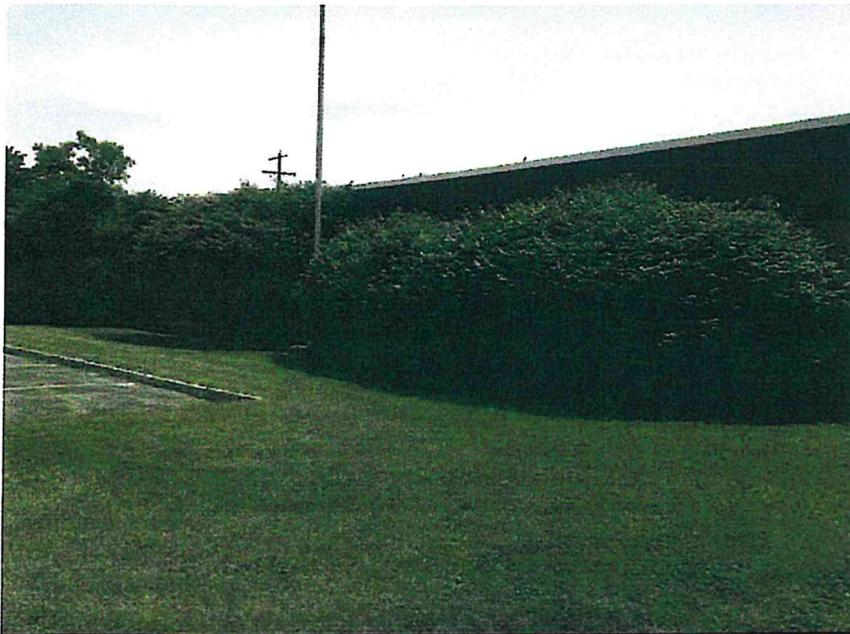


Environmental Constraints Map – Wetlands Shown to the South and East of the Area

## 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)**



Front Parking Area Looking Northwest



Gravel Drive along Western Side of Area



East Side of Building Along South Park Drive



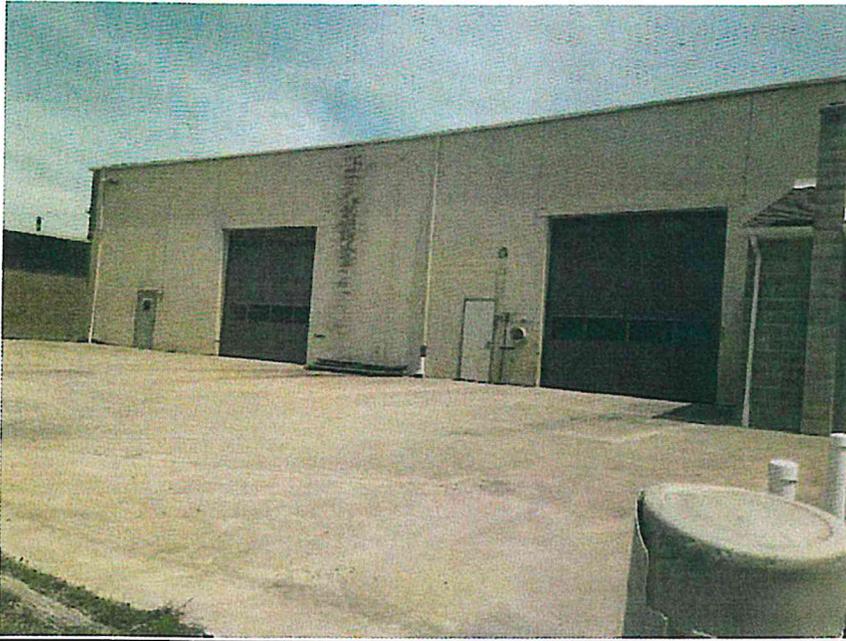
East Side of Main Office Building with Parking Along South Park Drive



**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 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".

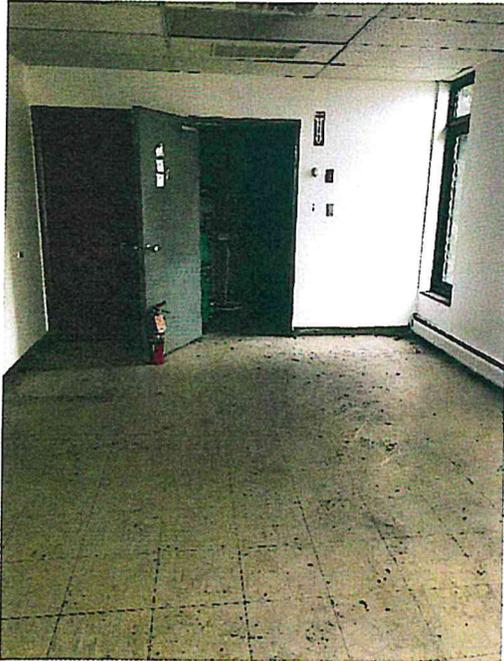
### Qualifying Criterion "h"

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".

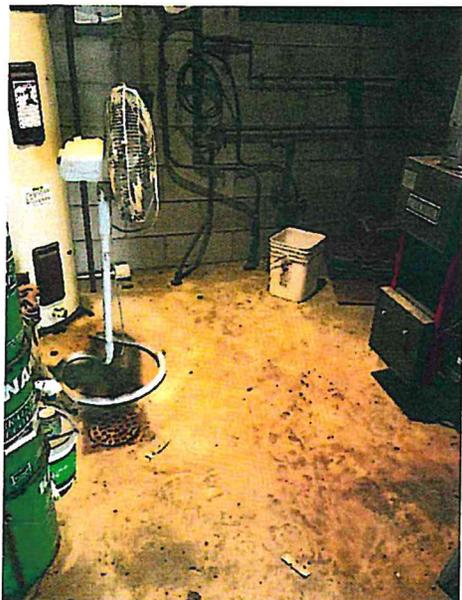
## Interior and Exterior Site Photos

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)



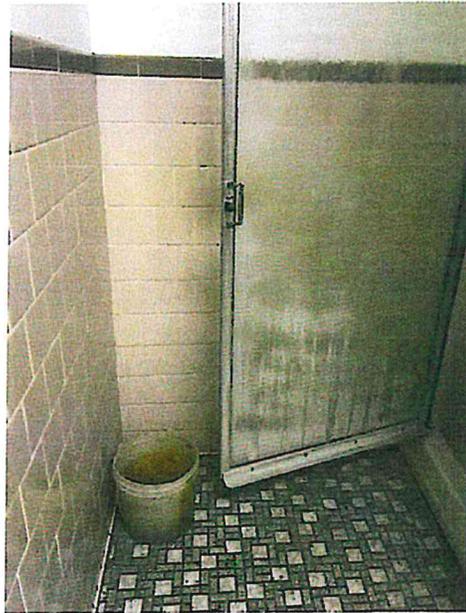
Conditions Not Conducive to Wholesome Working Conditions (Rodent Droppings)



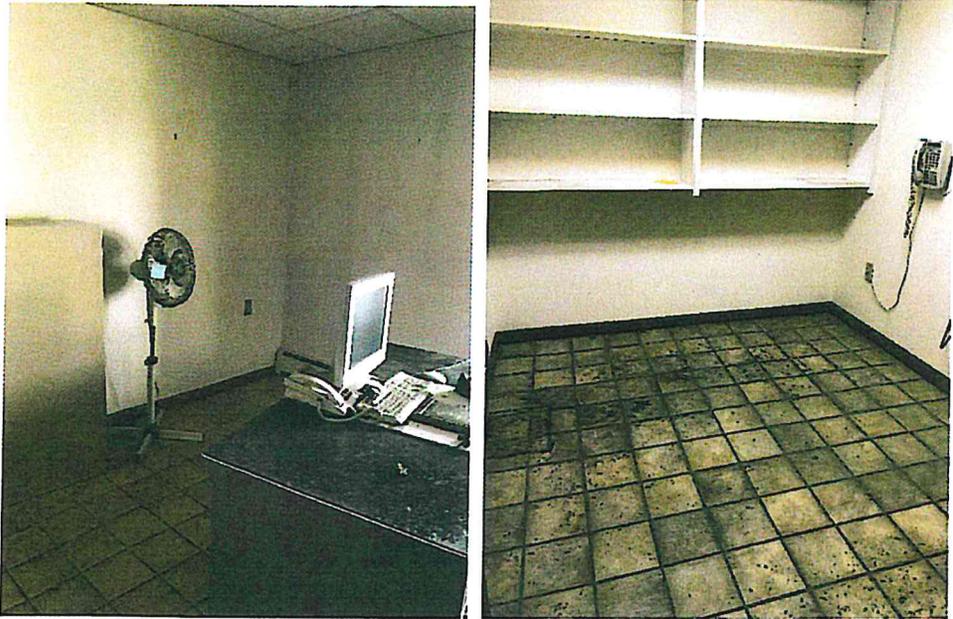
Dilapidated Interior Offices, Damage from Leaking Roof (Mold and Water Damage)



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

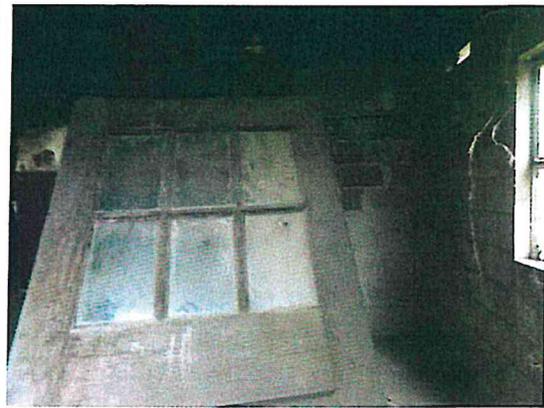
### Garage Building



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-Condemnation 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  
Wayne Levante, Mayor  
E. Kevin Elvidge, Deputy Mayor  
Thomas S. Russo, Jr., Town Manager  
Neil Flaherty  
Tina Larsen  
Gary Marion  
Alex Majewski  
Thomas Butterfield  
Barbara Vrahnos  
George Wink

### 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.



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

New Jersey Professional Planner #5944

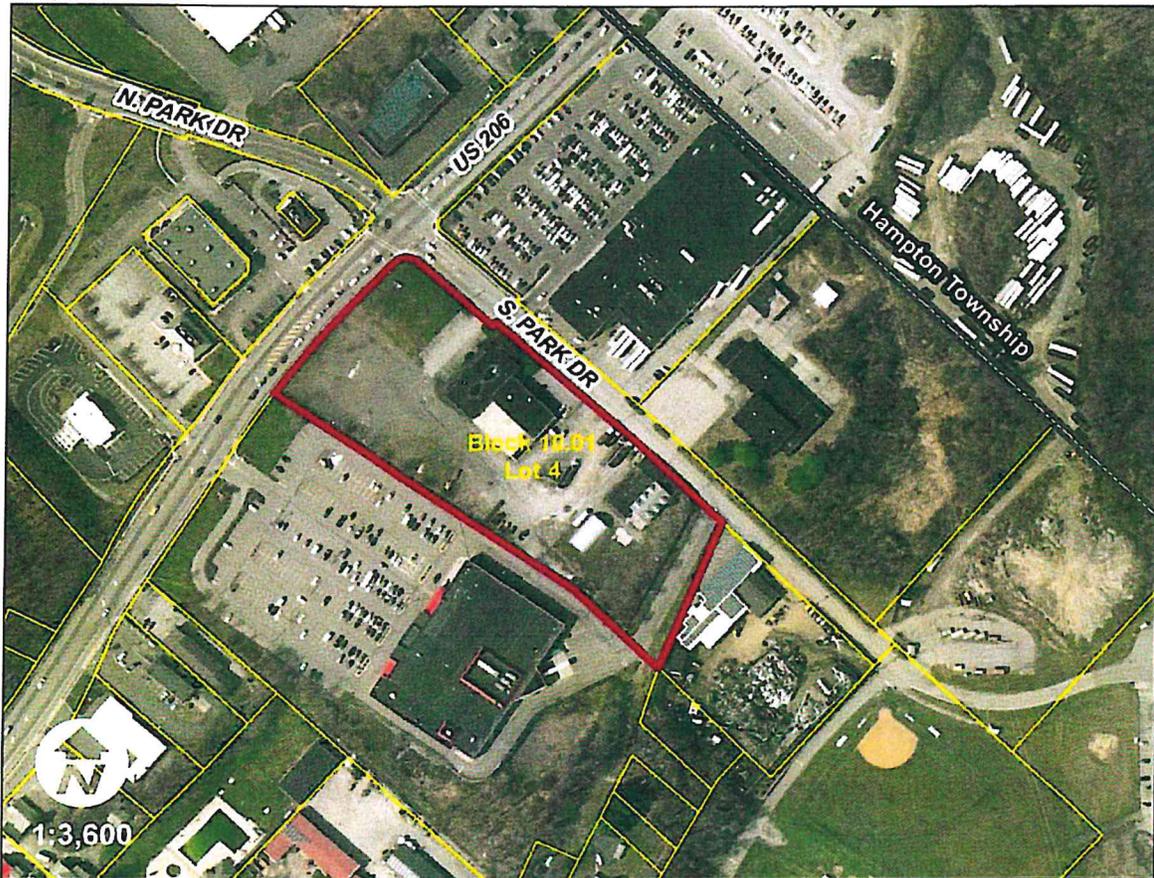
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## I. Introduction

### 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-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.

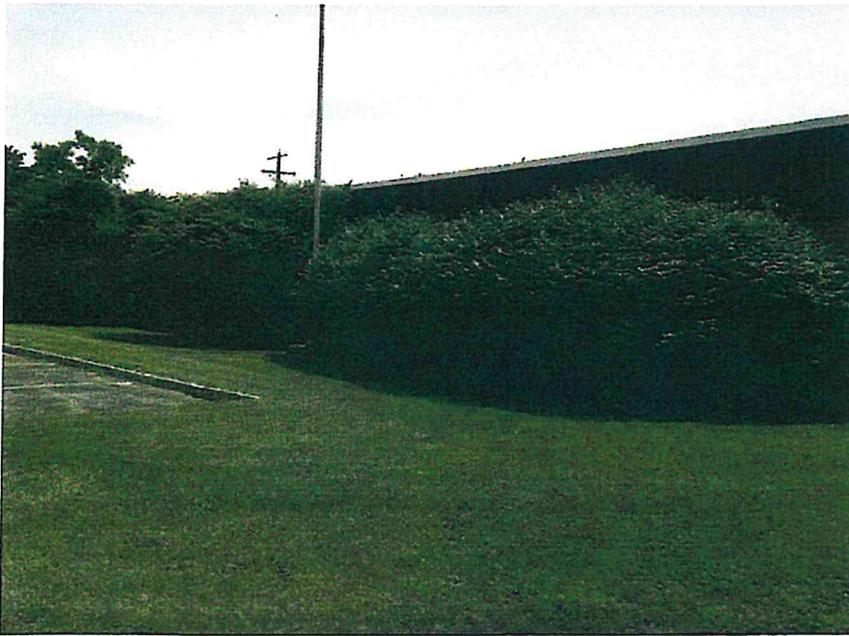


Environmental Constraints Map – Wetlands Shown to the South and East of the Area

## 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



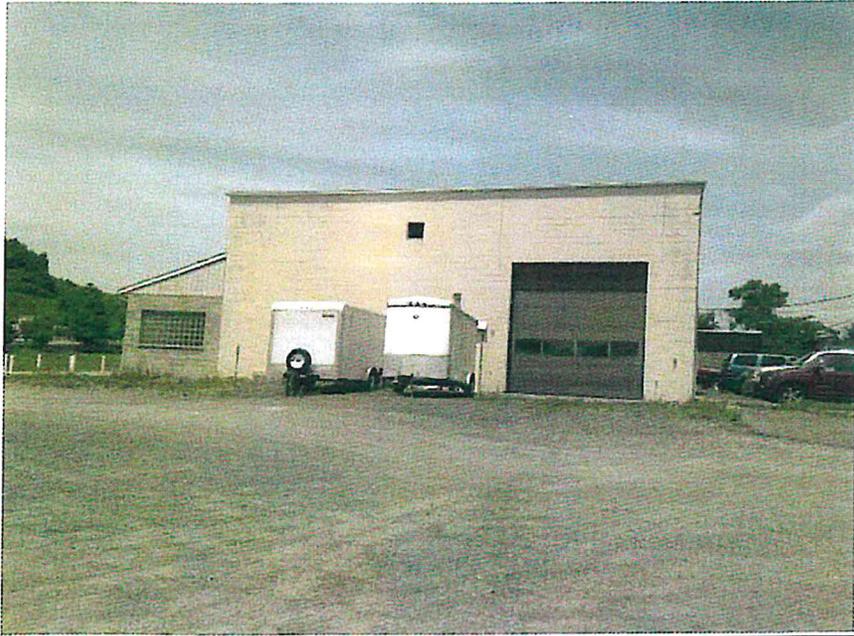
**East Side of Building Along South Park Drive**



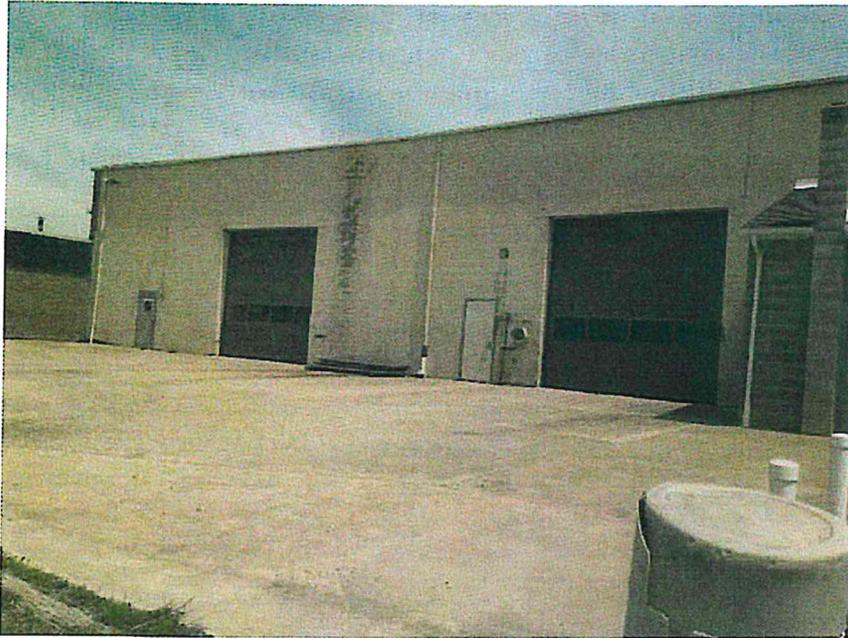
**East Side of Main Office Building with Parking Along South Park Drive**



**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
	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".

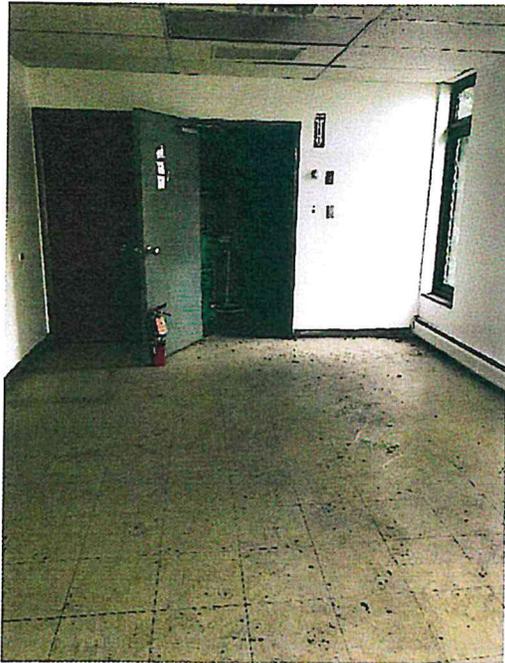
### Qualifying Criterion "h"

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".

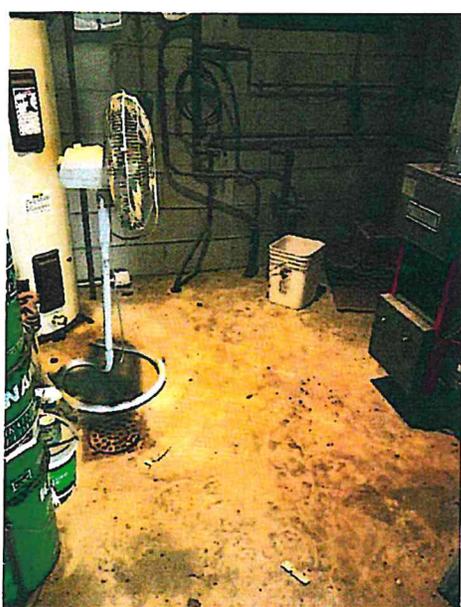
## Interior and Exterior Site Photos

The following photos show evidence of Qualifying Criteria "a", "b", "d" and "h" as noted above.

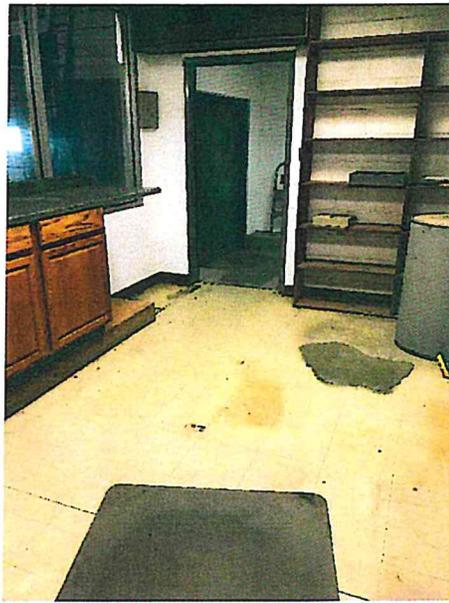
### Main Office Building



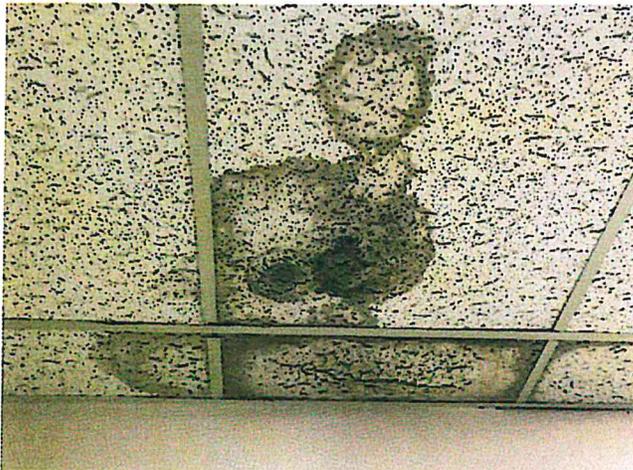
Small Interior, Leaking Ceiling, Non-Functional Bathrooms (Dead Insects and Rodent Droppings)



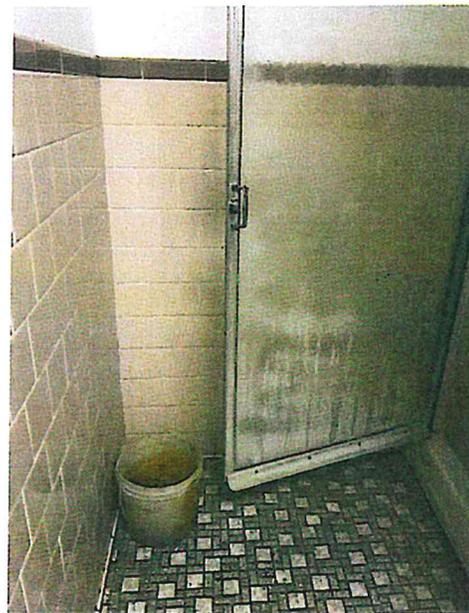
Conditions Not Conducive to Wholesome Working Conditions (Rodent Droppings)



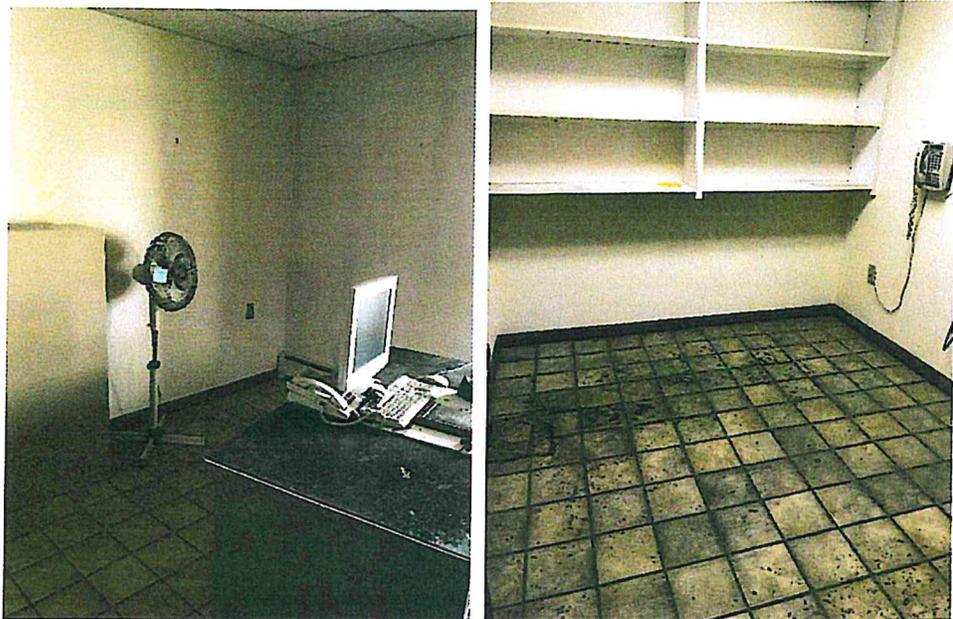
Dilapidated Interior Offices, Damage from Leaking Roof (Mold and Water Damage)



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



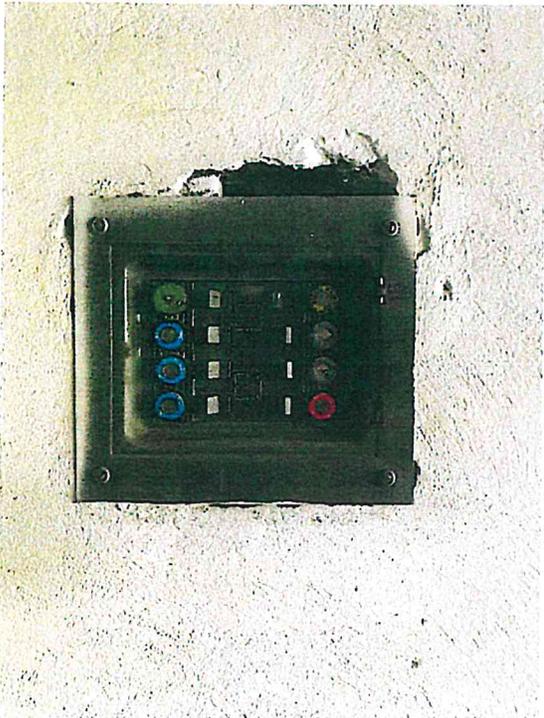
Interior Dilapidation, Rusted Furnace, Broken Door, Broken Windows, Earthen Floor



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-Condemnation 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:**

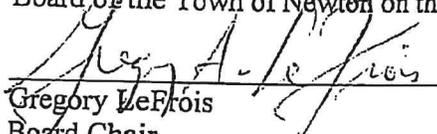
**Section 1.** Transmission to the Town Council. The Study, and the findings of fact and conclusions contained therein, is hereby incorporated herein by reference in its entirety. The Planning Board Secretary is hereby directed to transmit a copy of the Study and of this Resolution to the Town Council.

**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 21<sup>st</sup> day of February, 2018.

  
Gregory LeFrois  
Board Chair

  
Kathy Citterbart  
Board Secretary