

TOWN OF NEWTON

Ordinance 2020-21

ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE MERRIAM GATEWAY REDEVELOPMENT PLAN, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, et seq.

WHEREAS, the Merriam Gateway Redevelopment Plan governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and adopted by the Town Council in November 2010, amended in September 2012, March 2015, and July 2017; and

WHEREAS, in accordance with the Redevelopment Law and upon Planning Board recommendation, the Town Council designated property identified as Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (former Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14) (the "Property") as a non-condemnation area in need of redevelopment under the Redevelopment Law (the "**Redevelopment Area**"), which designation authorized the Town Council to use all those powers permitted by the Redevelopment Law for use in a redevelopment area except the power of eminent domain; and

WHEREAS, in accordance with the Redevelopment Law and by resolution duly adopted (Resolution 169-2020), the Municipal Council (the "**Town Council**") of the Town of Newton (the "**Town**") authorized and directed the Town Planning Board (the "**Planning Board**") to review the draft Redevelopment Plan Amendment, pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, following such review the Planning Board has rendered its report and recommendations to the Town Council and noted the Redevelopment Plan is not inconsistent with the Town's Master Plan, and with comments and recommendations, pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Town Council hereby finds it appropriate for an Amendment to the Redevelopment Plan to be adopted for the Redevelopment Area, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Town; and

WHEREAS, the Planning Board recommended certain amendments to the Redevelopment Plan, which the Town wishes to incorporate therein, as described in Exhibit A hereto; and

WHEREAS, the Town Council now desires to adopt the Amendment to the Redevelopment Plan and to direct the applicable provisions of the Town's Zoning Ordinance and Map be amended and superseded to reflect the provisions of the Amended Redevelopment Plan, as and to the extent set forth therein;

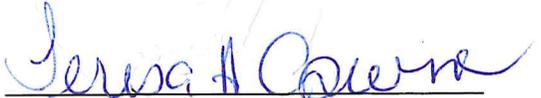
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Newton as follows:

1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.
2. **Adoption.** The Amendment to the Redevelopment Plan, as filed in the Office of the Town Clerk and attached hereto as Exhibit A, is hereby approved and adopted.
3. **Amendment of Zoning Ordinance and Map.** The sections of the Town's Zoning Ordinance and Map are hereby amended to incorporate and reflect the Redevelopment Plan, and, to the extent provided in the Redevelopment Plan, are superseded thereby.
4. **Severability.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.
5. **Public Review.** A copy of this Ordinance shall be available for public inspection at the offices of the Town Clerk.
6. **Effective Date.** This Ordinance shall take effect as provided by 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, August 10, 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 Wednesday, September 16, 2020 via video conferencing and shall take effect according to law.

ATTEST:


Teresa A. Oswin, RMC
Deputy Municipal Clerk

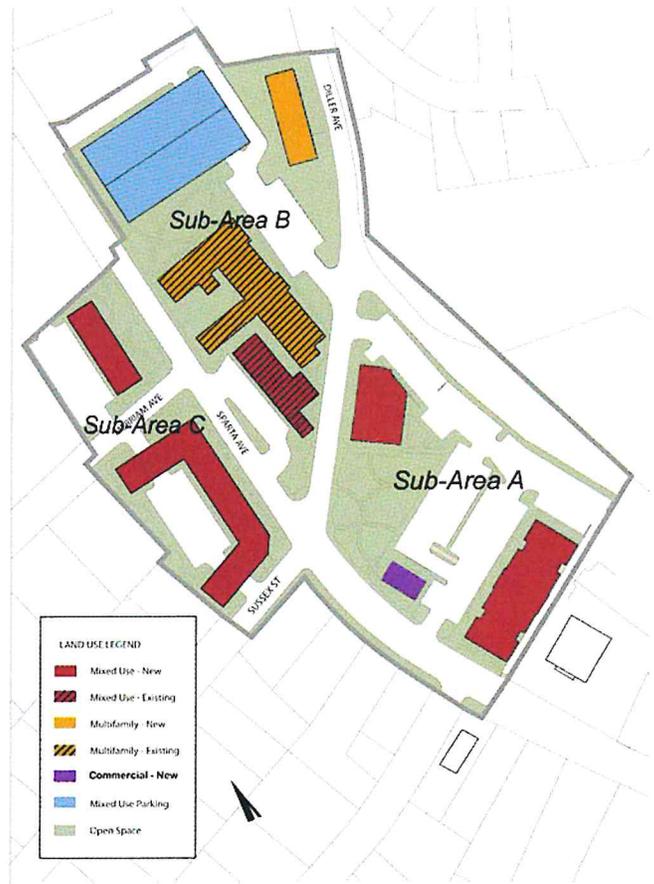
AMENDMENT TO THE REDEVELOPMENT PLAN

PLAN CONSISTENCY REVIEW

BACKGROUND

The Merriam Gateway Redevelopment Plan (the “Plan”) governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), including parcels, public streets and rights-of-way adjacent to and including Sparta Avenue and Diller Avenue (the “Plan Area”). The Plan was adopted by the Town Council in November 2010 and amended in September 2012, March 2015 and July 2017.

The Plan Area includes 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The Town of Newton has updated tax lot numbers since the adoption of the original Merriam Gateway Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14)¹. The Plan Area covers 10.18 acres. The Plan divides the Plan Area into three (3) sub-areas: A, B and C. The parcels within Block 22.04 (former Block 1308) comprise Sub-Area A, the parcels within Block 18.02 (former Block 1301) comprise Sub-Area B, and the parcels within Blocks 18.03 and 22.02 (former Blocks 1104 and 1209 respectively) comprise Sub-Area C. The figure to the right shows the Sub-Areas along with the originally proposed conceptual layout for the area.



The purpose of this Plan Amendment is to allow for Parking as a principal permitted use in Sub-Area A and to allow for Treatment Centers as a conditional use in Sub-Area B of the Plan Area. Sub-Area A has an existing parking area for Thorlabs and given County right-of-way requirements for Sparta Avenue and numerous utility easements on the property, it is reasonable to keep the area as parking. The option of building a structure on the property in the future is still available in the Plan.

¹ The parcels in Sub-Area A have been merged; however, it is not yet reflected on the Tax Maps.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the Plan. At Section 8.0 of the Redevelopment Plan, it states, “as development occurs within the Area, development priorities and market demands may change. This Plan should have the ability 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.” As noted previously, the amendments proposed are being developed to provide for Parking as a principal permitted use in Sub-Area A and Treatment Centers as a conditional use in Sub-Area B of the Plan Area.

The Redevelopment Goals stated in the Plan focus on creating positive development, rehabilitation and redevelopment within the Plan Area. The focus of these goals is met by creating greater opportunities to redevelop and rehabilitate uses within the Area. Some specific Redevelopment Goals furthered by this Plan Amendment are as follows:

1. To allow more efficient use of land and to expand the Town’s tax base.
2. To create well-planned development that provides for expanded opportunities for a mix of uses within the Town and region and also promotes financially sustainable development.

The proposal is consistent with the Town of Newton’s Master Plan because the proposed amendment furthers Newton’s Master Plan Goals of promoting new development and redevelopment while maintaining the historic character of the area. The proposal is also consistent with the State Development and Redevelopment Plan, which designates the Town of Newton as a Regional Center. As a Regional Center, the Town provides a variety of commercial and residential uses in a compact development pattern. For these reasons, the proposed Plan Amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan and the State Development and Redevelopment Plan.

Further, the Plan Amendment proposes to allow parking as a principal use within Sub-Area A for Thorlabs and for a location for a use that is not permitted in other locations in the Town, specifically Treatment Centers for drug and alcohol rehabilitation. This is a use that is important for society but is also difficult to locate. The proposal to locate the use within the Merriam Gateway Building in Sub-Area B of the Plan Area is a location that is found to have little to no impact on adjacent properties with certain conditions as outlined in the Plan Amendment. Maintaining parking as a permitted principal use in the Plan in Sub-Area A would allow for Thorlabs to maintain the central parking area for their employees while allowing for redevelopment in other locations within and around the Plan Area.

The proposed Plan Amendments do not impact the zoning plans of any adjacent municipalities as the area is not in close enough proximity to adjacent municipalities to have any direct impact.

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

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT

At Section 3.0 Definitions, add the following:

Definitions shall include the following:

“Treatment Center: A treatment center is a medical use that provides drug and alcohol rehabilitation in a state licensed medical setting. The treatment center may include a residential component whereby patients remain in the facility for approximately 30 days. Treatment includes detoxification treatments, medication for depression or other disorders, counseling and therapy.”

At Section 4.0 Land Use Regulations, add the following subsection:

4.1 Following Permitted Uses, on page 22, the following shall be added:

At the end Paragraph 1, Add, “A Treatment Center shall be a conditional use in Sub-Area B of the Land Use Plan subject to the following conditions:

1. A site plan or minor site plan application is required.
2. A Treatment Center shall be accredited by the Joint Commission on Accreditation of Health Care Organizations (“JCAHO”).
3. The maximum number of clients staying overnight at any one time at the facility shall be 24.
4. Twenty-four-hour (24) security shall be provided on the premises to include alarm systems, security cameras and security staff. A security plan should be submitted to the Newton Planning Board for approval.
5. If clients will be outside of the facility for any reason other than coming into or leaving the facility, they shall be provided a secure, designated outdoor location that is either on the side or rear of the facility and fenced and screened from view from adjacent properties and roadways. Clients shall not be permitted to congregate in front of the building or any location outside the building except in such designated area(s) as noted above. Any outdoor area(s) used by the clients must be approved by the Newton Planning Board as part of a site plan application.
6. A vehicle and pedestrian safety plan including modes of pick-up and drop-off of clients shall be submitted to the Newton Planning Board for approval.”

Add, “5. Off-Street/Surface Parking facilities shall be a permitted principal use in Sub-Area A of the Plan provided that the rail trail planned for this section of the Plan Area is constructed and maintained across the site. All other uses remain permitted and additional buildings may be constructed in the future.”

Under Interim Uses, Item 1., Surface Parking Facilities, add the following,” except for Sub-Area A where Off-Street/Surface Parking Facilities is a principal permitted use.”

4.2 Land Use Plan, on page 24, following first paragraph, the following shall be added:

“Off-Street/Surface Parking facilities shall be a permitted principal use in Sub-Area A of the Land Use Plan provided that the rail trail planned through this section of the Plan Area is constructed. A Treatment Center shall be a conditional use in Sub-Area B of the Land Use Plan where mixed-use commercial, commercial and residential uses are permitted.”

At Section 5.7 Parking Plan add the following subsection:

“5. Treatment Center: 2 spaces per 1,000 square feet. Parking shall be for employees and visitors to the Treatment Center. Patients or Clients will be transported to the facility by employees or visitors to the site. No overnight parking for patients or clients will be provided on site. All parking for the use shall be accommodated in Sub-Area B.”



Memorandum

To: Town Council

Cc: Planning Board

FROM: Katherine Citterbart, Planning Board Secretary

DATE: July 17, 2020

RE: **Merriam Gateway Redevelopment Plan Amendment
Resolution #169-2020**

In accordance with the direction set forth by the Town Council in Resolution #169-2020, the Planning Board reviewed the draft Merriam Gateway Redevelopment Plan Amendment (the "Amendment") at its meeting of July 15, 2020. This letter is intended to serve as the report of the Planning Board that is required pursuant to N.J.S.A. 40A:12A-7e.

The Board finds that the proposed Amendment in its entirety is not inconsistent with the Town's Master Plan. The Board has no substantive comments or recommendations regarding that portion of the proposed Amendment intended to allow parking as a principal permitted use on the lands designated in the Amendment as Sub-Area A.

The Board does have comments and recommendations relating to that portion of the proposed Amendment intended to allow Treatment Centers as a permitted use in Sub-Area B of the Plan Area. In general, given the sensitive nature of the use and the characteristics of the surrounding area, the Board is concerned about the lack of definition and the need for more specificity in terms of standards and requirements that should be met by any applicant proposing a Treatment Center. The Board accordingly recommends that consideration be given to adding provisions to the proposed Plan Amendment to address the following:

1. A Treatment Center should be accredited by the Joint Commission on Accreditation of Health Care Organizations ("JCAHO").
2. Consideration should be given to placing a limit on the number of clients residing at the facility (i.e. staying overnight) at any one time.
3. Standards and/or requirements should be added to assure that there is adequate security at the facility. These could include requiring security cameras and/or a security officer. The Board is

particularly concerned that a security officer or other trained individual be available at times when school children pass by the facility on their way to and from school.

4. The Board is concerned about whether any consideration has been given to provisions for situations when clients of the facility will be outside.
5. If clients of the facility will frequently leave or depart the premises by motor vehicle, consideration should be given to providing the Board during site plan review with discretion to impose requirements it deems appropriate to assure safe and adequate vehicle and pedestrian circulation during that process.

In general, the Board urges the Council to consider and include such provisions in the Plan Amendment as it may deem appropriate to try to assure the high quality of any treatment facility that may locate in the Plan Area.

Very truly yours,

Katherine Citterbart
Zoning Officer