



Hicks Avenue Redevelopment Plan

Town of Newton, New Jersey

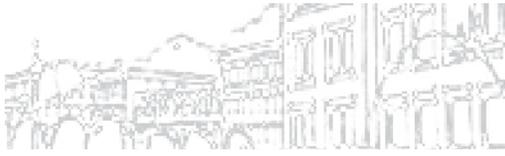


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SECTION 1.0

Description of the Plan

On December 6, 2007, the Planning Board of the Town of Newton recommended the designation of this area (further described at Section 1.3 hereof) as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"). On December 10, 2007, the Newton Town Council so designated the Hicks Avenue study area as an Area in Need of Redevelopment.

This Area has been dominated by a manufacturing/light industrial facility with adjacent housing since being settled in the late 19th/early 20th century. Historically, industrial uses in the area were focused around the photographic industry, being a production site of photographic papers and films through at least the end of World War II. Since the early 1970's the industrial facilities have been used for the manufacture of printed and laminated vinyl products. In recent years the industrial facilities have been further divided to accommodate several smaller enterprises including a custom millworks operation and a welding operation. The structures currently located on the industrial property were constructed in the 1940's.

Due to its long history of industrial uses, first relating to the film and photographic industry and later to plastics manufacture and other light industrial uses, the industrial facilities located at Block 1309, Lot 2, are identified in federal and state records as an area of environmental concern. This area has been identified as an industrial site which could potentially trigger an Industrial Site Recovery Act review.

The earliest residential development surrounding the area occurred in the early 1900's. Like that of the housing in the surrounding neighborhood, construction of the four single family houses located within the Area dates between 1920 and 1940. It is likely that this housing, like that of the surrounding neighborhood, was developed to provide nearby workforce housing to the local industry.

The right-of-way of the former Sussex Railroad, from which the tracks have been removed, is located in the Area and identified as Lot 1, Block 1309 (See Block and Lot Map on page 8). Currently owned by the Town of Newton, the right-of-way runs roughly parallel to Sparta Avenue and cuts across the southern corner of the Area.

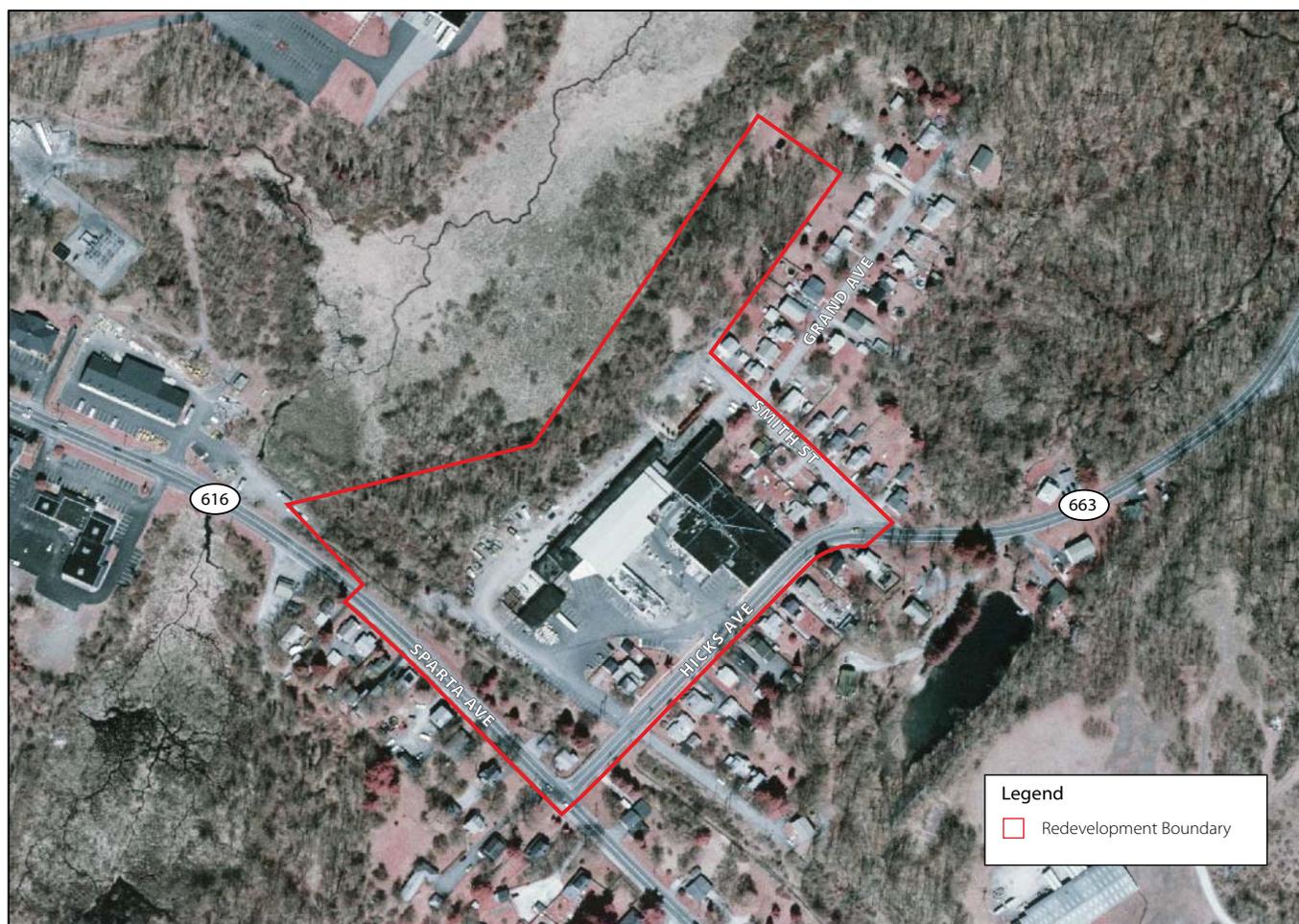


The Area is surrounded by wetlands, steep slopes, protected upland areas and a busy County road, which have historically formed topographical and geographical constraints to development of the surrounding lands. Significant undeveloped land remains around the Area, specifically the wetlands to the northwest. Due largely to these topographical and geographical constraints, the neighborhood surrounding the Area has remained relatively isolated from additional, encroaching development.

ment and protection of the adjacent wetlands . In addition, the Area is impacted by the designation of the wetlands as exceptional, necessitating a 150 foot transitional buffer between the wetlands and development.

The Area is now in the process of evolving from incompatible adjacent land uses to more appropriate and compatible land uses, which fit within the vision of the future of Newton as well as its designation under the State Plan as a "Regional Center". The age of the structures, as well as changes in land use practice, have made the structures and current land uses in this Area obsolete. The industrial uses and documented contamination found on the industrial site (Block 1309, Lot 2) are in conflict with the surrounding residential develop-

The Redevelopment Boundary is shown with the red line on the Local Context Map below and the Illustrative Site Plan on page 15. This Redevelopment Plan calls for the Redevelopment Area, hereafter called the Area, to be developed as a "neighborhood center" with some combination of mixed-use (ground floor retail with residential or office uses on floors above), townhouses, attached duplex units ("paired villas") and/or single-family housing. Mixed-uses would be concentrated at the intersection of Sparta Avenue, with a mix of residential typologies throughout the remainder of the Area where possible.



Redevelopment Area



The Area consists of Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41 and 42, along with the adjacent public rights-of-way along Sparta Avenue, Hicks Avenue and Smith Street. Current land uses within the Area include residential and light industrial/ commercial. The Area is comprised of eight (8) contiguous parcels with a combined acreage of approximately 13.65 acres, or 594,475 square feet, including all parcels and rights-of-way.

The Area is located approximately one mile southeast of the Central Business District of Newton, to the northwest of Hicks Avenue between its intersections with Sparta Avenue and Smith Street. To the northwest of the Area are exceptional wetlands requiring a 150 foot transitional buffer, which affects the Redevelopment Area. To the northeast, southeast and southwest across Sparta Avenue, Hicks Avenue and Spring Street are single family homes.

The Area's location along the southeastern Town boundary, at the intersection of two primary County roads, Sparta Avenue and Hicks Avenue, makes it a gateway location into Newton. While the Area is predominantly flat, the topography drops off at the northeast corner and along the northwest boundary. Wetlands form the northwest boundary of the site and are approximately 30 to 40 feet lower in elevation than the majority of the Area.

Given the wetlands and transitional buffer within the Redevelopment Area (see Constraints Map on page 20), the developable, or buildable, area within the Redevelopment Area is approximately 5.73 acres.

The Area is shown on the Block and Lot Map below, illustrating the layout of the existing properties.



Block and Lot Map

The Plan has been prepared in furtherance of the Town of Newton's determination on December 10, 2007 by Council Resolution # 225-2007 that the Area meets the statutory criteria for designation as an "Area in Need of Redevelopment", pursuant to the Local Redevelopment and Housing Law, section 6 of P.L. 1992, c.79 (N.J.S.A. 40A:12A-6).

Statutory Requirements

This Redevelopment Plan is presented to the Town of Newton in order to provide a form-based code of the layout and design for the redevelopment of the subject Area. This Plan represents one step in the redevelopment process to achieve the long term vision for the redevelopment and rehabilitation of the Town pursuant to the Redevelopment Law.

A. This Redevelopment Plan addresses the following issues as required by the Redevelopment Law:

1. Its relationship to definite local objectives regarding land uses, population density, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. The proposed land uses and building requirements in the redevelopment;
3. The Plan for the temporary and permanent relocation of any displaced businesses;
4. The identification of any property that may be acquired in accordance with the Redevelopment Plan;
5. Any significant relationship of the redevelopment to (a) the Master Plans of contiguous municipalities, (b) the Master Plan of the County in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c. 398 (C.52:18A - 196 et al);
6. Its relationship to the development regulations of the municipality; and
7. Comply with affordable housing regulations (See Section 9.5, Page 92) to provide for the replacement of any affordable housing identified to be removed as a result of the implementation of this Plan.

B. This Redevelopment Plan will also contain:

1. Standards for the redevelopment of the properties as

mixed-use, commercial or residential uses.

2. Provisions for the enforcement of codes and ordinances;
3. Controls and requirements related to affordable housing if constructed as part of the redevelopment;
4. Procedures and standards for amending the Redevelopment Plan;
5. A form-based code containing street, building and architectural regulations for the redevelopment of this Area.

1.5 PURPOSE OF THE PLAN
The purpose of this Plan is to set forth the terms and conditions under which the Hicks Avenue Redevelopment Area may be redeveloped.

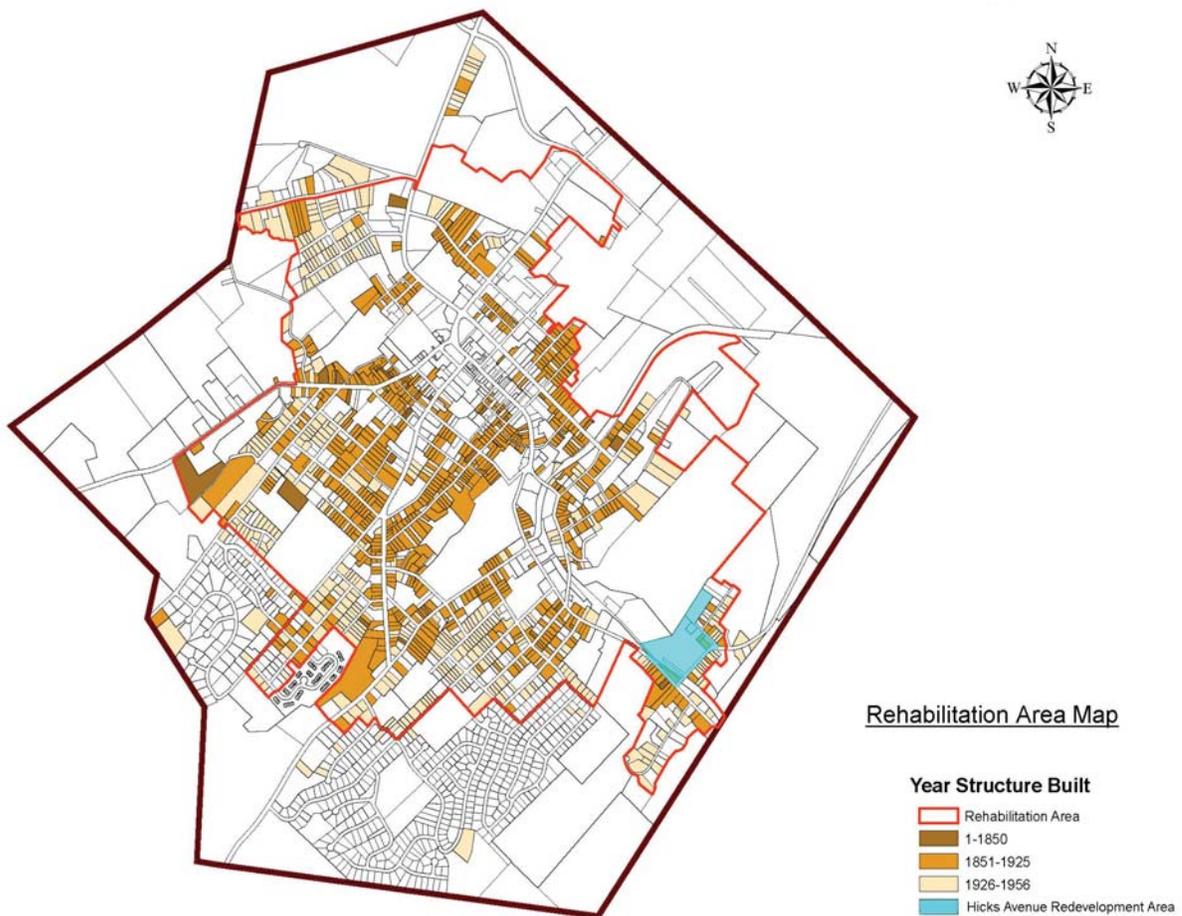
The basic elements of this Plan, including the design of the streets and circulation networks, the general massing of the buildings, and the location of major open space features, are illustrated in a form-based code. This type of code assures the Town that they can expect redevelopment which fits into the context of the surrounding area, is constructed according to high standards of quality and character and will have a long term positive impact on the Town of Newton.

The redevelopment of Hicks Avenue is part of a larger pattern of revitalization occurring in Newton, which was stimulated by the Newton Urban Design Plan. The Newton Urban Design Plan is a community-oriented Vision plan for the future of Newton which was adopted in early 2006. Revitalization of the Town will be through a combination of rehabilitation and redevelopment. To that end, a large portion of Newton has already been declared as an Area in Need of Rehabilitation, while smaller focus areas (including the Hicks Avenue Redevelopment Area) have been designated as areas in need of redevelopment. The Rehabilitation Area includes much of the built-out areas of Town and includes buildings and or infrastructure which are on average at least 50 years old (see Rehabilitation Area Map below).

The entirety of Newton, and in particular Newton's Rehabilitation Area, has the potential to be rehabilitated and redeveloped as a pedestrian-friendly, sustainable, and aesthetically pleasing series of streets and neighborhoods with a vibrant town center. This process will be guided by the Newton Ur-

ban Design Plan, which recommends the transformation of the entire length of the Sparta Avenue/Spring Street corridor into a pattern of more traditional vehicular and pedestrian-balanced streets, allowing a diverse range of local and regional residential, commercial and office uses.

The Newton Urban Design Plan was generated through a community visioning process conducted in 2005 with a grant from the New Jersey Office of Smart Growth. The Urban Design Plan was based on results of a community-based Visual Preference Survey, community Demographic, Market and Policy Questionnaire, and Vision Translation Workshop. Although the Hicks Avenue Area was not specifically addressed in the Urban Design Plan, this Redevelopment Plan seeks to set forth a series of standards, illustrations, and recommendations to ensure the pattern of development is consistent with the overall Vision of the Town expressed in the Newton Urban Design Plan.



Redevelopment Goals

By adoption of this Hicks Avenue Redevelopment Plan, the Town of Newton seeks to accomplish the following goals (not necessarily in the following order):

1. To eliminate the incongruous land uses within the Area and between the designated Area and surrounding environs, and to eliminate blighting influences.
2. To allow for more efficient use of land and to expand the Town's tax base.
3. To replace and redirect existing light industrial and commercial activity in the Hicks Avenue Redevelopment Area elsewhere within Newton. The Town does not want to lose any existing businesses or work force currently within Newton. The Town is committed to retaining economic activity and jobs within the Town as well as increasing the potential for additional economic activity and job creation in Newton.
4. To maximize the participation of private developer(s) while minimizing the participation of the public sector.
5. To establish a pattern of redevelopment in the Hicks Avenue Redevelopment Area to achieve a typology, density and quality of development that further encourages the revitalization of the Central Business District and Sparta Avenue/Spring Street "spine" through the Town.
6. To create a well planned development which will provide expanded opportunities for residential and smaller mixed-use units within the Town and region that also has the potential for sound development improving overall quality-of-life.
7. To provide a system of streets, sidewalks, crosswalks and open spaces that encourages a safe, engaging and pedestrian-friendly experience.
8. To provide for the creation of places which promote citizen security, pedestrian activities and social interaction.
9. To enhance the positive visual character and safety of the Hicks Avenue Redevelopment Area through building placement and design, landscaping and streetscape improvements.
10. To provide a range of housing opportunities across a range of household incomes, including market-rate housing and opportunities for affordable housing through new construction.
11. To encourage more people to take up permanent residence within Newton in general, the Hicks Avenue Redevelopment Area and the Town's surrounding overall rehabilitation area.
12. To design buildings with modern technologies for modern uses while reflecting the architectural design vocabulary (design characteristics) of the Town of Newton and respecting the historic character of Newton.

13. To encourage placement of buildings and construction techniques that will contribute to future sustainability and energy conservation and minimize the "carbon footprint".
14. To provide for an intensity of uses and quality streetscapes that would encourage walking and bicycling to and from the Area.
15. To provide for open space/public park/common green space linkages that are privately constructed and maintained while having public accessibility and which connect neighborhoods in the Hicks Avenue environs.
16. To provide vehicular circulation and parking options to minimize impacts on the existing roadways and adjacent residential uses.
17. To create building forms and design that set a new standard for the overall aesthetic appearance of the Area and surrounding neighborhood.
18. To further environmental sustainability through creation of a mandatory Potable Water Conservation Program by which stormwater is recaptured, stored and used for landscape irrigation, car washing, and non-potable use within the dwelling units, retail or commercial structure. The only acceptable alternate to this program is the installation of a community well for non-potable water if it is determined by further investigation of ground water resources that an on-site well is a viable alternative.

The goals set forth above are intended to be broad, general policy statements. While it is possible that specific aspects of the Plan may result in minor variations or deviations from these goals, it is intended that the overall result of the implementation of this Plan will be consistent with the goals as set forth above.

Redevelopment Objectives

In carrying out this Redevelopment Plan for the Hicks Avenue Redevelopment Area, a variety of redevelopment actions are necessary, including but not limited to:

1. Acquisition and assembly of suitable parcels of land for the construction of the proposed uses set forth in this Plan. These uses may include: roadways, mixed-use, commercial, residential, recreational uses and pedestrian walkways.
2. Clearance of all dilapidated and under-utilized structures.
3. Improvement of streetscapes.
4. Construction of private buildings and other improvements appropriate to the purposes of this Plan.
5. Improvement, revitalization and beautification of the Area.
6. Tax abatements in accordance with the Long Term Tax



Conceptual Axonometric View from Western Corner



Conceptual Axonometric View from Eastern Corner

On this page are various perspectives from a conceptual massing model of the Area. Buildings are shown in an abstract form intended to illustrate the potential scale of redevelopment of the Area and do not represent the final architectural design or reflect the actual materials to be used. In addition, the massing model only approximates the various topographical features present in the Area.



Conceptual Axonometric View from Sparta Avenue

1.9 ILLUSTRATIVE SITE PLAN

The Illustrative Site Plan for the Area (below) illustrates a conceptual design of the Area when built out according to the standards illustrated in this Code. Due to economic conditions as well as constraints relating to site and environmental conditions as of the development of this Plan, the configuration and location of streets, buildings and structures as illustrated in this Plan are conceptual. The Plan illustrates allowable concepts and building envelopes and the general extent of the Plan. Changes in the design could include variations in the location and configuration of streets and of building types and building footprints and landscaping and pavement materials, so long as they conform to the provisions of this Plan. Changes in land-use are not allowable.

The Plan, as illustrated, allows for approximately 15 dwelling units per net acre, or approximately 90 units, in a combination of townhouses, multi-family flats in an 'apartment' building, and residential flats located in a small mixed-use building located at the intersection of Sparta Avenue and Hicks Avenue. The uses and corresponding densities of this Area reflect its designation in the recently updated Newton Master Plan as a T-4 Transect Zone and neighborhood center. This Area is also a gateway into the Town from points east.

The Plan calls for a mixed-use building with ground floor retail, located at the intersection of Sparta Avenue and Hicks Avenue, to form a landmark building and neighborhood center. Moving away from the intersection on Sparta Avenue is a building of multi-family flats. To respect the context of the surrounding residential neighborhood, the remainder of the Area which is buildable could be occupied by townhouses or smaller, single family houses. Depending on economic conditions and the mitigation of topographic and environmental constraints in the Area, single-family housing could be located fronting onto Hicks Avenue with attached townhouses occupying the remainder of the site.

Two constraints governing the Area include a utilities easement and the former railroad right-of-way, which is slated to be used as a walking/biking path. The extension of the pedestrian/biking path (Sussex Branch Rail Trail) through the Area has been shifted over in the Plan from an existing Town-owned right-of-way to run through the utility easement, which is also further utilized as surface parking for the mixed-use commercial and multi-family residential units.

The Area is primarily accessed via a central street off of Hicks



Avenue and a boulevard off of Smith Street, with secondary access via the surface parking area behind the mixed-use building and the boulevard at Sparta Avenue. Because the intersection of the boulevard with Sparta Avenue is not considered a viable primary point of ingress and egress to and from the Area, access to and from Sparta Avenue onto the boulevard would be limited to right turns in and right turns out. The boulevard will have a landscaped median running its length from Sparta Avenue to Smith Street. A combination of the surface parking areas, on-street parallel parking and off street parking is designed to accommodate the parking needs of the Area. Where present, garages are located to the rear of properties off of a residential lane rather than fronting directly onto a street.

A large percentage of the Area will be kept as green open space, either left undeveloped or reclaimed from previous development. Green and open spaces include front and side yards as well as the median on the boulevard and the open space within the transitional buffer to the wetlands. The green areas will be utilized to provide both public recreational spaces and for stormwater detention. The amount

of area which must be dedicated to stormwater detention will depend on the amount of stormwater runoff mitigation for each individual parcel. The Plan recommends and suggests a number of alternatives to manage and mitigate stormwater runoff within the Area to further the meet the goals of the Plan (see Redevelopment Goal #18 - page 12).

The final site plan, including the size, configuration and design of the buildings in the Area, the building typologies, number of stories, the number of bedrooms, and architectural design, will be approved by the Planning Board, with direction from this Plan and a professional Planner.

The Plan assumes that any redevelopment could be incremental and does not necessarily assume that the Plan will be built-out in its entirety at one time.

The layout of the Plan in context to the surrounding neighborhood and environs is illustrated in the aerial image below.



Redevelopment Area







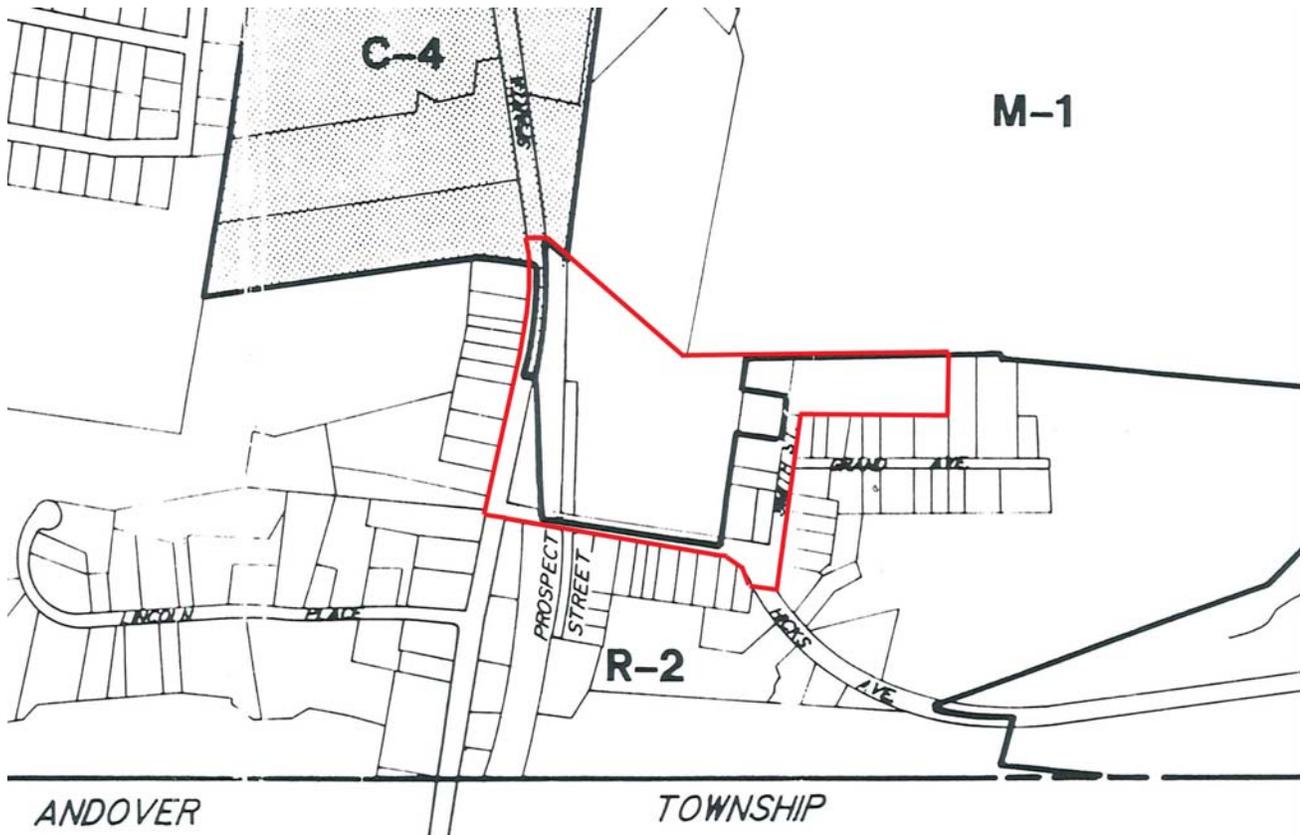
SECTION 2.0

Existing Conditions

2.1 EXISTING ZONING

The majority of the Hicks Avenue Redevelopment Area is located within the M-1 (Limited Industrial) District and the R-2 (Low and Medium Density) Residential District. In addition, a small portion of the Area, the right-of-way of Sparta Avenue along the northwest edge, is in the C-4 (General Highway) Commercial District. The mix of zoning districts in the area surrounding the Redevelopment Area has allowed incongruous and incompatible land uses to coexist in the Area.

The map below indicates the zoning within the Area as well as the zoning of the surrounding environs.



In the Area, light-industrial land uses are currently located contiguous to single-family residential development. Industrial uses within the Area include a plastics manufacturing facility as well as a millwork company and welding company. Single family residences on the west side of Sparta Avenue and on Lincoln Place form a neighborhood adjacent to, but across a busy County road from, the Area.

A public bike and walking trail, the Sussex Branch Rail Trail, follows the former right-of-way of the old Sussex Railroad of New Jersey parallel to Sparta Avenue. The Rail Trail currently approaches the Area from Andover Township to the east and terminates at Hicks Avenue.

Site Contamination

In March of 2007 a Hazardous Waste Screening (HWS) report was prepared by Dresdner Robin, Inc. for the Sussex County Department of Public Works for the Sussex County Routes 616 and 517 Improvement Project, which includes the leg of Sparta Avenue adjacent to the Area. The purpose of the HWS was to identify the potential for contamination within and adjacent to the corridor resulting from either current or past land use activities.

Due to its long history of industrial uses, first relating to the film and photographic industry and later to plastics manufacture and other light industrial uses, the Newco, Inc. site, Block 1309, Lot 2, was identified as a Industrial Site Recovery Act (ISRA) site. This means it is identified as a place of business which involves the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances or hazardous wastes.

The site is listed as a RCRA – LQG: a facility that generates more than 1,000 kilograms (2,200 lbs.) of hazardous waste per month or meets other applicable RCRA requirements. The site also had numerous “generator (oversight)” violations recorded between 1993 and 1997, which were reportedly in compliance within a month of each occurrence.

The Newco, Inc. parcel is also listed on the Underground Storage Tank (UST) database. In 1994 one 1,000 gallon, bare steel, single wall, medium diesel fuel UST was removed from the property. In addition, two 5,000 gallon, cathodically-protected steel USTs were in use on the site. However, according to the 2006 EDR Report, the Newco site has been issued with a No Further Action (NFA) directive and is no longer listed on the NJDEP Leaking Underground Storage Tanks (LUST) database. Further in the HWS the report indicates that the LUST reports that although the Newco site was issued a NFA, the site has one area of concern with one media of concern,

although the location and media is not identified in the HWS report.

The NJ Release Listing contains information regarding facilities that have reported releases of hazardous material to the environment. The NJ Spills Listing contains information regarding facilities that have reported spills or other incidents of release of contaminants to the environment. The Newco site is identified on both the Release Listing and the Spills Listing for at least three (3) incidents. An inspector from the Sussex County Division of Health also noted the strong odor of polyvinyl during a site inspection on 2001.

The Newco site was also listed in the 2002 EDR Report as being in the Toxic Release Inventory System (TRIS) listing of the Environmental Protection Agency (EPA). The TRIS listing is the EPA's database of all facilities which have had and may be prone to toxic material releases.

While the report does not specify what materials have been released or may be prone to release, as indicated previously, the facilities are identified as an RCRA – LQG: a large quantity generator of hazardous waste per month. The EDR 1999 Biennial Report indicated a number of wastes including: Ignitable Hazardous Wastes; Tetrachloroethylene; Methyl Ethyl Ketone; Chromium; Silver; Halogenated Solvents; Sodium Azide; Phenol; Corrosive Hazardous Waste; Lead; Chloroform; Spent Non-Halogenated Solvents; and Trichloro-Methane.

Prior to any construction at this site, the Municipality must receive from the redeveloper any and all supporting data which the Municipality deems necessary to validate that any contamination on the site has been remediated and the site is clean. Should such data not be available, development of the site must include remediation of any contamination.

Wetlands, Steep Slopes, Tree Cover

The Area is impacted significantly by the presence of wetlands and steep slopes. Significant undeveloped land and undisturbed wetlands remain around the Area, including designated exceptional wetlands to the west and north of the Area as well as uplands along the northern border of the neighborhood. In addition, a steep slope with an elevation change of approximately thirty (30) feet runs along the northern edge of the Area and separates the upper Area, the majority of the Area, from the undisturbed wetlands below.

Tree cover is primarily located along and below the steep slope running across the northern edge of the Area.

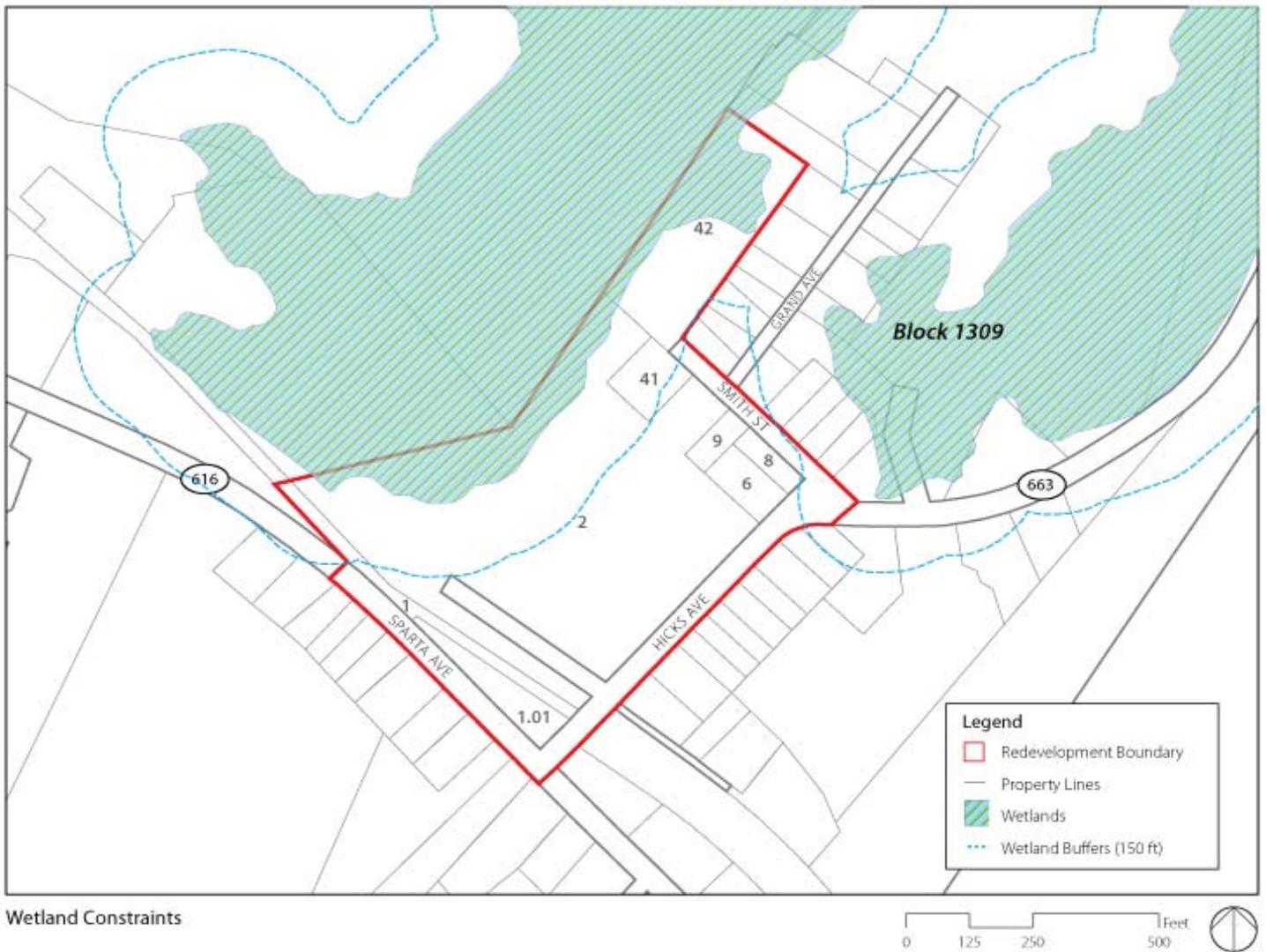
2.3 CONSTRAINTS MAP

The map below indicates the location of the most significant constraint found in the Area and how it relates to redevelopment of the Area.

The green hatching on the Wetland Constraints Map below indicates the location of wetlands and their proximity to the northern and northwest edge of the Area. Because these wetlands have been designated as exceptional wetlands by the NJDEP, a transitional wetland buffer of 150 feet, indicated on the map below with the blue line, constrains the redevelopment potential of the Area. Virtually all of Lot 42 and the majority of Lot 41 are within the buffer, rendering them undevelopable.

A further constraint to redevelopment of the Area is a steep slope (significant changes in elevation) which runs along the edge of the wetlands (not illustrated on the map below). This

change in elevation between the wetlands and the majority of the Area averages 30 to 40 feet and limits the physical extent of redevelopment of the Area. In addition, significant tree cover marks the steep slope and wetlands area of the Redevelopment Area.



Circulation

The primary access to the Area is from Hicks Avenue, a section of Sussex County Route 663, which has the greatest frontage of the Area. Hicks Avenue approaches from the northeast and provides access to Newton from Hampton Township. Both a significant curve and hill mark the entrance of Hicks Avenue into the Area at its northeast corner.

Hicks Avenue intersects Sparta Avenue, a Sussex County road which forms the southern edge of the Area. Sparta Avenue approaches Newton from Andover Township, located to the east. Because it is a heavily traveled County road, Sparta Avenue is not considered a viable means of future access into the Area due to the difficulty of left turns into and out of the site. The Area's location at the intersection of Sparta Avenue and Hicks Avenue makes it a gateway into the Town.

Traffic is heavy throughout the day along Sparta Avenue near and through the Area. It is especially heavy during the morning and evening rush hours. While not as heavily traveled, traffic is steady throughout the day on Hicks Avenue. The intersection of Hicks and Sparta Avenues is currently not signalized, making vehicular access to and from Hicks Avenue, and pedestrian movement across the intersection difficult throughout the day.

Pedestrian activity within the Area is nominal. On Hicks Avenue, sidewalks run on both sides of the street from Prospect Street north to Smith Street, although there are no sidewalks between Prospect Street and Sparta Avenue. The eastern side of Sparta Avenue, which forms the Southern boundary of the Area, has no sidewalks, pedestrians must use the western side of Sparta Avenue. Sidewalks do run along both sides of Smith Street and Grand Avenue. As a generality, sidewalks around and in the Area are in poor condition or are not present.

Utilities

Sewer

The site has access to the municipal sewer system. The Waste-Water Treatment Plant has a capacity to treat 1.4 million gallons of wastewater flow per day while it currently processes an average of .910 million gallons of wastewater flow each day. There are four municipal sewer pump stations and over 20 miles of sewer collection lines.

Water

The site has access to the municipal water system. The Town's surface water supply is the Morris Lake Reservoir located in

Sparta Township. This has been Newton's water source since the early 1900's. Because of current limitations on water allocation and supply, any new water hookups will require the approval of the Town's Engineer and the Utility Advisory Board.

Stormwater

The stormwater management on this development site will be in accordance with Residential Site Improvement Standards. However, a series of alternatives to lessen and mitigate stormwater runoff and lessen demand on limited potable water resources are required further in this Plan.

Electricity and Natural Gas

Currently, Newton electricity is served by Jersey Central Power and Light. Newton receives its natural gas supply from Elizabethtown Gas.

Telecommunications - Voice and Data Transmission

Newton is currently served by Embarq.





SECTION 3.0

Terms in this Redevelopment Plan shall be defined as follows:

Area – Shall mean the Hicks Avenue Redevelopment Area.

Allowable Building Envelope - That portion of the site that is defined by the foundation plan of the building(s) or structures, or footprint, not including the other paved areas including streets, driveways, and walkways. On-site loading is included in the allowable building footprint

Build-to-Line – A line parallel to the property line along which a minimum of 80% the primary facade of a building must be located.

Building Height – The vertical distance defined in terms of story height of the finished floors of the proposed building, or the building height in feet from the mean front elevation to the highest point of the roof. Chimneys, mechanical equipment and architectural features, serving no other functions except that of decoration, shall be excluded for the purpose of taking heights.

Cart-way – The area within a street's right-of-way which accommodates vehicular movement. It is typically paved and includes both travel lanes and on-street parking areas.

Context – The particular combination of elements that create a specific habitat. Context includes building use, density, height and setback, and other elements of the intended habitat, including those of the private lot and building, as well as those of the fronting public streetscape.

Corridor – A linear geographic area incorporating buildings, streets and the pedestrian realm in proper proportions to create a sense of street space.

Curb – The edge of the vehicular pavement detailed as a raised curb or flush to a swale. The curb usually incorporates the drainage system.

Density – The number of dwelling units within a standard measure of land area, usually given as units per acre. This Plan does not regulate in terms of density.

Developable Area – The developable area is the designated area on the specific parcel or block that a building and accessory uses can be located.

Design Professional - A practicing Urban Planner or Designer that has experience with this Plan, redevelopment plans in

general and form-based zoning.

Design Speed – The velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High (above 35 MPH). Lane width is determined by desired design speed.

Duplex Housing - A building containing two (2) housing units. The units can be side-by-side or vertically arranged. For the purposes of this Plan, "Duplex" housing units refer to those that are side-by-side.

Elevation – The exterior walls of a building. An elevation drawing includes material, rendered window and door openings, height and façade details. See Façade.

Encroachment – The distance beyond the build-to-line into which certain building elements can protrude. The encroachment distance is typically expressed in feet. Typical encroachments may include porches, stoops, overhangs, bow and bay windows, etc.

Façade – Any vertical, exterior face or wall of a building, typically containing windows and doors.

Form-Based Code – A combination of text, diagrams and illustrations that set forth the location, form, character, architectural and site plan requirements of the Area. The form-based code is mandatory unless specifically notated in the text of this document. A form-based code typically contains standards for the thoroughfares, pedestrian circulation, land and building uses, building regulating diagrams and standards, landscape and parking standards, architectural and site standards as well as a design vocabulary.

Green Areas - Areas such as, but not limited to, courtyards, parks, balconies, roof tops, semi-public edge or parking lots referred to herein as being "green" which shall be planted with grasses, bushes and trees to the greatest extent possible in order to ease stormwater runoff, create shaded areas, provide fresh air and inspire a natural aesthetic within the urban environment.

Green Roof, Intensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An "intensive" green roof allows for major plantings such as grasses, bushes and trees. Because intensive green roofs allow for higher maintenance plantings, they require more structure and support than a

standard roof.

Green Roof, Extensive – Green roofs greatly reduce stormwater runoff, decrease the cost of heating and cooling, and provide an additional amenity for units. An “extensive” green roof allows only for low level and low maintenance plantings and requires little to no additional structure.

Live-Work – A dwelling unit or property that contains a commercial component. The commercial component within this area can be located above the garage. The occupant of the live-work unit must both reside in the dwelling unit as well as use the commercial component as his or her primary place of employment.

Mandatory Standards – Sentences or phrases that include the following words: “must”, “shall”, “required” or “are specified.”

Mixed-Use - Two or more land-uses within one building or structure. Typically contains ground floor retail or services with residential or office/services located on floors above.

Mullion - The large vertical member between two adjoining windows.

Multi-Family Flats - More than two (2) residential dwelling units in a building. Units can be rental or condominium. Can be attached to other building types, i.e. commercial or mixed-use.

Mutin - The horizontal and vertical strips that hold the panes of glass together in a window sash.

Plan – Shall mean this Hicks Avenue Redevelopment Plan.

Paired Villas - Duplex housing units in a building which from the exterior is built to resemble a single family residence and the units are arranged vertically. Both units share common exterior front and rear entrances. Could also be attached townhouses (see ‘back-to-back’/‘stacked’ townhouses).

Potable Water Conservation Program - A mandatory program prepared by the developer by which stormwater is recaptured, stored and used for non-potable use within the dwelling units, retail or commercial structure as well as landscape irrigation and car washing. The only acceptable alternate to this program is the installation of a community well to be used for the items listed in the mandatory program (see Redevelopment Goal #18 on page 12).

Redevelopment (of a specific site or sites) – Means the re-

planning, clearance, and construction of new buildings; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with the Redevelopment Plan.

Rehabilitation (of a specific site or sites) – Means an undertaking, by means of extensive repair, reconstruction, renovation or expansion of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate substandard structural or housing conditions and arrest the deterioration of that area.

Right-of-Way (ROW) – Rights-of-way are publicly owned land that contains both the street and a strip of land on either side of the street that holds appurtenant facilities (sidewalks, sewers, storm drains, etc.).

Semi-Public Edge (or Space) – The yard area in front of a residential unit defined by a low fence and/or gate through which a person must pass in order to gain access to the front primary entrance.

Setback – The required distance between the property line and the outer edge of the building wall, measured in feet.

Sidewalk – The paved layer of the public frontage dedicated exclusively to pedestrian activity.

Soffit - The underside of the roof overhang.

Specific Plan – A Plan which illustrates the location of proposed buildings, sidewalks, parking areas, access ways and landscaping.

Stormwater Detention/Retention - The management of stormwater to mitigate the effects of flooding and runoff primarily from impervious surfaces.

Stormwater Management Plan - Plan to mitigate the affects of stormwater runoff created by site development. Stormwater management should include both site-wide and parcel specific management practices to mitigate runoff. Management practices may include detention and retention facilities, infiltration facilities, as well as capture and re-use of stormwater

(see Potable Water Conservation Program and Redevelopment Goal #18 on page 12).

Stormwater Meadow - New Jersey DEP's preferred Best Management Practice for detention/retention/infiltration basins is a constructed wetland or vegetated stormwater garden, also called a Stormwater Garden or Marsh Meadow Garden. Unlike grass, the plants used here do not require constant maintenance, pesticide treatments, or fertilizer applications. Therefore the basin is more energy and cost efficient. The dense plantings act as a buffer and perform the valuable functions of bio-filtration and erosion control.

Constructed wetlands also provide wildlife and aesthetic benefits; a well-designed wetland offers foliage throughout the growing season and attracts desirable wildlife. Constructed wetlands can serve multiple roles, combining practical functionality with recreation and beautiful scenery and turning a liability into a community asset.

Street – A thoroughway that has emphasis on both vehicular and pedestrian movements.

Streetwall – The elevations of buildings that when seen from the street or sidewalks, form the space container. The portion of a building fronting, or visible from the street.

Suggestive Standards – Sentences or phrases that include the following words: "recommended", "may", "suggests", "should."

Thoroughfares - Rights-of-way for vehicles and pedestrians ranging from Boulevards, Avenues, Streets, Lanes and Alleys.

Townhouses - Attached, multiple, single-family housing units. Each unit has its own front and rear entrances.

Townhouses: 'Back-to-back'/'Stacked' - Multi-family, attached units which have two dwelling units in each building envelope. Units are arranged side-by-side on the ground level and are arranged front-to-back on upper floors.

Yard, Front – An open and unoccupied (except for private walkways, steps, stoops, and driveways) space, unless occupied by a use as hereinafter specifically allowed, extending across the full width of the lot and lying between the front street property line and the nearest line of the building.

Yard, Side – An open and unoccupied space, unless occupied by a use as hereinafter specifically allowed, on the same lot with the building between the building and the side lot line, extending from the front yard to the rear yard.

Yard, Rear – A space unoccupied except by an ancillary building structure or use as hereinafter specifically allowed, extending across the full width of the lot between the rear line of any building, other than an ancillary building, and the rear-lot line.



SECTION 4.0

In the event of any conflict or inconsistency between the provisions of this Plan and the provisions of the Town of Newton's Zoning Regulations, this Plan shall govern.

Specific application of the land use and development requirements of this Plan, as they affect existing uses, will be as follows:

1. Existing uses that are nonconforming with the current zoning provisions will remain nonconforming unless they are expressly permitted in this Redevelopment Plan.
2. Existing principal or accessory uses of properties, permitted by the use provisions of the Land Use Regulations in effect for the Area immediately prior to the effective date of this Plan, but which are not listed as permitted uses in this Plan, will become prior nonconforming uses at the time this Plan is effective. At that time and thereafter, any modification or expansion of these prior non-conforming uses that is not in conformance with the standards set forth in this Plan is prohibited and any new use, redevelopment or rehabilitation of such properties shall be subject to the provisions of this Plan.

Permitted Uses

If and when properties are redeveloped, the permitted uses for the Area are illustrated in the Land Use Plan. The uses indicated on these diagrams are defined as follows:

1. Residential: Includes premises available for long-term human habitation by means of ownership; excludes all boarding houses and rooming houses. Residential uses are limited to attached townhouses, paired villas (duplexes), multi-family flats, residential above mixed-use commercial, and single-family dwellings.
2. Mixed-Use Commercial: Ground floor retail or services with residential or office/services located on floors above. Bulk shall be limited as per the building regulating plan found further in this Plan. Appropriate commercial uses include: small-scale retail, restaurants, cafes, galleries, convenience groceries and delicatessens.
3. Home Offices: A 'home office' is classified as a home-occupied professional or computer-based business activity including, by way of example, a telemarketer, web designer, one chair hair dresser/stylist, photographer, art studio, music teacher, accountant, attorney, architect lawyer, book keeper, and similar type occupations. Any commercial activity in a residence/home must be a registered business in the State of New Jersey. Any employee of the home

office must reside in the home/residence. The sale of tangible retail products from or on the premises is prohibited. No more than one (1) business in any dwelling may generate on-site clients or customers. Any clientele visiting the home office must be on a scheduled, appointment basis. Appointments may begin no earlier than 9:00AM and no later than 8:00 PM from Monday through Saturday. Parking for the home office will be permitted on the street (not the residential lane). A home occupation permit for the home office will be required to be filed with the Town Zoning Officer. A home office is permitted a one (1) square foot sign identifying the business. The sign must be carved wood and no illumination is permitted on the sign. The sign must be located on the front of the structure containing the office.

4. Open Spaces, Parks and Playgrounds: Public open spaces to be utilized by residents of Newton. These may include passive recreational facilities and pedestrian amenities including pedestrian-scaled lighting, benches, trash receptacles (wild-life proof), sidewalks, paths and playground equipment.

Accessory Structures

The following accessory uses are permitted incidental to a principal use:

1. Gazebos.
2. Decks.
3. Mailboxes, lampposts, flagpoles, driveways, paths, and sidewalks.
4. Fences and walls.
5. Signs.
6. Solar energy panels.
7. Trellises.
8. Parks.
9. Limited recreational facilities

Interim Uses

The following shall be permitted interim uses in the Area. The duration during which such uses may remain in place shall be determined by the Town of Newton Planning Board.

1. Any other use that will not encumber the property in any way as would hinder the ultimate development of the permanent permitted use, if approved by the Planning Board.
2. Sales trailer.
3. Sales models (for different building typologies).
4. Construction staging area.

The Land Use Plan below indicates the proposed land uses within the Area and a conceptual layout of the parcels within the Plan.

The predominant land use in this Plan is multi-family residential, indicating townhouses or duplexes in orange on the Plan and indicating multi-family flats, or apartments, in brown on the Plan. In addition, residential uses could be located above commercial uses in a mixed-use building in the Area (discussed further below).

Mixed-use development, indicated with red and brown hatching on the Plan, is located at the intersection of Hicks Avenue and Sparta Avenue. Mixed-use buildings typically have ground floor retail or services with residential or office space located on the floors above. The combination of the mixed use retail component and multi-family flats forms the basis of a new neighborhood center for this Area.

Open space, indicated in green on the Plan, makes up the remainder of the Area. Public open space is indicated with the light green color while private open space is indicated

in the darker green color. The open space at the periphery of the Area, with the exclusion of the wetlands at the northern edge of the Area, will be some combination of public park space for passive recreation and or stormwater detention for the Area.

The building configurations indicated in this Plan are conceptual and for illustrative purposes, intended to represent possible parcel configurations and allowable building envelopes. A final site plan showing the precise configurations of the Area, parcels, building types and buildings must be approved by the Planning Board of Newton.







SECTION 5.0

Thoroughfares are important public spaces. It is from the thoroughfares that our primary perception of place is formed. Thoroughfares are boulevards, avenues, streets and alleys for the movement of vehicles and pedestrians. Thoroughfares have functional, aesthetic and perceptual characteristics that, when optimized and understood as a component of a townscape, produce places with highly perceived value. It is the organization of the thoroughfare network, spaces, vistas and landmarks that allows easy, legible and understandable movement of both vehicles and pedestrians throughout the site and the larger area of which the site is a part. Streets must be designed to control vehicular speeds and accommodate the pedestrian. It is from the quality of streets that the perceived wealth and health of a community is determined, and thus, the quality of streets is a key factor of market appeal.

The Thoroughfare Plans include the Vehicular and Pedestrian Circulation Plans for the Area along with proposed Street Section Location Maps and Street Sections that are required for the implementation of this Plan. The Vehicular Circulation Plan illustrates the directional flow of traffic and the points of ingress and egress. The Thoroughfare Regulating Plan illustrates the location of the specific Thoroughfare Sections. The Thoroughfare Sections illustrate the various sections across the various thoroughfares. Each section also contains a table of specific characteristics that apply to that section.

The thoroughfare improvements for Sparta Avenue, Hicks Avenue and Smith Street are expected to be a public/private venture with the designated developer contributing to the costs of public improvements. Public improvements could include sidewalks, crosswalks, street trees, street lights, curbs and paving, as well as improvements to municipal infrastructure. Any developer will be responsible for all thoroughfare/street and infrastructure construction within the Area which must meet the approval of the Town's Engineer.

Any Redeveloper(s) and/or property owners will be responsible for infrastructure hookups to buildings.

Streets will be the Area's most important public spaces. Streets function as the circulation for vehicles, bicycles, and pedestrians. The street network serves as the "bones" of the Hicks Avenue Redevelopment Area, forming the development blocks and open space system. Streets should be functional, beautiful, and safe. Streets include not only the cart-way, curb, and planting edge, but also the landscaping, streetscaping, sidewalks, and street edge. The perceived wealth and health of a community is determined through the visual and spatial character of the street network and streetscape. Streets play a key factor in marketing the "curb" appeal.

The Mobility Regulating Plan includes the street, pedestrian, and disposal regulations, the vehicular infrastructure layouts in the form of a Thoroughfare Regulating Plan, specific Thoroughfare Typologies illustrated with sections and tables, a Vehicular Circulation Plan, a Parking Plan and a Pedestrian Circulation Plan.

For the purpose of thorough communication, redundancies may exist in the text. If there are any conflicts between these Mobility Regulations and information contained elsewhere in this section, these Mobility Regulations will take precedence.

Minor deviation to the Circulation Plans and street standards are allowed to accommodate traffic improvements and flows or to accommodate new standards, but must be approved by the Town Engineer.

Thoroughfares

The Thoroughfare Regulations consist of lanes for vehicles and bicycles, as well as pedestrians. Sidewalks and landscaping along these thoroughfares are required. The following standards must apply.

1. The street configurations and locations shall be designed to meet the projected vehicular traffic, pedestrian volume and circulation needs of the Redevelopment Area. The streets should be designed to provide a sense of enclosure within the residential areas to enhance neighborhood character. Where necessary, streets should visually terminate in specific locations in order to provide physical and visual access to public places.
2. The street system shall take the form of a modified grid pattern. It should be as close to the thoroughfare typology as shown on the Thoroughfare Regulating Plan as possible. The modified grid pattern shall create development blocks appropriately sized for the anticipated residential and commercial uses.
3. Each thoroughfare type, i.e. neighborhood street, residential lane, etc., shall be dimensioned and specified as to right-of-way width, pavement width, sidewalk width, traffic lanes, parking lanes, planting treatment and other factors that may apply to both the functional and aesthetic character of the specific street as specified in the attached thoroughfare sections.
4. All streets shall be open to the public in order to provide access to and through the Area. All streets shall be improved to finished specifications prior to the occupation of the dwellings and be offered to the Town for dedication.
5. An extension of the Pedestrian-Bicycle Path (Sussex Branch Rail Trail) is proposed to provide pedestrian and bicycle access through the Area (to be discussed with the County).
6. 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.

7. Wherever appropriate, all streets shall provide on-street, curbside parking available to the public, with the exception of the Residential Lanes and Pedestrian-Bicycle Path.
8. The on-street parking spaces shall not be attached to any specific use or fulfill any specific parking requirement, but shall be used for additional parking needs.
9. The street improvements identified in this section include all infrastructure, paving base and surfaces, sidewalks, street trees, street lights, and curbs to meet Town standards.

Pedestrian Realm

1. 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. The total combined width of the of the ROW from the curb to the ROW edge shall be a minimum of eight (8) feet. The minimum unimpeded sidewalk width shall be four (4) feet, with the optimum width of 4' 6", and a minimum buffer area between the curb and sidewalk of 1' 6" along the streets. The remaining width, of at least 2' 6" shall be located either between the sidewalk and ROW edge (in effect extending the front yards and semi-public edge), or between the curb and sidewalk. Sidewalks are not required along either side of residential lanes. The thoroughfare diagrams illustrate and provide the particular dimensions for the sidewalk and semi-public edges of each thoroughfare type (See Thoroughfare Sections on pages 35 through 39).
2. Sidewalk areas must be attractively landscaped and durably paved in conformance with any minimum municipal standards and shall be provided with adequate lighting. Decorative paving materials and pedestrian scale lighting is required. (See Landscape Requirements)
3. 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.
4. All signal and light posts must be a consistent dark color.

5. All sidewalks and intersections must be ADA compliant.
6. Crosswalks are required at each intersection.
7. Crosswalks must be a different texture, pattern and surface from roadways and sidewalks.
8. The paving must be a continuous texture along all streets and sidewalks within the Area. Crosswalks may be of a different texture than sidewalks.
9. Sidewalks may not be asphalt.
10. 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 or brick.

Disposal Requirements

In order for the Plan to be successful it is necessary to restrict the locations of garbage and recycling facilities. Because the Plan focuses on the pedestrian realm and activity on the street, exposed disposal facilities would lessen value. For those reasons there are five (5) stipulations:

1. Each dwelling shall be designed so as to accommodate easy, safe, and sanitary access to garbage can and recyclable containers by residents.
2. Disposal and recycling pick-up shall be from a residential rear lane where accessible to the property, or from the front curb where a rear lane is not provided.
3. Disposal and recycling containers must be stored where they are not accessible to wildlife. All residential units must have spaces set aside in their garages for garbage and recycling containers.
4. Disposal and recycling containers must be set out on the curb the morning of pickup. The emptied containers must be picked up and replaced in the garages the day of pickup. This must be a mandatory provision in either the homeowners association bylaws or the rental agreement, as applicable.

The proposed Thoroughfare Regulating Plan calls for a network of streets distributed through the Area. This network provides delineation of buildable blocks. Automobile traffic utilizing the mixed-use buildings at the intersection of Sparta Avenue and Hicks Avenue could be segregated from the residential uses within the Area. Traffic is distributed evenly across the remainder of the Area with stop signs proposed at all street intersections. The street network provides several points of entry, so that both pedestrians and drivers can utilize the most convenient routes through and into the Area. Blocks are varied and small, enhancing the pedestrian experience.

The Thoroughfare Plan exhibits a hierarchical interconnected network. The street typologies correspond with the function and form of each thoroughfare. The thoroughfare categories within the Area include; Major Arterials, Arterials, Boulevards, Streets and Residential Lanes. The street types within this Area deviate minimally from the standards set forth for thoroughfares in the Residential Site Improvement Standards (R.S.I.S.).

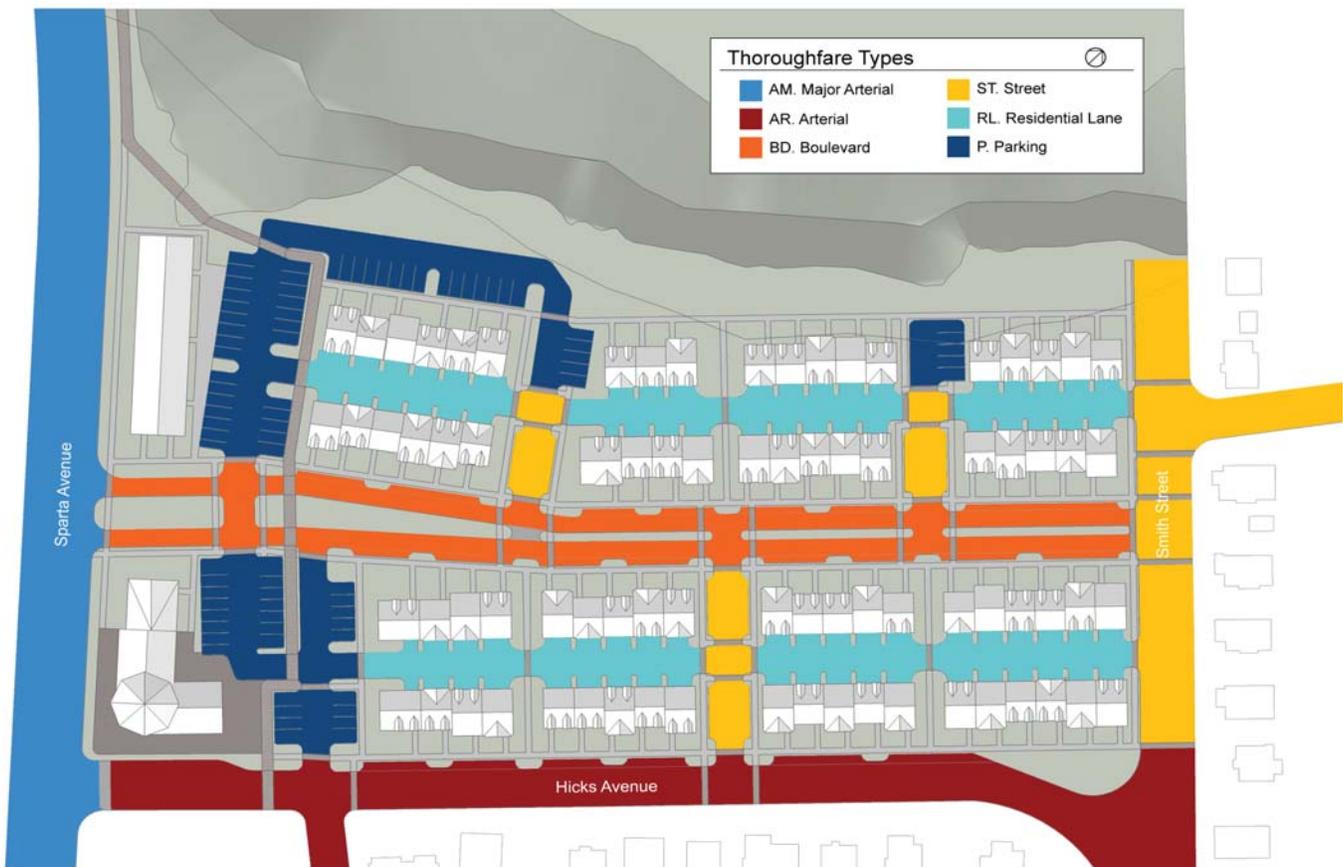
The thoroughfare labels refer to specific street designs included in the Thoroughfare Standards. The following labels are used for the thoroughfares:
 Boulevards - BD

- Major Arterials - AM
- Arterials - AR
- Streets - ST
- Residential Lanes - RL

The labels indicate the right-of-way width and cartway width. For example, ST:44:28 is a "Street" with a 44 foot right-of-way and a 28 foot cartway width from curb to curb. The various types of thoroughfares and their locations are indicated on the Thoroughfare Regulating Plan below.

The boulevard intersects with Sparta Avenue and Smith Street, however, traffic movement at its intersection with Sparta Avenue will be limited to right turn in - right turn out due to safety concerns. Streets intersect with the boulevard and Hicks Avenue, while the residential lanes intersect with the streets and Smith Street. One other access point to the Area is the point of ingress/egress to the mixed-use development fronting onto Sparta Avenue at the intersection of Prospect Street with Hicks Avenue. This access point must be treated as a street.

The landscaping layout and parking arrangements are indicated in the Thoroughfare Standards. The streetscape is discussed in the Landscape Section of this Redevelopment Plan.



There are five (5) thoroughfare types in the Hicks Avenue Re-development Area.

The thoroughfares serving the proposed Area have a recommended range of lanes, turning movements, and parking arrangements. Each typology is illustrated and codified in the Thoroughfare Sections. The specific design and geometries of the improvements should be designed by the redeveloper and must be approved by the Planning Board and Town's Engineer. The developer must work with the County Engineer to determine the most appropriate ingress and egress to the Area.

The Arterials serve as the primary connections of the Area to the surrounding thoroughfare network. There are two arterial typologies, one for Sparta Avenue and one for Hicks Avenue. While located at the periphery of the Area, because they serve as primary linkages and currently have adjacent residential land uses in the area surrounding the Redevelopment Area, they must also accommodate the pedestrian while facilitating traffic flow. Hicks Avenue, because it is not as heavily congested as Sparta Avenue, could accommodate parallel parking while Sparta Avenue does not have parallel parking. It will be likely that with this development and its impact on Hicks Avenue traffic movements, the intersection of Hicks Avenue and Sparta Avenue will need to be signalized. This will have to be coordinated with the Town's Engineer and the County Engineer and should be reflected in the final Plan submitted by the designated Redeveloper.

Streets connect the Area to the arterials, Sparta Avenue and Hicks Avenue. Streets also connect the Area to the surrounding street network and provide narrow, quiet residential thoroughfare opportunities. All the streets are traditional, bi-directional, two-lane "priority" streets with parallel parking allowed on both sides. All streets are designed with the pedestrian in mind, providing tree-lined sidewalks along the residential frontages. Each of the streets should be buffered with landscaping and decorative lampposts to enhance pedestrian circulation. On-street parking is recommended on all streets, except where specifically prohibited (i.e., intersections, etc.)

A Boulevard forms the central "spine" of the Area and serves to bring green, open space into the heart of the Area. The boulevard has a green, landscaped median separating the two cartways, each of which is one way. The cartways each have parallel parking on the outside edge of the boulevard. While it is the central thoroughfare through the Area, it will have limited access to and from Sparta Avenue.

Residential Lanes serve to connect the streets to garages located at the rear of properties found on select 'blocks'. Municipal services such as waste disposal and recycling pick-up will also be from these rear lanes whenever possible. Residential Lanes must be of a textured pavement material differentiated from the other thoroughfares in the Area. Appropriate materials include stamped, colored concrete or pavers. Residential Lanes must not be asphalt.

Each typology will have a set of standards applicable to that type. Each type corresponds to the Thoroughfare Section Plan. Each type has a set of standards including travel and parking lane direction and width, curb radius, vehicular design speed, sidewalk width, street lighting, and street type.

The location of each thoroughfare type has been designated on the Plan. The thoroughfare is contained within the right-of-way and contains the cartway, curbs, planting area for street trees, location of street lights, and sidewalks. Each type has been notated by type, dimension of the right-of-way width and the cartway (distance between the curbs). The thoroughfares are designed as follows:

- Major Arterial - AM (Sparta Avenue)
- Arterial - AR (Hicks Avenue)
- Street - ST
- Boulevards - BD
- Residential Lane - RL

The standards for each thoroughfare type in the Area are illustrated on the following pages.

Arterial - Major (AM 50:30)

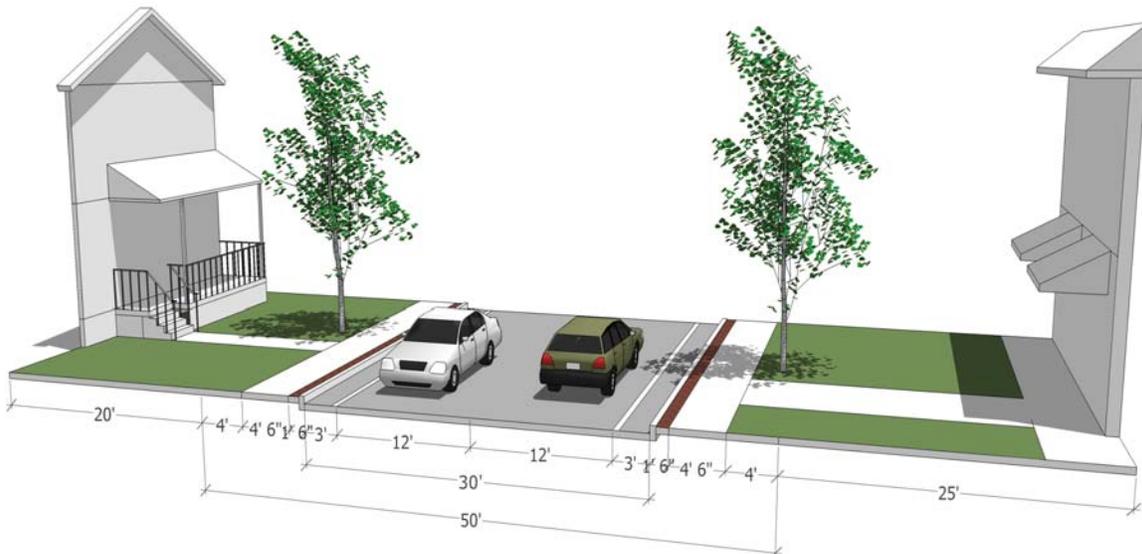
A Major Arterial is designed for higher volume traffic with surrounding residential uses. The major arterial within the Area (Sparta Avenue) is a heavily travelled County Route. Sparta Avenue through the Area is currently lined with residential uses. Depending on the final configuration of the Area's thoroughfares and block network, the major arterial will be two travel lanes in each direction with no parallel parking.

The standards for a Major Arterial are illustrated graphically below:

Sparta Avenue, the major arterial, is located on the left side of the Thoroughfare Map below, indicated with the light blue color.



AM 50:30	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	45 MPH
Cartway Width	30 Feet
Lane Width	12 Feet
Curb Radius	10 Feet
On-Street Parking	Not Allowed
Planting Strip Width	1' 6" (Minimum)
Sidewalk Width	4' 6" (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



Arterial (AR 44:28)

An Arterial is designed for higher volume traffic with residential uses. The arterial within the Area (Hicks Avenue) is a County Route with existing residential uses along its southern edge. Depending on the final configuration of the Area's thoroughfares and block network, the arterial will be two travel lanes in each direction with the possibility of parallel parking on one or both sides.

Hicks Avenue, the arterial located within the Area, runs along the bottom of the Thoroughfare Map below, indicated with the red color.



The street edge of the arterial must conform to the same standards as those of the Street Typology found on the following page.

The standards for an Arterial are illustrated graphically below:

AR 44:28	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	25 MPH
Cartway Width	28 Feet
Lane Width	10 Feet
Curb Radius	10 Feet
On-Street Parking	One Side (Minimum)
Parking Stall Width	8 Feet
Planting Strip Width	1' 6" (Minimum)
Sidewalk Width	4' 6" (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



Boulevard (BD 55:38)

A Boulevard, as designed for this Area, is for low volume residential uses and is located in the interior of the Area. It forms the central spine of the Area and serves as a primary frontage for dwellings within the Area. The Boulevard includes two travel lanes, one in each direction, with parallel parking on one or both sides, and a central, landscaped median. The median is considered public open space. Access to and from Sparta Avenue will be limited to right turn in - right turn out traffic movements.

The boulevard, which runs parallel to Hicks Avenue, is indicated on the Thoroughfare Map below with the orange color.

The width of the area between the curb and right-of-way boundary, or pedestrian realm, along the boulevard must

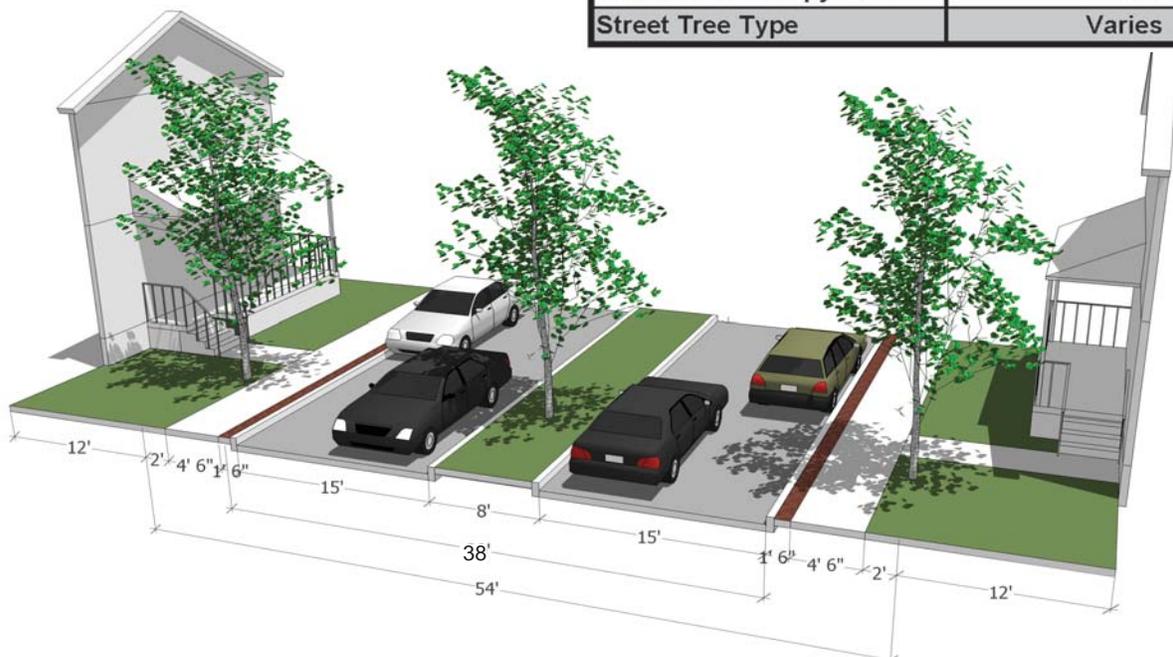
be a minimum of 8 feet, with a sidewalk of a minimum of 4 feet. The narrow strip between the curb and sidewalk must be a minimum of 1' 6" and should be a permeable, textured pavement (pavers or brick) to mitigate the negative effects of winter snow plowing, which typically causes grass die-off of the area along the curb.

The remaining 2' 6" of the ROW will be between the sidewalk and ROW edge/ property line. This area is where street trees are to be planted and will serve to 'extend' the front yards of dwellings within the Area.

The Boulevard standards are illustrated graphically below:



BD 54:38	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	15 MPH
Cartway Width (One Way)	15 Feet
Lane Width	9 Feet
Curb Radius	10 Feet
On-Street Parking	One Side - Each way
Parking Stall Width	6 Feet
Planting Strip Width	1' 6" (Minimum)
Sidewalk Width	4' 6" (Minimum)
Median Width	8' (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



Streets (ST 44:28)

5.5 THOROUGHFARE SECTIONS

Streets are designed for low volume residential uses. Streets are considered “priority” streets, meaning that when passing between two parallel parked cars drivers will likely yield, or give priority, to moving vehicles on the street, even though two vehicles could pass each other with parallel parking on either side.

Streets located within the Area include Smith Street and new streets and run perpendicular to Hicks Avenue and the boulevard. They are shown on the Thoroughfare Map below in yellow.

The ‘Street’ typology in this Area differs from a typical street configuration having a ‘planting strip’ and street trees in the area between the curb and sidewalk. The typical configuration is an issue in Newton, as grass planted in this area often dies during the winter months because of snow-plowing.

An alternative configuration for the street edge, illustrated below, retains a width between the right-of-way boundary and curb at a minimum of 8 feet, with a sidewalk at a minimum of 4 feet. The narrow strip between the curb and sidewalk must be a minimum of 1’ 6” and may be either a permeable, textured pavement (pavers or brick) or landscaped. The preferred alternative is a paver treatment, which will mitigate the negative effects of winter snow plowing and the die-off of vegetation in the area along the curb. The remaining 2’ 6” of the ROW will be between the sidewalk and ROW edge/property line. This area is where street trees are to be planted and will serve to ‘extend’ the side yards of dwellings within the Area.

The standards for Streets with the pedestrian realm alternative described above are illustrated graphically below:



ST 44:28	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	15 MPH
Cartway Width	28 Feet
Lane Width	8 Feet
Curb Radius	10 Feet
On-Street Parking	Both Sides
Parking Stall Width	6 Feet
Planting Strip Width	1' 6"
Sidewalk Width	4 Feet (Minimum)
Curb to ROW Edge Width	8' (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



Residential Lane (RL 20:18)

Residential Lanes are designed for very low volume residential uses and are primarily for access to rear garages and municipal services. While the right-of-way for Residential Lanes is 20 feet, the paved surface should be 18 feet in width.

The Residential Lanes, which run parallel to the boulevard, are indicated on the Thoroughfare Map below with the light blue color.

The standards for Residential Lanes are illustrated graphically below:

RL 20:18	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	10 MPH
Cartway Width	18 Feet
Curb Radius	10 Feet
On-Street Parking	Not Allowed
Lighting Height	8 - 12 Feet
Light Type	Pole/ Garage Mounted
Light Spacing	40 Feet (Maximum)



The section to the right represents an alternative treatment for the residential lane that would be allowed under the Plan.

5.6 VEHICULAR CIRCULATION PLAN

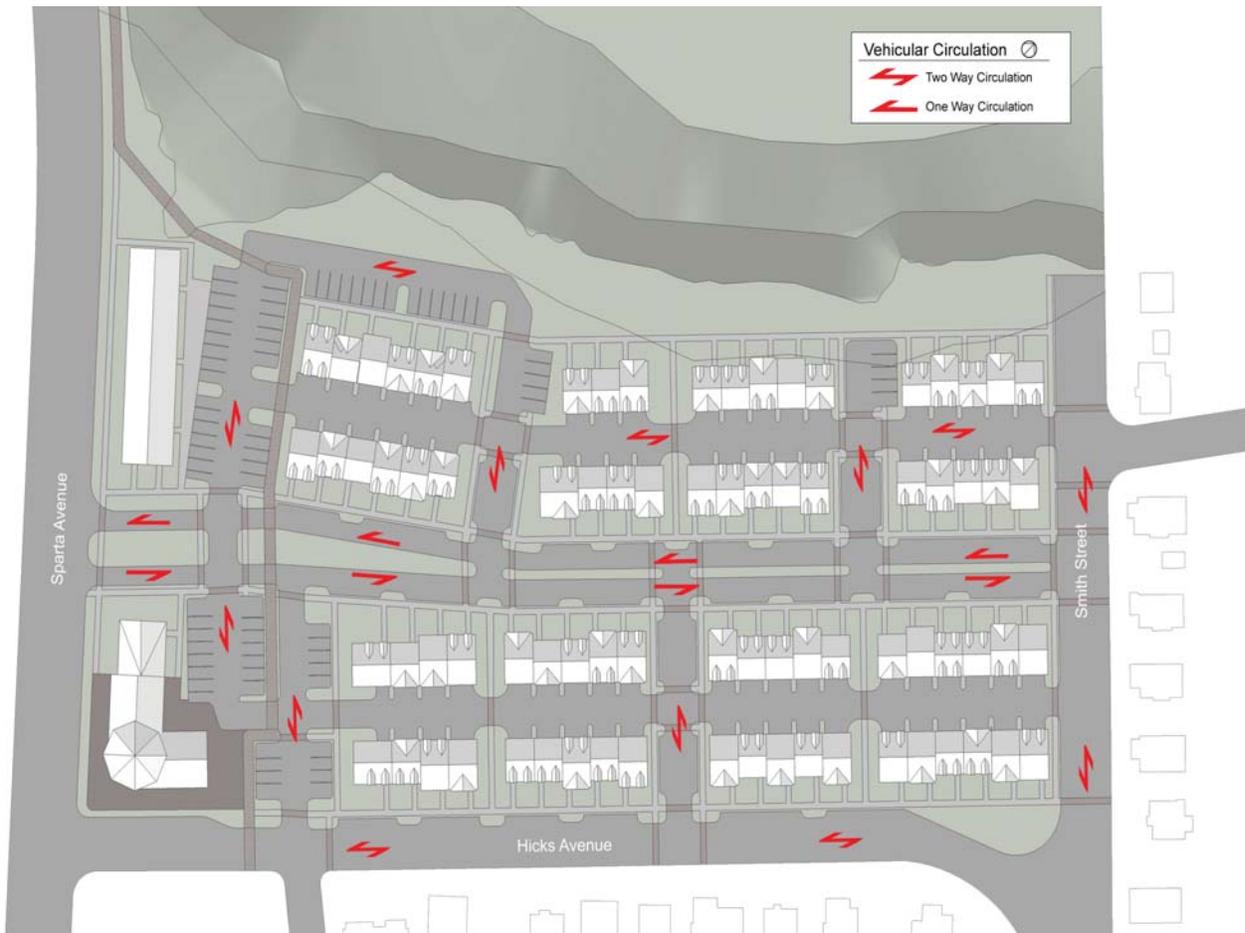
Vehicular circulation and the directional flow of traffic within the Plan is illustrated on the Vehicular Circulation Plan below. The configuration of the street network is designed to disperse vehicular traffic throughout the Area while limiting access points into the Area, and to provide ease of pedestrian access into and through the Area. Primary access into the Area will be from Hicks Avenue and Smith Street. It is likely that with this development and its impact on Hicks Avenue traffic movements, the intersection of Hicks Avenue and Sparta Avenue will need to be signalized.. This will have to be coordinated with the Town's Engineer and the County Engineer. Signalizing this intersection will provide more controlled access to the Area than that which currently is in place. In addition, the Sparta and Hicks Avenues intersection has been improved in the Plan with road widening and a right-turn lane on Hicks Avenue.

A central boulevard consists of two one-way cartways divided by a median. It is the only street which runs through the entirety of the Area. All other thoroughfare types within the Area are bi-directional. Except at Sparta Avenue, all intersections with the boulevard will have four-way stop signs.

The new streets within this Area are considered "priority" streets and will include two travel lanes (one each direction) and two on-street parking bays (one in each direction). They will function to provide vehicular access both into and within the Area as well as on-street parking. The boulevard and Hicks Avenue will provide the primary frontage for most dwelling units in the Area. Vehicular access to all dwelling units is from the residential lanes located at the rear of the buildings. The speed limit will be restricted to 15 miles per hour. Streets through the Area are not "through" streets.

The residential lanes within the Area will run mid-block at the rear of certain properties and will include two travel lanes, one in each direction. The Residential Lanes will function to provide vehicular access to rear yard garages and municipal services.

Development of the Area must have little to no traffic circulation impact on Smith Street. As such, any developer of the Area must take actions to limit 'cut-through' traffic on Smith Street by use of traffic-calming measures and/or other physical means within the development to limit traffic access.



Redevelopment efforts must include provisions for parking. Within the Hicks Avenue Redevelopment Area are surface parking areas, on-street curb edge parking and off-street parking, illustrated on the Parking Plan below. Surface parking areas are indicated in the blue shaded areas, on-street parking is indicated with the light purple lines, and off-street parking is indicated with the yellow shading. Additional, visitor and overflow parking are provided primarily by on-street parking spaces.

Below are the requirements for parking, based on the adjacent land-use:

1. Residential: Two (2) spaces per dwelling unit. Townhouses must have two garaged spaces per dwelling unit. An exception is made for end units with ground floor living space, which must have one (1) garaged space per dwelling unit.
2. Restaurants: One (1) space for every three (3) seats
3. Retail: One (1) space for the first 500 sq. ft. and one space for each additional 300 sq. ft.

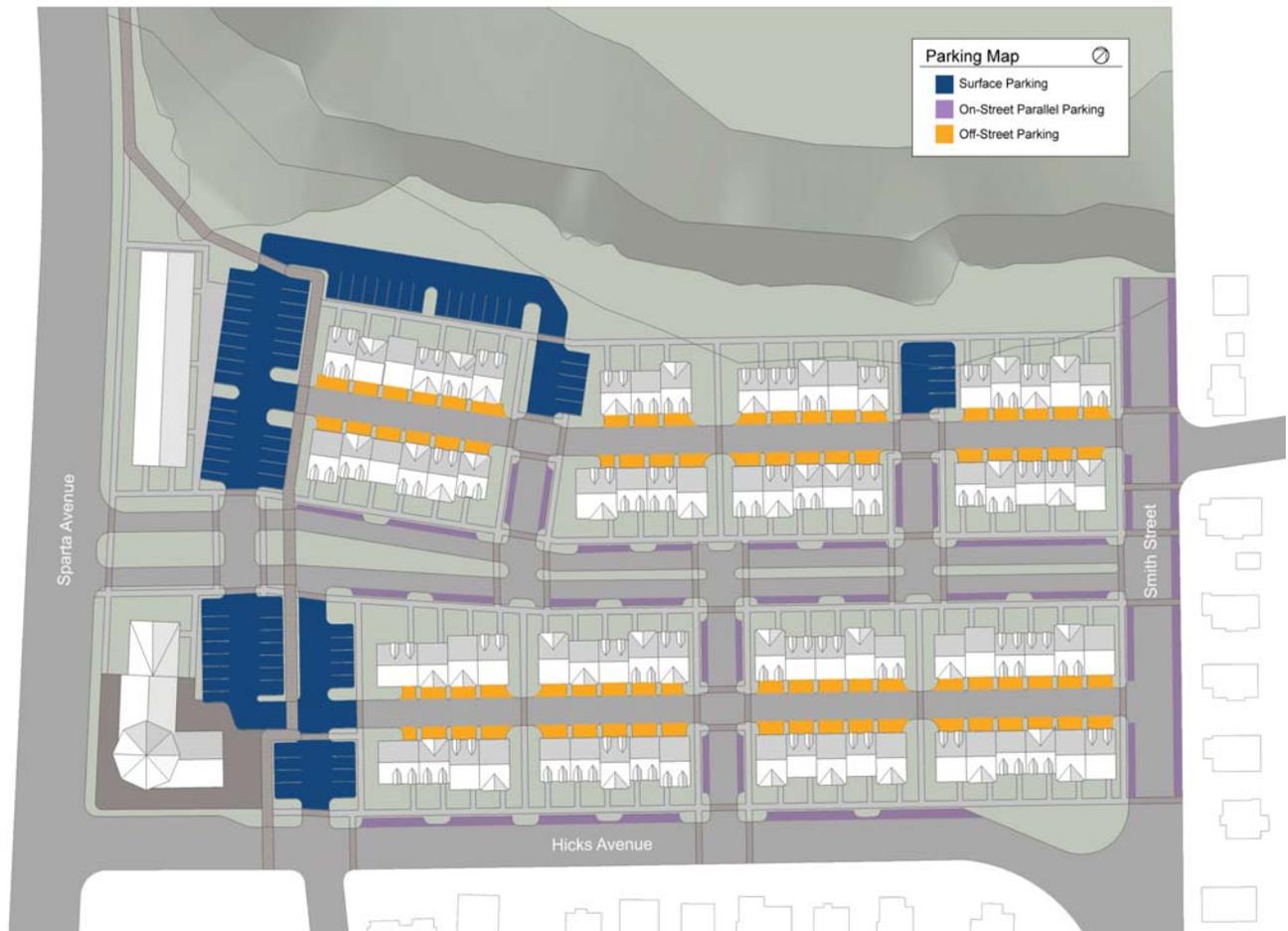
Shared Parking

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:

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

Surface Parking

1. Surface parking areas shall be located to the rear of lots and buildings and screened from visual access from the street or sidewalks. No parking is allowed in the front yards of structures facing a public street.
2. 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, avoid spill-over light, glare, noise or exhaust fumes onto adjacent properties. Parking lots exposed to view from any adjacent street shall be screened by a minimum of a three and a half (3.5) foot decorative wall or landscape feature.

3. Interiors of surface lots shall be landscaped with trees with a minimum caliper size of three (3) inches. One tree shall be planted for every four (4) parking spaces. Appropriate growth areas for roots shall be provided. Their absorption shall be integrated into the surface drainage system of the Area.

4. Surface parking lots shall be screened from view from adjacent lots via board-on-board wood privacy fencing at least six (6) feet in height and not exceeding eight (8) feet in height or a row of plantings that form a vegetative wall at least six (6) feet in height and provides a screen such that the parking lot is not visible from view from adjacent lots at all times during the year or a low masonry planter of two (2) to four (4) feet with shrubs providing an impervious screen up to at least six (6) feet. Other viable options may be utilized with approval from the Planning Board.

5. To accommodate the above requirements, a three (3) foot minimum buffered planter strip is required between the surface parking lot and the rear adjacent property line.

6. Parking lot layout should take into consideration pedestrian movement and pedestrian crossings shall be installed where deemed necessary by the Planning Board and Town's Engineer.

7. For parking oriented perpendicular to the access aisles, all required parking spaces shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. All aisles shall be a minimum of twenty-two (22) feet wide. 25% of parking stalls may be compact, a minimum of 8 feet wide by sixteen (16) feet deep.

8. In furtherance of Plan and any necessary modifications to the Plan, parking may be reconfigured upon review and approval by Planning Board.

Streets have both vehicular and pedestrian circulation components. The indicators of a successful streetscape are the presence of pedestrians walking on the sidewalks, the type and quality of the walking experience and the landscape treatment of the pedestrian realm. The Pedestrian Circulation Plan, illustrated below, is designed to encourage walkability to nearby recreational and commercial uses and to connect the existing sidewalk and walking-biking path network throughout Newton.

People will utilize pedestrian spaces if they are pleasant and engaging places to walk. Sidewalks, indicated in the Plan below with a solid blue lines, must be a minimum of 4 feet in width, with an optimum width of 4' 6", along residential frontages to allow for multiple pedestrians to interact on the sidewalks.

A primary feature of the Plan is the extension through the Area of the Sussex Branch Rail Trail, a walking-biking trail which follows the former railroad right-of-way through the Town. The extension of the Rail Trail is indicated on the Plan with the red line.

Pedestrian spaces around the commercial uses must be engaging. Sidewalks fronting commercial uses, indicated with

the blue cross-hatch on the Plan, must be a minimum of 12 feet in width and front all commercial spaces.

Crosswalks, indicated on the Plan with yellow lines, must have a different texture and surface from roadways. For instance, the intersections of the new streets with Hicks Avenue and Smith Street must be textured in the crosswalks. It is also highly recommended that the pavement within and defined by the crosswalks should also be textured on Hicks Avenue. Stamped concrete or real Belgian blocks in the intersections with Hicks Avenue would be the most appropriate.

Several traffic calming tools could be implemented to increase pedestrian safety along the streets within and surrounding the Area, including speed humps. Bump-outs are suggested at all intersections within the Area, thus providing greater safety for pedestrians crossing streets.

All traffic calming features, crosswalks and paving patterns must be approved by the Town Engineer.

Minor modifications to the Pedestrian Circulation Plan are allowed in accordance with the specifications of the Plan.



5.8 PED/BICYCLE PATH (SUSSEX BRANCH RAIL TRAIL) PLAN

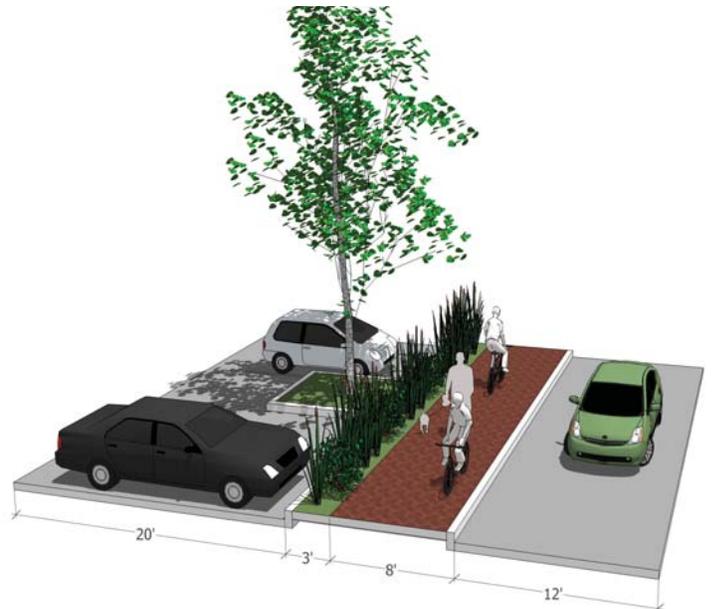
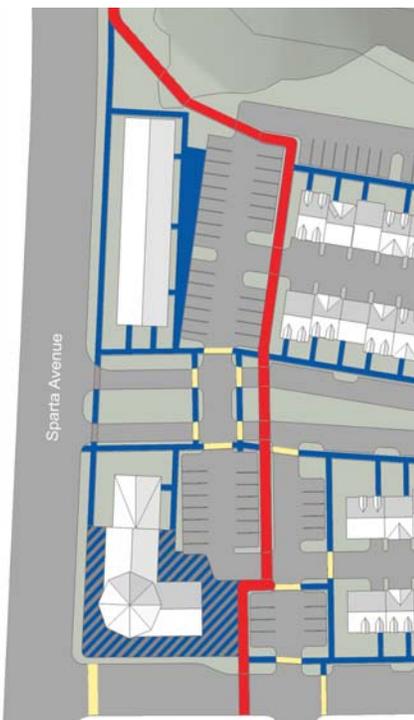
A primary feature of the Plan is the extension through the Area of the Sussex Branch Rail Trail. The Sussex Branch Trail is a rail trail extending over twenty miles from Byram Township to Branchville, which follows the former right-of-way of the Sussex Branch railroad. Abandoned as a rail line in 1969, the entire rail line was acquired by the State in 1982. Foot, bicycle, and equestrian uses are all permitted. The existing Rail Trail dead ends at its intersection with Hicks Avenue, forcing users of the Trail to detour onto the existing street network of the Town. Connecting the rail trail through Newton would complete a large break in the continuity of the Rail Trail.

Due to topographical constraints within the Area, which impact the existing alignment of the railroad right-of-way and the location of the rail trail along that alignment, the rail trail is to be shifted to the east from the existing former railroad right-of-way. The alignment of the new Trail extension across the Area is to be along an existing utilities easement which roughly follows the alignment of Prospect Avenue.

Through the Area, the Rail Trail must be of a distinct treatment to differentiate it from the Area's pedestrian realm. The differentiation of the Trail from the sidewalks of the Area must be by the use of a different paving texture from the sidewalks, for instance paving stones or stamped concrete. It should revert back to compacted cinders beyond the Area. The Trail must be a minimum of 8 feet in width to accommodate two-way bicycle and foot traffic, as well as the potential for equestrian traffic.

In addition to serving the needs of the surrounding neighborhood, the commercial spaces within the mixed-use building at the corner of Sparta Avenue and Hicks Avenue will serve as a resting place and access point for recreational users of the Trail.

The images below are from the downtowns of Stockton and Frenchtown, New Jersey, where the Delaware & Raritan Canal Trail interfaces with adjacent retail in the commercial centers of these two villages. These images illustrate a potential similar interface between the Sussex Branch Rail Trail and the new, mixed-use neighborhood center at the corner of Hicks Avenue.





SECTION 6.0

A place is defined not only by the character of its streetscape, but also by the quality of its buildings. In order to assure quality architecture and building character, standards should be set for building types and architectural requirements. This Area will be a new neighborhood center with a mix of housing and neighborhood-scaled commercial uses, with possible architectural styles varying from attached townhouses and multi-family and attached paired villas, with the possibility of small scaled single-family houses.

The building types further refine the land uses set forth in Section 4.0 and define the necessary elements for each building type. The architectural requirements set forth the characteristics for the totality of the Area, including building mass, height, roof types, facades, entries, windows, eaves, encroachments, signage, fencing and sustainable design standards.

Throughout this section photos are used to illustrate the visual and spatial characteristics of these regulations and of the Area as a whole. They should be seen as illustrative of the general architectural styles recommended for this Plan.

The building locations, uses, and intensities generate the basic bulk of the block. The following set of regulations and illustrations provide direction and generate ideas from which good designers can find inspiration.

For the purpose of thorough communication, redundancies may exist in the text. If there are any conflicts between these Architectural Regulations and information contained elsewhere in this Plan, these regulations will take precedence.

Density: The density of the Area must not exceed 15 dwelling units per net acre, based on the total buildable area of the Redevelopment Area.

Lot sizes: Lot sizes may vary by building use and typology. The following are guidelines for the potential land uses:

Townhouse A (22'X35'):
22 feet wide by 57 feet deep - 1,254 square feet

Townhouse B (30'X35'):
30 feet wide by 57 feet deep - 1,710 square feet

Townhouse C - Stacked (26'X48'):
26 feet wide by 80 feet deep - 2,080 square feet

Townhouse D (24'X40'):
24 feet wide by 80 feet deep - 1,920 square feet

Duplex - Side-by-Side (16'X40'):
25 feet wide by 80 feet deep - 2,000 square feet

Multi-Family Residential Building:
56 feet by 175 feet - 9,800 square feet

Mixed-Use Building:
152 feet by 130 feet - 19,760 square feet

Setbacks: The distance in feet between the property line and the outer edge of the building wall. Setbacks are required for all structures as shown in the Building Regulating Diagrams.

Front yard setback:

Residential - 12' (building to ROW)

Multi-Family - 15' minimum

Mixed-Use - 15' (building to curb)

Side yard setback (where applicable):

Residential - 6' (bldg to property line)

22' (bldg to bldg min)

Multi-Family - 10' minimum

Mixed-Use - 15' (building to curb)

Rear yard setback:

Residential - Townhouse A & B 10'

Townhouse C 20'

Townhouse D 8'

Duplex 8'

Multi-Family - 6' minimum

Mixed-Use - 8' min (building to curb)

Allowable Building Envelope: Based on the setbacks required as part of the need for internal open spaces, the allowable building footprint for the following uses are as follows:

Residential:

Townhouse A (22'X35'):
22 feet wide by 35 feet deep - 770 square feet

Townhouse B (30'X35'):
30 feet wide by 35 feet deep - 1,050 square feet

Townhouse C - Stacked (26'X48'):
26 feet wide by 48 feet deep - 1,248 square feet

Townhouse D (24'X40'):
24 feet wide by 40 feet deep - 960 square feet

Duplex - Side-by-Side (16'X40'):
16 feet wide by 40 feet deep - 640 square feet

Multi-Family Building: 40' by 150' - 6,000 square feet

Residential Garages: N/A. Garages are not required.

Mixed-Use: (irregular "L" shaped corner building)

120 feet of frontage along Sparta Avenue

80 feet of frontage along Hicks Avenue

40 feet deep (along both frontages)

6,400 square feet of total area for building envelope

Encroachments: Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements include, but are not limited to, overhangs, steps, porches, porticos, balconies, bow and boxed-out windows, chimneys, decks, etc. The number of feet of allowed encroachments is illustrated in the table associated with each Building Type Regulating Diagram.

Front yard encroachment: 6 feet max.

Rear yard encroachment: 6 feet max.

Side yard encroachment: None Permitted

(except for minor encroachment from protruding windows and chimneys where possible)

Driveways/Aprons: Driveways must not be constructed of paved asphalt. Driveways shall be of stamped concrete, Belgium Block or some similar material and should match and or complement the materials used to construct the residential lanes.

Height is expressed in the number of stories, with the range of feet per story from floor to floor determined by building type. The ground floors of residential units can be higher (taller), with floor-to-ceiling heights ranging from 8 to 12 feet.

The total number of floors is illustrated for each typology. Typical heights are illustrated in the graphics on the following page.

Residential

Townhouse A (22'X35'): Minimum 2.0 floors
Maximum 3.0 floors or 40 feet (measured from the mean front elevation to the highest point of the roof). However, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must incorporate lower eave design to match the context of the surrounding residential neighborhood. In other words, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must appear from the front to be no taller than two story structures to better match the context and scale of residences in the surrounding neighborhood.

Townhouse B (30'X35'): Minimum 1.0 floors
Maximum 2.5 floors or 30 feet (measured from the mean front elevation to the highest point of the roof). However, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must incorporate lower eave design to match the context of the surrounding residential neighborhood. In other words, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must appear from the front to be no taller than two story structures to better match the context and scale of residences in the surrounding neighborhood.

Townhouse C - Stacked (26'X48'):
Minimum 2.0 floors
Maximum 3.0 floors or 40 feet (measured from the mean front elevation to the highest point of the roof). However, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must incorporate lower eave design to match the context of the surrounding residential neighborhood. In other words, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must appear from the front to be no taller than two story structures to better match

the context and scale of residences in the surrounding neighborhood.

Townhouse D (24'X40'): Minimum 2.0 floors
Maximum 3.0 floors or 40 feet (measured from the mean front elevation to the highest point of the roof). However, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must incorporate lower eave design to match the context of the surrounding residential neighborhood. In other words, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must appear from the front to be no taller than two story structures to better match the context and scale of residences in the surrounding neighborhood.

Duplex - Side-by-Side (16'X40'): Minimum 2.0 floors
Maximum 3.0 floors or 40 feet (measured from the mean front elevation to the highest point of the roof). However, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must incorporate lower eave design to match the context of the surrounding residential neighborhood. In other words, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must appear from the front to be no taller than two story structures to better match the context and scale of residences in the surrounding neighborhood.

Single-family (If possible): Minimum 1.0 floors
Maximum 2.0 floors or 30 feet (measured from the mean front elevation to the highest point of the roof). However, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must incorporate lower eave design to match the context of the surrounding residential neighborhood. In other words, at least 50% of the buildings fronting on Hicks Avenue, or with their side on Smith Street, must appear from the front to be no taller than two story structures to better match the context and scale of residences in the surrounding neighborhood.

Multi-family Flats: Minimum 2.0 floors
Maximum 3.0 floors or 40 feet (measured from the mean front elevation to the highest point of the roof). However, at least 50% of the building must incorporate lower eave design to match the context of the residential uses on Sparta Avenue.

Mixed-use: Minimum 2.0 floors
Maximum 3.0 floors or 40 feet (measured from the mean front elevation to the highest point of the roof).

The massing of the buildings is determined by a combination of the aforementioned design regulations, the developable area and the proposed height, along with items specifically stated in the following sections of this Plan. For the purposes of establishing the appropriate visual-spatial character, the proposed buildings shall exhibit characteristics of height and mass that are consistent with the parameters set forth in this section, and/or specified for each parcel.

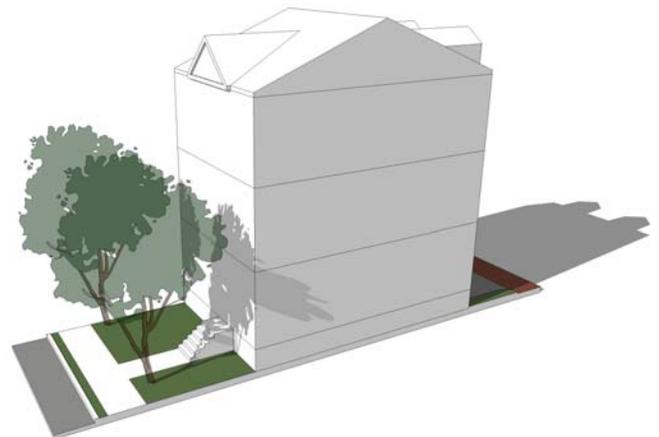
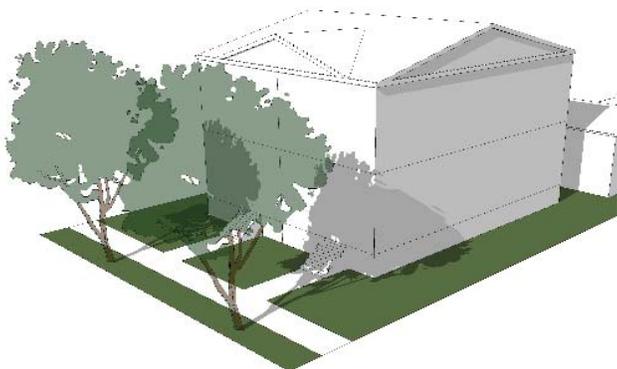
Typically the ground floor along the front facade of residential buildings is raised above grade by two to three feet. The first floor is typically higher (taller) and the top floors are lower. The maximum number of stories is illustrated for each building type. The ground floor of commercial mixed-use buildings should be at grade.

The development must include a number of affordable units to meet NJ Council on Affordable Housing (COAH) regulations at the time of site plan approval. All 'COAH' units must meet all COAH regulations.

To the extent that the development of any parcel is to be undertaken in phases, the portion of the total mass to be required or permitted applies to each phase. In no event however, shall such determination permit development in any phase as would cause the entire parcel to be developed in a manner that is not consistent with the stan-

dards set forth in this Section.

The graphics below illustrate a conceptual massing study of possible buildings in the Plan, but do not necessarily represent the architectural styles intended for the Area.



There are three (3) primary building/lot types within the proposed Hicks Avenue Redevelopment Area. The building typologies depict the allowable building types along with the relationships between parcel layout, developable area, setbacks and encroachments in cross-sections and program tables. Each typology is explained in the Building Type Regulating Diagrams illustrated on the following pages. The residential types should reflect a tighter development pattern one would expect in a neighborhood center. In addition, residential dwellings must have a diversity of building configurations and facades that provides an individual expression of each building and dwelling unit.

1. Mixed-use building is depicted in red and brown hatching. This building would have neighborhood-oriented commercial uses on the ground floor with multi-family residential uses or offices located on the floors above. The Sparta Avenue and Hicks Avenue frontages of this building must be treated and designed as the primary commercial frontages, with secondary commercial frontages located behind the building.

2. Multi-family flats, depicted in the brown color on the map below, are located along Sparta Avenue. These units

do not have garage parking. The frontage of this building along Sparta Avenue must be treated and designed as the primary building front.

3. Townhouses (attached units, attached units with ground-level living space, 'back to back', and duplex units), depicted in orange on the map below, make up the majority of the Area. Given favorable conditions, small-scaled single-family housing could also be considered for the Area.

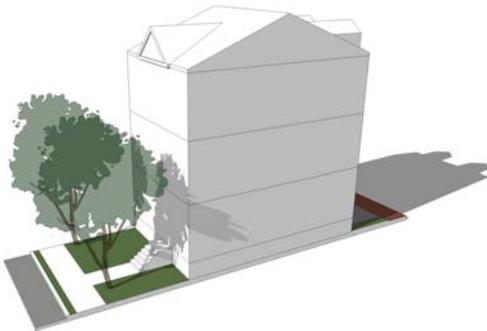
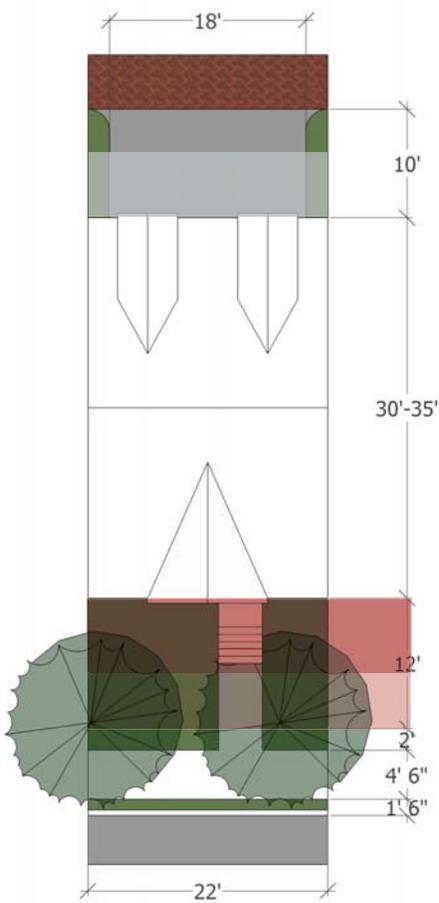
The graphics found on the following pages represent conceptual building layouts and illustrate the permitted maximum building footprints for each of the building typologies and include the locations and sizes of garages, corresponding setbacks for structures, and the corresponding lot dimensions for the parcels within the Area.

The configuration of this Plan utilizes Townhouse types 'A' and 'B'. Use of other residential typologies illustrated in the Plan, including Townhouse types 'C' and 'D' and Duplexes, would require changes to the conceptual layout.



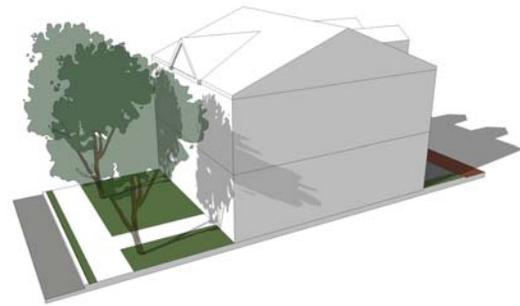
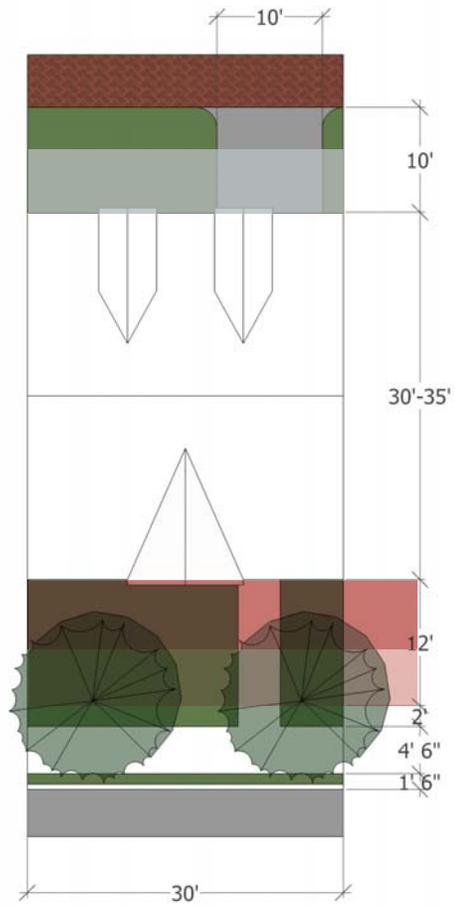
Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	n/a
Rear Yard Setback	8 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	22x35 (770 sf) max
Accessory Structure Footprint	n/a
Lot Width	22
Lot Depth	57
Building Height	3.0 floors (40 ft) max

Townhouse A: 22x35



Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	n/a
Rear Yard Setback	8 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	30x35 (1,050 sf) max
Accessory Structure Footprint	n/a
Lot Width	30
Lot Depth	57
Building Height	2.5 floors (30 ft) max

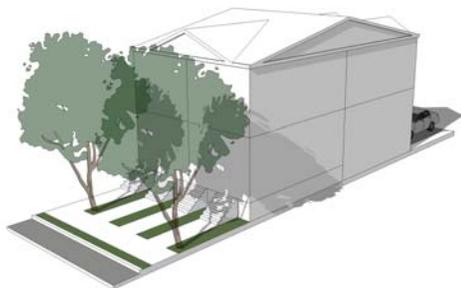
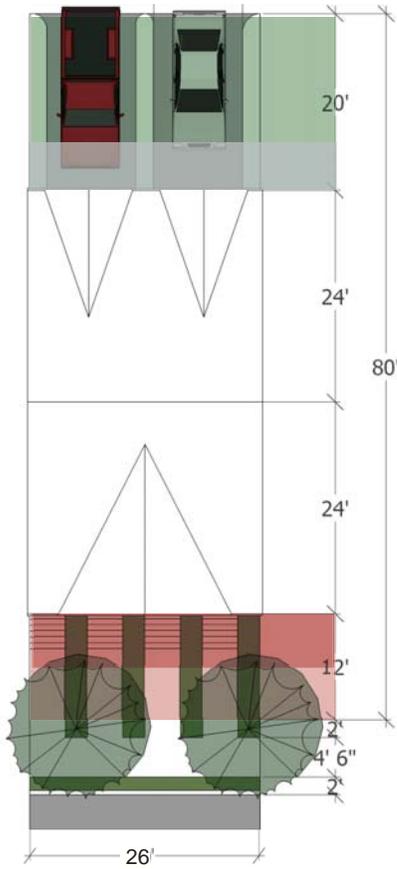
Townhouse B: 30x35 (ground level living space)



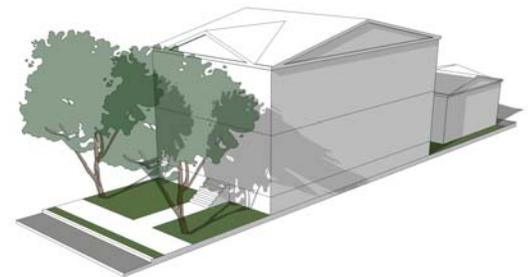
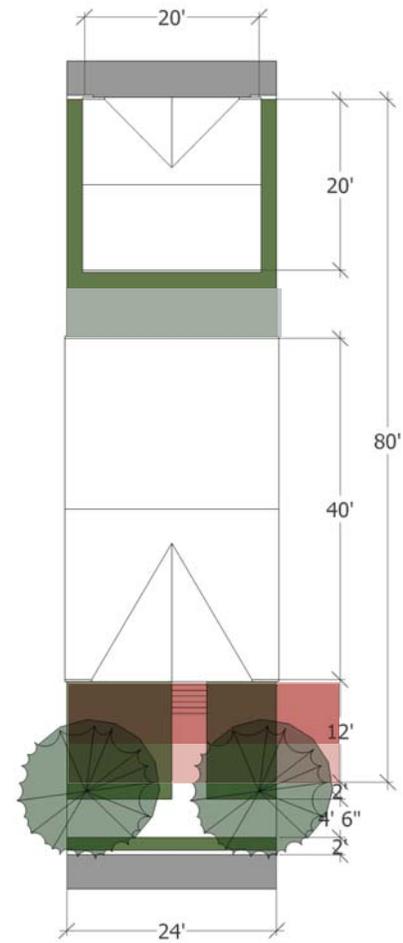
Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	n/a
Rear Yard Setback	20 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	26x48 (1000 sf) max
Accessory Structure Footprint	n/a
Lot Width	26
Lot Depth	80
Building Height	3.0 floors (40 ft) max

Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	n/a
Rear Yard Setback	8 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	24x40 (960 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	24
Lot Depth	80
Building Height	3.0 floors (40 ft) max

Townhouse C: 26x48 (Back-to-Back or Stacked Units)

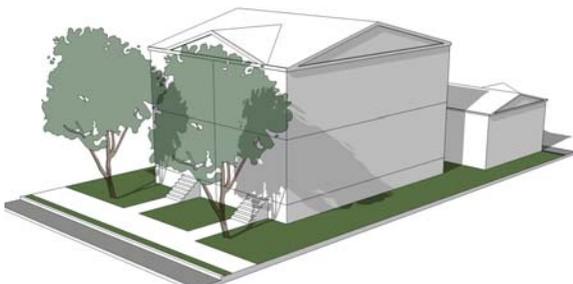
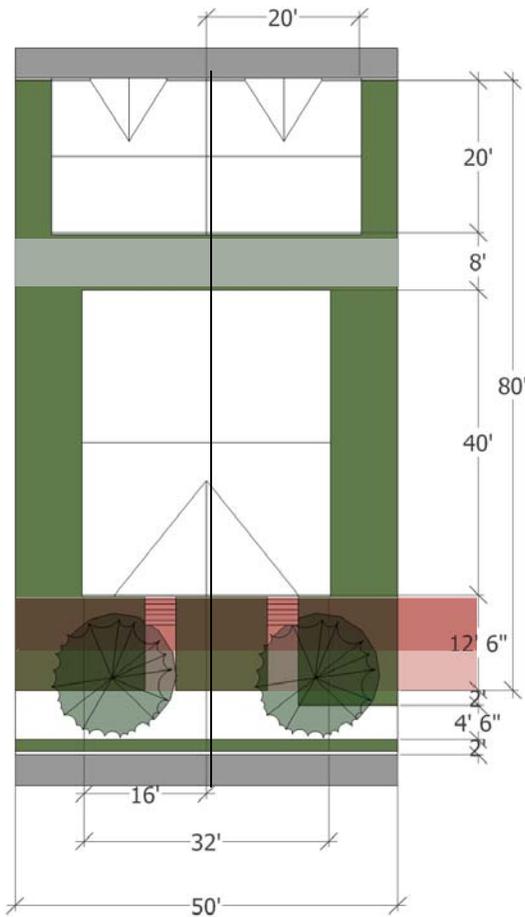


Townhouse D: 24x40 (Detached Garage)



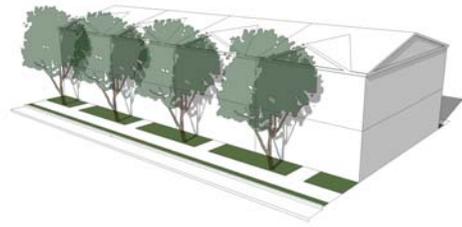
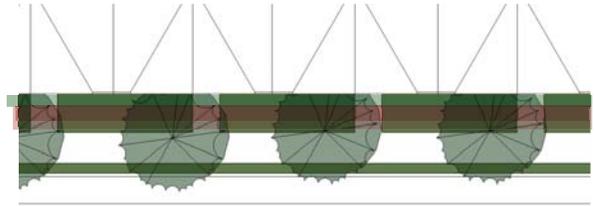
Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	9 one side
Rear Yard Setback	8 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	16x40 (640 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	25
Lot Depth	80
Building Height	3.0 floors (40 ft) max

Duplex: 16x40 (Detached Garage)



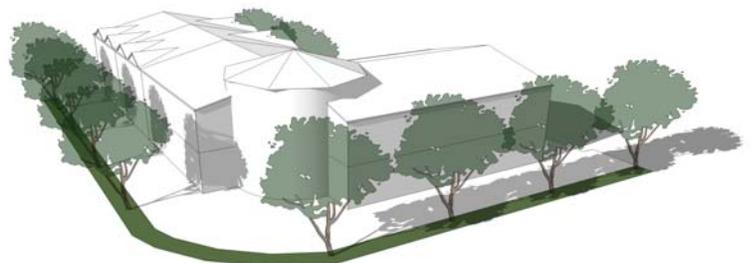
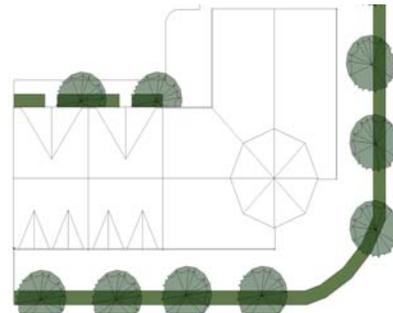
Multi-family

Regulation	Feet
Front Yard Setback	12 min.
Front Encroachment	6 max
Rear Encroachment	6 max
Building Height	3.0 floors (40 ft) max



Mixed-Use

Regulation	Feet
Front Yard Setback	12 min.
Front Encroachment	6 max
Rear Encroachment	6 max
Building Height	3.0 floors (40 ft) max



1. Review Process: To assure the visual and spatial character of the totality of the Area, all building façades shall be reviewed prior to hearing by the Planning Board by the design review professionals retained by the Planning Board in accordance with the Development Review Process, set forth below in Section 9, Legal Provisions, of this Plan. Each building must be reviewed in sketch and preliminary form using plans, elevations and actual or virtual models as necessary. The design review professionals shall submit to the Planning Board comments and recommendations as to each façade concerning the façade(s), materials, colors, and landscaping of the semi-public edge. Building footprints and façade design shall conform to the standards outlined in this Plan.
2. Design Regulations: All buildings and façades shall be designed by registered architects who have experience in this scale and character of building design.
3. Architectural Styles: The architectural styles in each building shall reflect the historic vernaculars as expressed in the images included in the Design Vocabulary located on the following pages. Each building should also clearly evoke a “green” and environmentally sensitive character to the project.
4. Building Design: Buildings shall be designed with equal detailing, materials, form, and colors along all facades of a building. For each building, all facades including the front, sides and back, must be of the same material, form, colors and detailing.
5. Story Heights: Interior floor heights may vary. The ground floors may be higher, ranging from 8 to 12 feet. Upper stories may vary from 8 to 9 feet in height.



The townhouses on this page represent a range of appropriate architectural styles and details, and general bulk, considered appropriate for the townhouse component of the Plan.

Two considerable differences are that the Plan requires a larger front yard setback than is depicted in any of these images, and the Plan requires significantly more differentiation between the individual dwelling units.



6.7.1 ARCHITECTURAL STYLE: MULTI-FAMILY



The multi-family residential buildings on this page represent a range of appropriate architectural styles and details, and general bulk, considered appropriate for the multi-family component of the Plan. One considerable difference is that the Plan requires a larger front yard setback than is depicted in any of these images.



The mixed-use commercial buildings on this page represent a range of appropriate architectural styles and details, and general bulk, considered appropriate for the multi-family component of the Plan.

One considerable difference is that the Plan allows the mixed-use building to be up to three stories in height, while none of the buildings in these images is above two stories.



1. To create individuality with each of the buildings, a more organic look to the development and to avoid standardization and similarity, there must be a minimum of three distinct building facade designs within each building type used in the plan, for instance 'Townhouse A', 'Townhouse B' and 'Duplexes'. Within the various facades there must be the additional expression of individuality through the use of material changes, changes in window form and type, changes in the porch, portico or stoop design, change in gables, lintels and headers, uses of secondary porches and balconies. No two exact facades shall be allowed on any street frontage.
2. Façade Materials: The primary façade materials shall be hardy plank, decorative shingles with appropriate trim and detailing, stone/masonry, real stucco and brick. EFIS and vinyl siding are prohibited. Accents such as projecting, bow, bay and boxed windows should be in metal. Individual façades should consist of no more than three materials and/or textures. Metal on a façade shall only include aluminum, coated steel, copper, zinc and painted wrought iron.
3. Façade Colors: It is recommended that a color palette be developed for the Plan with allowable facade and complimentary accent colors. Facade colors must not be repeated within any five (5) building frontages on any street. A combination of lighter masonry and darker earth tones are appropriate for commercial brick façades.
4. Accent Colors: A color palette should be developed for accent and trim colors for the Plan. Accent colors must be based on and compliment the primary facade colors.
5. Soffit Emphasis: In buildings with a soffit, the underside of the overhang is often more visible than the roof and should be articulated. The soffit should therefore receive a greater emphasis and budget than is typically afforded.
6. Soffits: All building soffits and overhangs shall be designed to provide shade in the summer and allow sunlight to enter the building in the winter. As such, southern and western exposures shall feature exaggerated (wider) soffits.
7. Mechanical structures shall be fully integrated with the architectural and structural design of the building in order to minimize the negative aesthetic impact upon the viewer, both from street level and as may be viewed from adjacent properties. All parts and components of cellular phone antennas, satellite dishes, television and radio antennas shall be designed to be in harmony with the architectural context and shall not be visible from the front street or sidewalk.
8. Utilities: All utilities shall be underground. Machinery and the mechanical controls for same, including but not limited to transformers, junction boxes, electrical meters and condensers shall be located to the side or rear of buildings and/or otherwise screened from frontages by building elements in a manner consistent with the design of the building.
9. Night security gates, grids or any other security covering of windows are prohibited.
10. Rain Gutters: Storm water from roofs should be collected on site and reused for irrigation and other uses that require non-potable water. Rain gutters are permitted.
11. A semi-private edge treatment is required along the front property line of all parcels of either a low fence, hedge or low stone or brick wall. It is recommended that side yards and rear yards of all parcels have fences. See standards on fences in the Landscape Plan.
12. The mixed-use building must treat its frontages oriented towards Sparta Avenue and Hicks Avenue as primary frontages with ground level commercial facades.
13. Ground level retail/commercial facades fronting along Sparta Avenue and/or Hicks Avenue must be of at least 60% void area (windows and other openings).
14. The multi-family building fronting on Sparta Avenue must treat its frontage oriented towards Sparta Avenue as its front facade.

1. Windows: All windows in residential units shall be operable windows to ensure natural ventilation and air circulation. However, a permitted exception to this rule is clerestory, transom, side light, and skylights, which may be non-operable.
2. Windows should be casement or double hung. If balconies are present in a building, French doors are permitted in lieu of windows on the second floor.
3. The ground floor windows may be taller than the upper story windows on any street façade. Ground floor window sills should be a minimum three feet above the ground plain of the front facade of sidewalk.
4. Window Type: Window mullions and muntins, if used, should be colors that complement the primary facades. Tinting of window glass is not permitted unless energy efficient coatings that tint glass are used, in which case the coating closest to clear must be chosen which still meets energy criteria. Mirror finishes and colored glass shall not be permitted for window glass. Stained glass windows are permitted.
5. Window Sill Emphasis: Window sills and headers should be emphasized. Bow or bay windows are strongly encouraged on residential facades to enhance the “eyes on the street” concept.
6. Roofs: Roofs may be either 1) pitched roofs or 2) pitched or flat, green engineered roofing systems. The roof color, if not vegetated, shall complement the siding and the selected trim and door colors. Roofing materials for pitched roofs should be dimensioned shingles, synthetic slate or standing seam metal. Engineered roofing systems may be either intensive or extensive systems but must support vegetation.
7. Flat, green engineered roofs shall have parapets or approved decorative barrier or fencing at a minimum of 3'-6" high to form a protective wall/parapet. A trellis or other form of permeable roofing to form a shade-protected area is encouraged.
8. Decorative trim shall be used to articulate all window and frame edges.

1. Primary Entrance: The primary entrance to all residential units must orient towards a street and have architectural emphasis on doorways, side lights, and porches.
2. Every unit shall have a usable front porch and/or a second floor balcony. Porch steps must match the materials used in the porch
3. Porches and balconies shall vary in size from building to building. Porches and balconies must be of an architectural accent with appropriate style, girth, and detailing.
4. Building Attachment Encroachments: bay and bow windows, balconies, roof overhangs, stoops and porches, may encroach beyond the front yard setback line provided they conform to the allowable encroachment area and maximum dimensions listed below. Inclusion of any building attachments above those specified as encroachments shall be subject to the approval of the Planning Board. The maximum dimensions that may be so approved are as follows:
 - A. Porches and stoops may extend a minimum of 4 feet up to a maximum of 6 feet from the building facade.
 - B. Bay and Bow Windows may extend to a maximum of 3 feet from the building façade.
 - C. Projecting/cantilevered balconies may extend to a minimum of 4 feet up to a maximum of 6 feet from the building facade.
5. The finished floor of the ground level of buildings shall be raised a minimum of 2 feet and a maximum of 3 feet above the grade of the front plain of each primary structure. Porches and stairs shall connect the building to walkway.
6. Exterior Stairs and handrails: Stairways extending from a porch or stairs to the sidewalk shall be of quality construction. Stairway details shall vary from building to building. Risers for the front steps shall match the materials used in the porch or stairs. Hand rails shall be decorative and architecturally integrated with the design of the building.

6.10.1 PERMISSIBLE ENCROACHMENTS



6.11 BUILDING SIGNAGE AND LIGHTING STANDARDS

1. Comprehensive Public Signage Plan: In order to regulate signage within the Redevelopment Area, the designated Redeveloper shall submit a Comprehensive Signage Plan to the Planning Board. The signage package shall address the design and size limitations for all signage within the Redevelopment Area. This shall include: way-finding and directional and traffic control signage; building number signage; identification signage for the overall project; and street signs.

The Planning Board should determine if an identification sign for the development will be permitted. If the Board deems that a sign may be erected to identify the development the following guidelines are to be followed: The sign shall be no larger than 12 square feet and must be a carved wood sign. The sign must be no higher than four (4) feet in height and if illuminated, illumination must be from the ground. No internal illumination will be permitted. The sign should be landscaped around its base and landscaping must be maintained by a homeowner's association or the like.

2. Building Numbers: All buildings shall display the numbered street address of the building such that it is clearly visible from the adjoining street right-of-way. Housing unit numbers shall have a brass, bronze, black, or stainless steel finish. Numbers shall be no more than six inches in height and shall not be reflective decals.
3. Entry Lighting: Lighting of every entryway is required. Lighting fixtures shall be of a finish, style, and character appropriate to the architecture and details of the building.
4. Signage shall not be neon, or neon in appearance.

6.12 BUILDING PARKING STANDARDS

1. Parking: Two (2) off-street parking spaces per residential parcel must be provided at a minimum. These may be either in a garage and/or driveway or a combination of both. The only exception to this is for end-unit townhouses having ground floor living space, which must be provided with a minimum of one (1) off-street parking space.
2. Garages: Garages shall be oriented towards the rear of properties or attached to the rear of the primary building where they are present. Garages in the front of properties are not permitted. Garages may be built to accommodate one car or two cars, and may be built with a second floor or loft above, if possible and appropriate.

6.12.1 PARKING STYLES



1. LEED Certification: To the extent possible, all buildings must strive for the U.S. Green Building Council's (USGBC) Leadership In Energy Efficient Design (LEED) certification.
2. Energy Efficiency: New construction must strive for maximum efficiency of energy usage. Educational, technical assistance and financial assistance programs such as ENERGY STAR and New Jersey Board of Public Utilities (NJBPU). New Jersey's Clean Energy Program must be utilized to the maximum extent possible.
3. Renewable Energy Programs: Several options exist to allow for the incorporation of renewable energy in the operation of new buildings and must be considered for the development of new construction. Such options range from the construction of on-site solar voltaics and solar hot water heater, small wind generators, large operable windows, energy saving light bulbs, regulated flow showerheads and toilets, to the purchase of renewable source energy through the existing power utility. New Jersey's Clean Energy Program from NJBPU must be consulted for information on various informational, technical and financial support programs.
4. Stormwater Detention and Reuse: In order to mitigate the impact of storm water on the existing infrastructure and limited potable water resources, new development must incorporate a Potable Water Conservation Program for storm water detention, collection, and re-use unless the developer receives a waiver from the Planning Board. Such a collection system must consist, at a minimum, of the placement of cisterns located either individually within each dwelling or property, or collected and buried within the Redevelopment Area to be used collectively. In addition to mitigating the impact and amount of stormwater runoff produced by this development, storm water collected within cisterns will be used for non-potable uses, such as irrigation, washing cars or flushing toilets, to reduce the demand on the allocation of potable water sources available to, and therefore from, the Town.
5. Resources: Multiple informational, technical assistance and financial assistance resources are available to encourage and promote the practice of green building and must be considered for the development of new construction. Several of these

resources can be accessed via the New Jersey Board of Public Utilities (NJBPU), New Jersey's Clean Energy Program, and Cool Cities Program, as well as through the New Jersey Department of Environmental Protection's (NJDEP) New Jersey Environmentally Sustainable Communities Initiative.

6. Green Roofs: In order to mitigate storm water runoff and detention requirements, green roofs are recommended on all structures and highly recommended on garages. A green roof can be flat with a minimum pitch for drainage with an accented cornice and/or parapet or may be pitched at a 2:1 ratio.

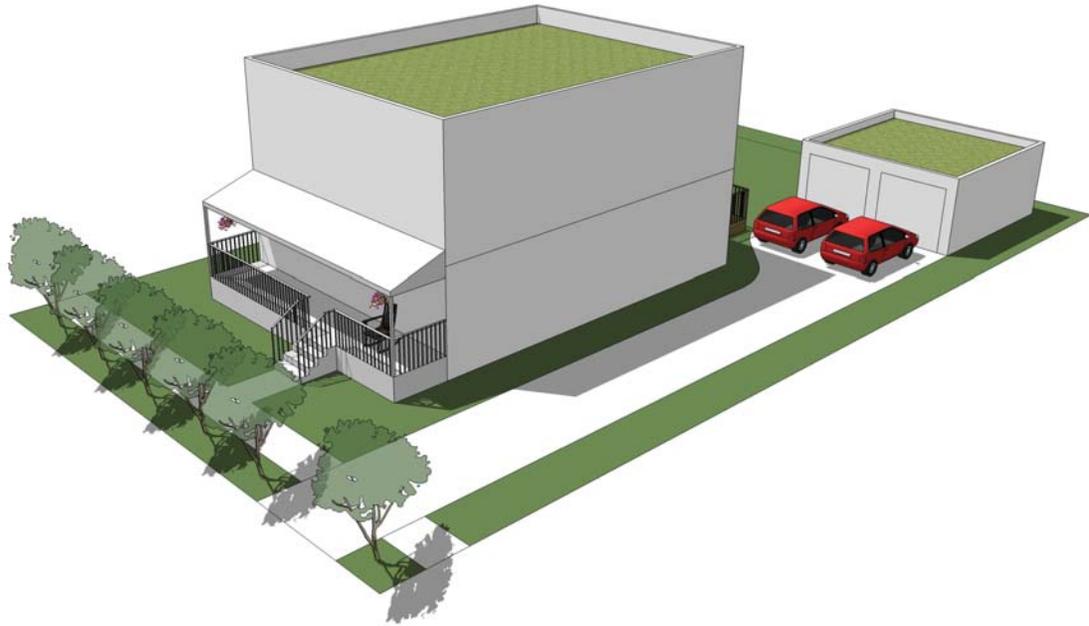
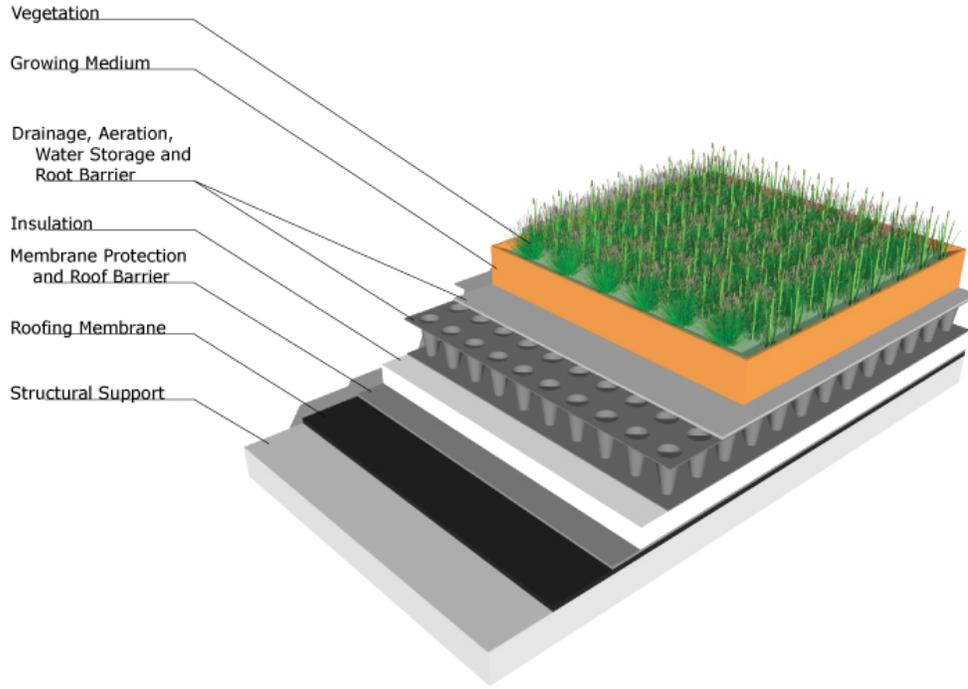
Also termed eco-roofs, rooftop gardens, and vegetated rooftops, green roofs go beyond the traditional rooftop gardens that utilize containers and planters to house vegetation and plantings. Green roofs shall be comprised of an engineered roofing system that enables the growth of vegetation. The engineered rooftop is typically comprised of the following components: an insulation layer, a waterproof membrane, a root barrier, a drainage layer, a geotextile or filter mat, and a growing medium. Green roofs should only be irrigated (if necessary) with water obtained from a rainwater collection system integrated into the building and/or block.

Green roofs may be either intensive or extensive in type. Intensive green roofs are considerably more substantial in terms of the amount and type of vegetation supported and also in terms of cost and maintenance required. They can be thought of as true rooftop gardens. Intensive green roofs can support planting depths up to 8 inches but require higher load bearing structural roofs. Extensive green roofs can be considered rooftop meadows versus rooftop gardens. They are covered with grasses, sedums, and wildflowers within a planting bed between 2 inches and 6 inches deep. Maintenance is minimal and little irrigation is required beyond rainfall.

Currently, initiatives exist to promote the widespread use of green roofs. Further, several agencies and organizations exist to help educate and provide technical support to architects, designers, and contractors seeking to build green

- roofs. Ideally a green roof strategy should be incorporated into the Hicks Avenue Stormwater Management Plan.
7. Wastewater: Consideration must be given to reducing potable water use for building sewage conveyance by 50% through the use of water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater.
 8. Water Reduction: Consideration must be given to using 20% less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Consideration must also be given to reuse of stormwater and greywater for non-potable applications such as toilet and urinal flushing and custodial uses per a Potable Water Conservation Program.
 9. Heat Island Effect: Consideration must be given to installing vegetated roofs for at least 50% of the Area or installing roofing materials which reflect solar energy.
 10. Energy Performance: Consideration must be given to designing the building envelope, HVAC, lighting, and other systems to maximize energy performance.
 11. On-site Renewable Energy: Consideration must be given to assessing the project for non-polluting and renewable energy potential including solar, wind, geothermal, low-impact hydro, biomass, and bio-gas strategies. When applying these strategies, advantage should be taken of net metering with the local utility.
 12. Green Power: Encouragement must be given to the development and use of grid-source, renewable energy technologies on a net zero pollution basis.
 13. Storage and Collection of Recyclables: Consideration must be given to coordinating the functionality of the anticipated collection services for glass, plastic, paper products, newspaper, cardboard, and organic wastes to maximize the effectiveness of the services. All properties must have individual collection bins to further enhance the recycling program.
 14. Construction Waste Management: Consideration must be given to recycling cardboard, metal, brick, acoustical tile, concrete, plastic, clean wood, glass, gypsum wallboard, carpet, and insulation.
 15. Material Reuse: Opportunities must be identified to incorporate 5% of salvaged materials into building design and potential material suppliers should be researched. Consideration must be given to salvaged materials such as beams and posts, flooring, paneling, doors and frames, cabinetry and furniture, brick and decorative items.
 16. Recycled Content: Consideration must be given to using materials with recycled content such that the sum of post-consumer recycled content plus one-half of the pre-consumer content constitutes 20% (based on cost) of the total value of the materials in the project.
 17. Regional Materials: Consideration must be given to using materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% of the total materials value.
 18. Rapidly Renewable Materials: Consideration must be given to using rapidly renewable materials (made from plants that are typically harvested within a ten-year cycle or shorter) such as bamboo, wool, cotton insulation, agri-fiber, linoleum, wheatboard, and strawboard.
 19. Low-emitting Materials: Consideration must be given to specifying low-VOC materials for adhesives, flooring adhesives, fire-stopping sealants, caulking, duct sealants, plumbing adhesives, and cove base adhesives.
 20. Controllability of Lighting Systems: Consideration must be given to providing a high level of lighting system control by individual occupants to promote the productivity, comfort, and well-being of building occupants.
 21. Façade Composition: Passive solar equipment featuring louvers are recommended on the secondary façades or roofs.

6.13.1 GREEN ROOFS





SECTION 7.0

Landscaping and streetscapes greatly affect the quality of a place. The purpose and intent of this Section is to provide landscape development and buffering requirements in order to maintain and protect property values both within the Area and in the surrounding neighborhoods, enhance the appearance of the development, protect the aesthetic assets of the community, reduce erosion and storm water run off, reduce the urban heat island effect, and provide screening where necessary. The landscape requirements of this Section are minimum standards; additional landscaping is encouraged.

An overall concept Landscape Plan is shown below:



The Landscape Plan shall be subject to approval by the Planning Board. The Planning Board may forward the Plan to the Town Engineer for review and comment. The Plan shall conform to the following requirements and guidelines:

A detailed Landscape Plan in accordance with the unified Streetscape Plan shall be prepared by a certified landscape architect for all Site Plan proposals. The Landscape Plan shall include the highest quality materials and, at minimum, specify type and color of pavers and other hardscape materials, type and quality of decorative lighting fixtures, specific color and material of decorative site furnishings, as well as locations and quantities of each. The Landscape Plan shall also include species, sizes, and planting plans for all vegetation. Native plants should be used before other alternatives. A list of examples is provided at the end of this section.

Within an overall Landscape Plan, a Streetscape Plan shall be required. The Streetscape Plan shall be submitted to the Newton Planning Board for its review and approval in conjunction with the project Site Plan application and implemented contemporaneously with the construction of the redevelopment project. The Streetscape Plan shall include all street frontages, existing and proposed. The Plan shall identify, but not be limited to: decorative paving materials, curbing materials, colors and street trees. All streetscape and front yard landscaping must be completed before a Certificate of Occupancy can be granted.

1. The Landscape Plan should strive to include the highest and best quality decorative materials possible and specify, at minimum, architectural pavers, decorative lighting, tree species, and any other Area-appropriate decorative site furnishings, including all specific color and material selections.
2. All landscape materials planted by the developer must have a two year maintenance guarantee. If any planting materials die within two (2) years of planting, they must be replaced during the following planting season.
3. Street trees must be a minimum of 3 inches in caliper and 12 feet high at the time of planting. All street tree types and sizes shall be recommended by a local arborist, nursery, landscape architect and/or some other horticultural specialist designated by the Planning Board and shall be a type suitable for the Area's environment. Lists of suitable trees are available from the Community Forestry Council, a division of the New Jersey Division of Parks & Forestry, or the New Jersey Nursery & Landscape Association.
4. All yard spaces shall be landscaped with shade trees, flowering trees, evergreen and deciduous shrubs and perennials and bulbs. The developer shall plant at least two (2) trees (of approved shade and/or flowering species) per property. The developer shall landscape the front facade of each structure with at least 5 shrubs/bushes fronting buildings. Shrubs must be at least 2.5 feet high by 2.5 feet wide (30" high by 30" wide).
5. Sidewalks should enhance the pedestrian experience. Toward that end, the following must be included within the landscaping plan:
 - A. Barrier-free access to all pedestrian space
 - B. Use of pedestrian-scaled lighting
 - C. Use of pedestrian-scaled signage
6. All open areas not covered by buildings, paving, and sidewalks shall be graded and landscaped.
7. All landscaped areas must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character. This must be assured for the foreseeable future through home owner's agreements or other legal device.

The standards set forth in this section shall be binding for streetscape development. The exact construction material and sections to be utilized within each right-of-way shall be made by the Town Engineer, subject to the approval of the Redevelopment Entity.

Hardscape Requirements for Streetscape

1. Barrier-free access to all pedestrian spaces is required.
2. Vehicular travel lanes shall be constructed of asphalt, except rear residential lanes. Textured pavement such as brick, cobblestone or pavers, or stamped concrete, shall be used on all crosswalks, to act as traffic-calming device, and residential lanes.
3. All curbing should be granite, or a poured, brushed concrete. Asphalt curbing is expressly forbidden. Curbs shall be 6 inches in height from the final top height of the pavement.
4. Rain water management shall be integrated into the site design. Rain water should be captured and stored for non-potable uses wherever possible.
5. Sidewalks shall be constructed of scored concrete with brick edges and dividers or textured paving materials.
6. Crosswalks shall be of similar material and color as the paved sidewalks and be in conformance with the street typology and pedestrian plan.
7. Utilities shall not be located within the planting strip.
8. Sidewalk areas shall be continuous across any driveway, including any decorative paving elements.
9. Access to any driveway or garage shall be via a dropped curb and sloped apron. Said access shall not be provided by the use of radius curbing and an extension of the street pavement.
10. Driveway widths and curb cuts shall be kept to the minimum width necessary.
11. Parking Entrances: Entrances to off-street parking shall vary by building type and shall be located on 1) rear residential lanes, or 2) surface parking areas located behind the primary structure.



Lighting Requirements for Streetscape

1. A unified standard for street lighting within the Area must be used. The use of a similar style to the fixtures used throughout the downtown streetscapes within Newton is required to maintain continuity throughout the Town. Final approval of the fixture, pole type, and location will be made by the Planning Board.
2. Street lighting shall be placed at the outer edge of all sidewalks.
3. All street lighting and exterior building lighting shall be designed to not shine upward so as to contribute to the illumination of the night sky and cause the effect known as "sky glow".:
4. All streets shall have decorative, pole-mounted lamps. Light poles shall be between 12-14 feet in height from the finished grade at the base to the top of the pole in height and spaced 30-40 feet on center.
5. Metal Halide (or comparable light quality) lamps are suggested because of their efficiency and light quality. Mercury Vapor and high pressure sodium lighting shall not be allowed.
6. A comprehensive Lighting Plan will need to be provided with sufficient detail to illustrate that proper illumination is provided. The plan should illustrate all streets, all attached building lights, types of fixtures, lighting intensities, lighting patterns, filament type, shape of lens, and direction of illumination.
7. All street lights shall have illumination and uniformity rations which do not exceed the recommendations of the Illuminating Engineering Society of North America (IESNA). All sidewalks adjacent to roadways shall maintain a minimum 0.2 footcandle coverage.
8. Adequate exterior lighting shall be provided for safety while not casting light onto adjacent properties or shine onto streets or driveways in such a manner as to interfere with or distract driver vision.
9. All lighting shall use shielded light fixtures to prevent misdirected or excessive artificial light and maximize energy efficiently.
10. The use of floodlight-type style fixtures attached to buildings shall be prohibited.

Planting Requirements for Streetscape

1. All trees shall be a minimum of 3 inches in caliper measured at 6 inches from ground level and have a minimum branch height of 6 feet at time of planting for yard trees, 10 feet minimum branch height for street trees.
2. At minimum, street trees shall be spaced every 25' on center along streets and park edges.
3. Trees shall be planted where specified in the Thoroughfare Standards.
4. A minimum of a 1' 6" wide 'planting' strip should be installed between the curb and sidewalk. The planting strip should be of a textured pavement treatment such as pavers or brick rather than grass or decorative ground cover.
5. The area between the curb and ROW edge together must equal a combined minimum width of eight (8) feet. The remaining width of two (2) feet will be between the sidewalk and ROW edge, in effect lengthening the frontyards of properties. Street trees are to be planted within this area. Street trees may also be planted in street bumpouts.
5. Street tree planting should be strategically phased to ensure procurement of large quantities of uniform and consistently sized specimens of specifically selected species.
6. Trees should only be planted during appropriate spring and fall planting seasons to the highest arboricultural industry standards; appropriate root barriers shall be installed at the time of planting.
7. Fertilization shall be yearly with a balanced, full spectrum inorganic commercial fertilizer applied at a rate adjusted to remedy deficiencies identified by soil testing reports.
8. Native tree species with proven success shall be thoroughly searched by a plant broker before consideration of alternate species. (Suggested native tree species can be found at the end of this Section.)
9. All trees shall be monitored and treated annually by the developer for potential disease or decline in physical condition.
10. Street trees shall not be planted within the clear vision triangle of each intersection according to Town regulation.

7.4 YARD LANDSCAPE REQUIREMENTS

1. No asphalt paving or wood decking is allowed within the front yard except for the primary driveway and front porches. Any paved area including walkways, etc. shall have equal or greater detail than the adjacent sidewalk.
2. Every building shall have direct access from the sidewalk to the primary pedestrian ingress and egress of a building by way of a walkway separate from driveways. Materials of the walkway shall compliment the color and design of the building and the sidewalks.
3. Fencing along all street frontages/semi-public edges in the front yard shall not exceed three (3) feet in height.
4. Only decorative style fences, such as tubular steel or wrought iron type fences, are permitted along street frontages and along semi-public edges. The design of the fencing shall complement the architectural style of the building.
5. Fencing may be up to 6 feet along side yards beyond the plane of the front facade. The top 12" must be semi-transparent (lattice work or some equivalent) while the lower portion may be solid or opaque (See example of fencing in image to the right).
6. The use of native shrubs and grasses is encouraged; a list of examples can be found at the end of this section.
7. Shade trees, flowering trees, and evergreens must be kept properly pruned.
8. The use of energy efficient lighting is encouraged.
9. Yards must have a minimum number of landscape features:
 - Two (2) canopy trees per dwelling
 - Foundation shrubs: five (5) per building along the front façade.





Public Signage

Wherever possible, public signage should be consolidated and affixed to lampposts.

Freestanding Signage

Freestanding signs are prohibited with the exception of way-finding and directional signage installed with the approval of the Town. An example of appropriate freestanding signage can be found in the image to the left.

Identification Signage

Identification signs indicating the name of the development within the Redevelopment Area may be located at the entry point to the development. In addition, way-finding signs may be located within the Redevelopment Area and /or the development.

Construction Signage

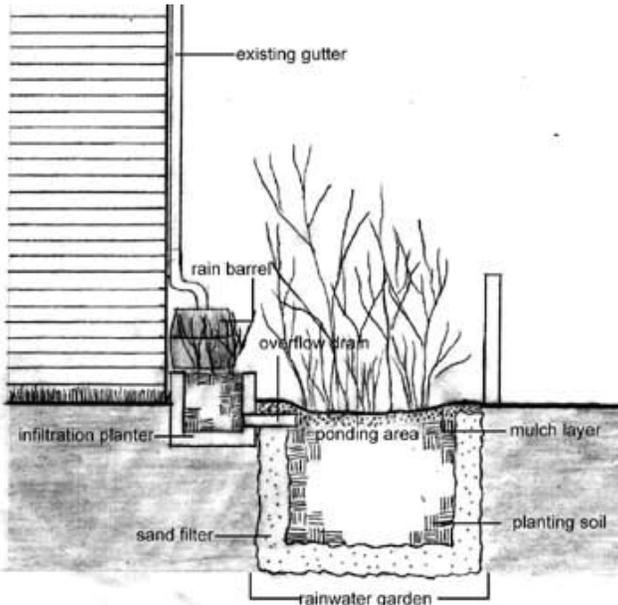
During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, and/or public agency officials (as applicable and appropriate). Construction signage must be removed as soon as the last lot is sold.

Prohibited Signage

The following signage types are prohibited unless expressly permitted: fluorescent-lit signage or signage with glowing paint, rooftop-mounted advertising signage, signage above the second floor, and/or signs that might be mistaken for traffic control devices.

Soil Handling and Soil Compaction

1. Continuous 4-foot deep (minimum) trenches of high quality topsoil for planting of street trees along streets to widths as specified between municipal curb and sidewalk should be provided in lieu of individual tree pits.
2. All areas to be landscaped should receive topsoil that is friable, fertile, natural loam, free of subsoil, stones, roots, noxious plants and extraneous matter to a depth of 5 feet from finished grade as a subsoil cap and new planting root growth zone
3. Soil must be loosely compacted and protected from heavy compaction by equipment and stockpiling of materials by barriers during construction.



Suggested Planting Guidelines

1. All plants shall be drought tolerant in order to reduce the need for irrigation.
2. All plants within rooftop gardens can experience a high evaporation rate due to the drying effects of wind and sun. Irrigation, mulches and moisture-holding soil additives shall be added to help reduce this moisture loss.
3. Site grading and permeable surfaces shall promote maximum return of clean rainwater within public green spaces, with flat areas graded to a 2% minimum. Rain gardens are encouraged where appropriate.
4. Plant trees only during appropriate Spring and Fall planting seasons to arboricultural industry standards.
5. All trees shall be monitored and treated annually by the homeowners association or building owner for potential disease or decline in physical condition.
6. Fertilization shall be yearly with a balanced, full spectrum inorganic commercial fertilizer applied at a rate adjusted to remedy deficiencies identified by soil testing reports.
7. Green Ash, American Hornbeam, Red Maple, and Hackberry have been suggested as street trees in large part because they are native species.
8. River Birch, Serviceberry, Eastern Redbud, and Flowering Dogwood have been suggested as small trees for public open spaces. These trees are native species with multiple season interest.
9. Native species shall be used before other alternatives.
10. Suggested shrubs and grasses should be used in conjunction with other native, non-invasive, vegetation.
11. The storm water detention area and other preserved open spaces should be set aside to allow for native grasses and wildflowers to grow with annual mowing. Regular edge maintenance of these areas is needed to keep these open spaces tidy.



Shade and Flowering Trees

1. *Fraxinus pennsylvanica*, Green Ash
2. *Betula nigra*, River Birch
3. *Carpinus caroliniana*, American Hornbeam
4. *Acer rubrum*, Red Maple
5. *Celtis occidentalis*, Hackberry
6. *Amelanchier canadensis*, Serviceberry
7. *Cercis canadensis*, Eastern Red Bud
8. *Cornus florida*, Flowering Dogwood

1. Green Ash



2. River Birch



3. American Hornbeam



4. Red Maple



5. Hackberry



6. Serviceberry



7. Eastern Red Bud



8. Flowering Dogwood



Shrubs and Grasses

(see pictures on following pages)

9. *Viburnum trilobum*, Cranberry Bush
10. *Viburnum acerifolium*, Maple Leaf Viburnum
11. *Viburnum nudum*, Possumhaw Viburnum
12. *Viburnum prunifolium*, Black Haw
13. *Ilex opaca*, American Holly
14. *Calamagrostis canadensis*, Blue Joint Grass
15. *Schizachyrium scoparium*, Little Blue Stem Grass
16. *Panicum virgatum*, Switch Grass
17. *Spiraea tomentosa*, Steeplebush
18. *Gaultheria procumbens*, Wintergreen
19. *Ilex verticillata*, Winter Berry
20. *Aronia melanocarpa*, Black Chokeberry



9. Cranberry Bush



10. Maple Leaf Viburnum



11. Possumhaw Viburnum



12. Black Haw



13. American Holly



14. Blue Joint Grass



17. Steeplebush



15. Little Blue Stem Grass



16. Switch Grass



18. Wintergreen



19. Winter Berry



19. Winter Berry (Winter)



20. Black Chokeberry Flower



20. Black Chokeberry (Fall)





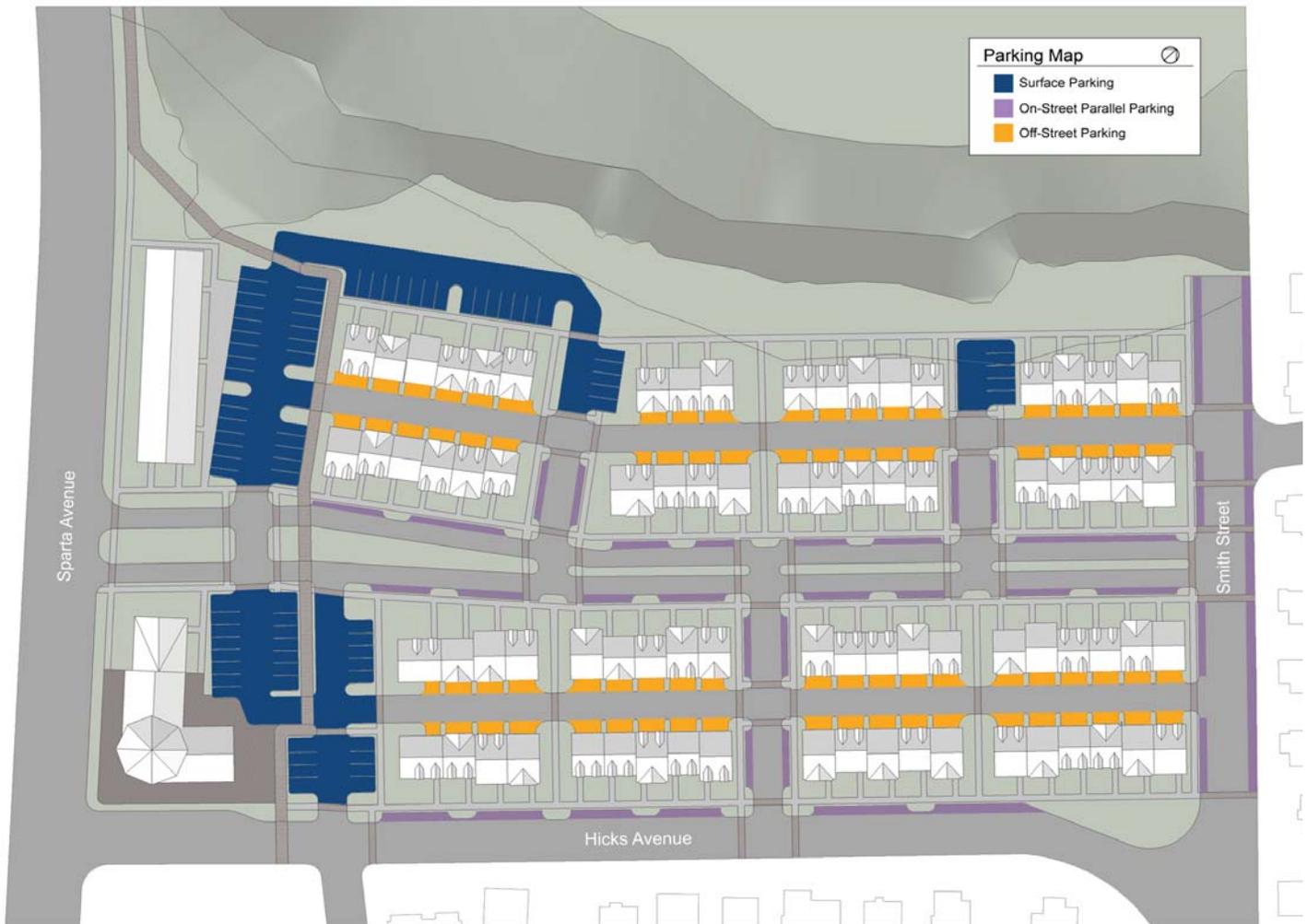
SECTION 8.0

Areas designated for parking are shown in the Parking Plan below. The Parking Plan illustrates appropriate and potential locations for off-street parking, including driveways (all 'townhouses' in the Plan have garages), and on-street curb edge parking. The exact off-street parking configuration, including the sizes and the locations for driveways, will be determined by the Site Plan submitted by the developer. However, several minimum standards apply to the Area as a whole.

1. Residential – Minimum of two (2) spaces per dwelling unit. An exception being for end units with ground floor living space, which must have one (1) garaged space per dwelling unit. Spaces can include garaged and/or driveway aprons on-site, or in adjacent on-street parking areas.
2. Commercial
 - A. Restaurants: One (1) space for every three (3) seats.

B. Retail: One (1) space for the first 500 sq. ft. and one space for each additional 300 sq. ft.

3. On-street parking will not count toward fulfilling the parking requirements for any parcel in the Area. On-street parking is considered supplemental parking for visitors, etc.



1. Water supply: in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-5, except where pre-developed site conditions such as collection and/or recycling of rain water allows for an offset in water supply requirements. Provision for rain water collection and recycling must be factored into the water supply management program, and are required unless the developer receives a waiver from the Newton Planning Board.
 2. Sanitary sewers: in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-6.
 3. Storm water management: in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-7, except where pre-developed site conditions such as impervious coverage allow for an offset in stormwater management requirements. Provision for green roofs, water gardens and recycling of rain water must be factored into the storm water management program, and are required unless the developer receives a waiver from the Newton Planning Board.
 4. Lighting: Non-corrosive ornamental lighting shall be provided and shielded to direct illumination downward for streets, residential lanes and sidewalks sufficient to ensure safe and convenient night time use.
 5. Common Ground: In a residential neighborhood, any ownership and maintenance of common open areas, recreation areas, access drives and parking areas is to be provided by a homeowners association.
 6. Recycling and solid waste removal: Adequate facilities as determined by the Planning Board shall be provided for the collection and removal of recyclables and solid waste. The solid waste and recyclables shall be picked up curbside for single family dwellings with frontyard driveways and picked up from the residential lane for single family dwellings with a rear residential lane.
 7. Snow removal: Adequate facilities shall be provided for the removal of snow from the common areas by the homeowners association.
- general public.
1. All utility distribution lines and utility service connections from such lines to the Project Area's individual uses shall be located underground, including utility boxes. Utility appliances, regulators, transformers, and metering devices shall be located underground but not in the planting strip between the curb and sidewalk. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
 2. If it becomes evident to the Planning Board and the Municipal Engineer during the implementation of this development that a long term utility and infrastructure plan is needed and desired, a Utility Plan which shall include the on-tract and off-tract infrastructure improvements needed to serve the development, shall be provided by the designated developer.
 3. No development of any parcel in the Plan Area that results in an increase in wastewater from that parcel shall be permitted until the planned project wastewater piping systems for the removal of effluent and stormwater are approved by the Town Engineer and the Newton Utility Advisory Board; and the municipal wastewater piping systems for the removal of effluent and stormwater are certified by the Town Engineer and the Newton Utility Advisory Board as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as determined by the Planning Board, Town Engineer and the Newton Utility Advisory Board.
 4. All utilities, with the exception of stormwater, shall be located underground, placed under the sidewalk.

All places related to utilities, infrastructure, stormwater management, water, sewer, and wireless proposed for this Area shall be subject to approval by the relevant Town authority. In addition, the following requirements shall be met by any proposed Plan for the Area.

The designated developer shall satisfy Town requirements, by which the provision for the necessary utilities is accomplished in a way that advances the health, safety, and welfare of the

The Plan shall meet Town of Newton and New Jersey Department of Environmental Protection stormwater management requirements.

Stormwater management measures incorporated into the plan must emphasize to maximum extent practical, natural nonstructural strategies to control stormwater runoff. The nonstructural strategies to be used include:

1. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss.
2. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces.
3. Maximize the protection of natural drainage features and vegetation.
4. Minimize the decrease in pre-construction "time of concentration".
5. Minimize land disturbance including clearing and grading.
6. Minimize soil compaction.
7. Provide low maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of fertilizers and pesticides.
8. Provide vegetative open-channel conveyance systems discharge into and through stable vegetated areas.
9. Provide preventative source controls.

A Potable Water Conservation Program must be developed as part of the Plan (see page 25). Sustainable techniques to address and utilize stormwater runoff must be included in the Plan (unless the developer receives a waiver from the Newton Planning Board). These techniques would include the construction of green roofs, water cisterns and the use of stored water for irrigation and other non-potable uses. Such techniques would mitigate the effects of stormwater runoff and lessen the volume needed in stormwater detention facilities, but as significantly, would mitigate the demands on the allocation of limited potable water resources from the Town.

Stormwater Detention Facilities will be required to meet stormwater management requirements. The sizing of these detention facilities should take in consideration non-structural strategies, green roofs, and other technologies and methods proposed to capture stormwater runoff.

See Section 7.8 in the Landscape Plan for recommended alternatives for the treatment of stormwater detention facilities for the project.



SECTION 9.0

Validity of the Plan

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

Zoning Map Revisions

The Zoning Map of the Town of Newton is hereby amended and shall be revised to show boundaries of the Hicks Avenue Redevelopment Area and identify the district as the "Hicks Avenue Redevelopment Area". In addition, the Zoning Map of the Town of Newton is hereby amended and shall be revised to show boundaries of the Hicks Avenue Redevelopment Plan and all provisions of this Plan shall apply. This Redevelopment Plan shall supersede all provisions of the Newton Zoning Ordinance for this Area. Any zoning-related question that is not addressed herein shall refer to the Newton Zoning Ordinance for guidance. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein. Upon final adoption of this Plan by the Town Council of Newton, the Newton Zoning Map shall be amended to rezone the Redevelopment Area covered by this Plan as the Hicks Avenue Redevelopment Plan Area, and all underlying zoning will be voided.

Parcelization

The diagrams, images and other graphic representations provided in this Redevelopment Plan are intended to complement the written standards and regulations contained herein. Nothing in this Redevelopment Plan shall preclude the partial redevelopment of a block depicted in such diagrams, images or other graphic representations, provided that such subdivision or re-subdivision and partial redevelopment of a block is fully in conformance with the written standards, diagrams and regulations contained herein. (Such parcelization of any disposition parcel shall be subject to approval by the Planning Board and shall be reflected within the Redeveloper Agreements as may be executed between the Redevelopment Entity and such Redevelopers as may be designated by the Redevelopment Entity).

Amendment to the Hicks Avenue Redevelopment Plan

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

As development occurs within the Area, development

priorities and market demands may change. This Plan should have the adaptability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.

Variations in Site Plan Design

Modifications from standards which are expressly stated to be "mandatory" under the Land Use Regulations of this Plan, including the breakdown of building areas among individual development blocks, may be approved by the Planning Board only by formal grant of a deviation as provided.

Deviations

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

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

No deviations may be granted which will result in permitting:

1. A use or principal structure in a district restricted against such use or principal structure.

2. An expansion of a non-conforming use.
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district.
4. An increase in the permitted floor area ratio.
5. An increase in the permitted density.

In addition, no deviations shall be granted which have any one of the following effects:

1. Exceeding the maximum development capacity of either square footage or dwelling units, as required according to this Redevelopment Plan.
2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
3. Increasing or decreasing story height from that which is specifically permitted in the Architectural Regulations.
4. Varying in any way from the permitted and prohibited uses as set forth in this Plan.
5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

Plan Consistency Review

In accordance with N.J.S.A. 40A:12A-7, entitled "Adoption of Redevelopment Plan", this Plan will include any significant relationship of the Redevelopment Plan to (a) the Master Plans of contiguous municipalities, (b) the Master Plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52.18A-196 et al).

In accordance with N.J.S.A. 40:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as the "Local Redevelopment and Housing Law", the following statements are made:

- A. The Plan herein has delineated a definite relationship to local objectives as to the appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements using general regulations and the specific form based codes required in this Plan.
- B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of the Plan.
- C. The Plan has set forth proposed thoroughfare layouts and standards, land uses and building requirements for the Redevelopment Plan

Relationship to the Master Plan of the Town of Newton, Sussex County

The most recent Newton Master Plan Update was adopted by the Newton Planning Board in August 2008. This area is recognized in the Master Plan as a T-4 Neighborhood Services Area in the Transected Land Use Plan. The Master Plan also recognizes this Area as one in need of redevelopment activities given the context of the Area and its surrounding environs, distinguished by an incompatible and obsolete mix of uses, and the designation of the site as an Area in Need of Redevelopment.

Based on the above and other reviews, the Plan is in compliance with the Newton Master Plan.

Consistency of the Redevelopment Plan with the New Jersey State Development and Redevelopment Plan

On March, 2001, the State Planning Commission ("SPC") adopted the new State Development and Redevelopment Plan ("SDRP"). The SDRP establishes a proposed statewide planning framework that is designed to maintain and revitalize existing cities and towns and organizing new growth in "Centers" – compact, mixed-use communities that provide a variety of choices in housing, employment opportunities, entertainment, services, transportation and

social interaction. The Town of Newton is divided into the Rural/Environmentally Sensitive Planning Area (PA4B) and Environmentally Sensitive Planning Area (PA5). However, the entirety of Newton is within the Regional Center boundary as designated by the SDRP. According to the State Plan, the intent of the PA4B and PA5 Planning Areas is to:

- Guide development and redevelopment into designated Centers;
- Provide for a full range of housing choices (primarily in Centers);
- Promote economic activities within Centers that complement and support rural communities;
- Minimize potential conflicts between development, agricultural practices and sensitive environmental resources.

The State Plan recommends adopting the principles of Smart Growth and maximizing sustainability. The Plan for Hicks Avenue is consistent with the intent of the Metropolitan Planning Area as enunciated in the SDRP. The Redevelopment Plan will advance the SDRP's objectives for physical and economic redevelopment, environmental sensitivity and improved quality of life. Therefore, the Hicks Avenue Redevelopment Plan is consistent with the goals and objectives of the 2001 SDRP.

Relationship to Zoning Ordinance

The Area is currently zoned M-1: Limited Industrial and the immediate surrounding area is zoned R-2: Low and Medium Density Residential District. Residential uses are not permitted in the M-1: Limited Industrial District. The Redevelopment Plan for this area would call for a change in permitted uses to bring this isolated conflicting land use into better congruency with the surrounding R-2 residential neighborhoods.

Consistency of the Redevelopment Plan with Master Plans of Municipalities Adjacent to Newton

No conflict is determined to exist between the Hicks Avenue Redevelopment Plan and the Master Plans of Andover Township, Fredon Township or Hampton Township.

Project Plan

All redevelopers shall submit a Project Plan to the Planning Board identifying their specific project area within the overall Redevelopment Plan. The specific project submission for review and approval must identify bulk distribution, open spaces and parks, street improvements, building elevations, typical floor plans, and a program of uses. Utility location and capacity, detention, and landscape plans must also be presented. The Planning Board must be satisfied that the project meets the requirements and the goals and objectives of this Plan and the specific form based standards for streets and blocks, providing for a satisfactory diversity of type, size and use, height of buildings, designated landscape features and other amenities and the projected timing of same.

40A:12A-15. Implementation of Redevelopment Plan

In accordance with the provisions of a Redevelopment Plan adopted pursuant to Section 7 of P.L. 1992, c.79 (C.40A:12A-7), a Municipality or Redevelopment Entity may proceed with clearance, re-planning, conservation, development, redevelopment and rehabilitation of an Area in Need of Redevelopment. With respect to a redevelopment project in an Area in Need of Redevelopment, the Municipality or Redevelopment Entity, upon the adoption of a Redevelopment Plan for the Area, may utilize any of the powers set forth in C.40A:12A-1 et seq..

Redevelopment Agreement

No project shall be undertaken within the Area except pursuant to a Redevelopment Agreement approved by the Redevelopment Entity. The Agreements will be constructed on a project by project basis. This requirement may be waived at the Redevelopment Entity's discretion for minor projects.

Acquisition Plan

There are eight (8) parcels within the designated Redevelopment Area, as illustrated on the Block & Lot Map on page 8. These are all designated for acquisition in order to realize the Redevelopment Plan.

Development Review Process

Preliminary Design Review

All projects in the Area shall be submitted to the Planning staff for a preliminary design review prior to submission of an application to the Planning Board. Applicants are required to attend a workshop meeting with the Planning staff or its designated Design Review Professionals. The meeting(s) will be used to determine if the proposed redevelopment project is consistent with the Redevelopment Plan and conforms to the core design concepts, building requirements, and architectural design guidelines of the Hicks Avenue

Redevelopment Plan and to provide an opportunity for comment and recommendations on the proposed project by the Redevelopment Entity and its professionals. Preliminary design review shall focus on how the proposed project relates to and coordinates other elements and phases of the Redevelopment Plan and how the streets, blocks, open spaces, building uses and typologies are integrated with and contribute to the quality and function of the layout and design as presented in the Redevelopment Plan. Prior to the approval of all or a portion of the redevelopment project by the Planning Board, the Design Review Professionals shall provide recommendations to the Planning Board regarding the extent to which the proposed project is consistent with the Hicks Avenue Redevelopment Plan and adequately addresses the design guidelines contained in the Plan.

Planning Board Review

Pursuant to N.J.S.A. 40A12A-13, all development applications for development of sites governed by the Redevelopment Plan shall be submitted to the Planning Board of Newton for review and approval. The following provisions shall govern review of any proposed redevelopment and rehabilitation projects for these sites:

1. Prior to the commencement of: (a) any new construction; (b) reconstruction; (c) rehabilitation; or (d) any change in the use of any structure or parcel, a site plan for such shall be submitted by the property owner to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with (a). through (d). above, without site plan review and approval of such work by the Planning Board.
2. The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq., the Town's Land Development Ordinance, and this Redevelopment Plan.
3. As part of the site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees for on-tract street improvements and appurtenant utility improvements pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the Town of Newton and the Town Engineer shall determine the amount of any performance guarantees.
4. Any subdivision of lots or parcels of land within the Redevelopment Plan shall be in compliance with the Redevelopment Plan and reviewed by the Planning

Board pursuant to the Local Redevelopment and Housing Law (LRHL) and N.J.S.A. 40:55D-1 et seq.

5. Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. A use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building structure has been "destroyed."
6. No variances, deviations, or waivers may be granted by the Planning Board which will result in permitting a use prohibited or not expressly permitted within this Redevelopment Plan or which will result in a density that exceeds the densities permitted in this Plan.
7. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyance between the redeveloper and municipality pursuant to Local Redevelopment and Housing Law.
8. Any and all definitions contained within the Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Town's Land Development Ordinance shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12-3 shall be invalid, and the statutory definitions shall control.
9. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Town's Land Development Ordinance and New Jersey law. Additionally, a redeveloper shall be required to pay for their proportional share of the cost of any studies, plans, reports, or analysis prepared by the Town or its design professionals as part of the Redevelopment Plan review. Any such payments are required to reimburse the Town or the Redevelopment Entity.
10. Infrastructure improvements generated by the project shall be paid for by the redeveloper, including any related off-tract improvements.

and/or resolution according to law. If a Court of competent jurisdiction finds any word, phrase, clause, section or provision of the Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severed, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

As a courtesy, all Site Plans will be provided by the developer to the Sussex County Planning Board for their information.

Pursuant to N.J.S.A. 40:27 - 6.2, any subdivision application relating to this Redevelopment Plan shall be provided by the developer to the Sussex County Planning Board for its review and comment.

The above provisions are all subject to approval by ordinance

Schedule for Performance

Any site plan executed for purposes of implementing this Redevelopment Plan shall contain a schedule for performance for the construction of the improvements. In addition to a schedule for commencement of improvements, such Plans shall include a schedule that indicates the approximate time period for property acquisition, development approvals, construction permits, relocation, etc. required prior to construction as well as a projected date for project completion. The Plan shall also set forth the interim uses for the property and the duration of the period during which such interim uses will be in place.

Duration of the Plan

The provisions of this Plan specifying the redevelopment of the project Area and the requirements and restriction with respect thereto shall be in effect for a period of twenty (20) years from the date of approval of this Plan by Town Council of the Town of Newton or until such a time that a Certificate of Completion is issued, as described below.

Phasing

The Planning Board shall have the discretion to require a suitable mechanism to insure a balanced development of planned open space, commercial services and infrastructure to service the Redevelopment Plan Area.

A. Phasing Plan:

Any applicant seeking to develop properties located within this Redevelopment Plan Area shall be required to provide a Phasing Plan for review and approval by the Newton Planning Board, which shall establish the parameters under which public improvements which are the subject of the application for site plan approval shall be constructed in conjunction with permitted residential development. "Public Improvement" includes, but is not necessarily limited to, any and all of the following: 1) the mandatory improvements identified in Landscape Plan; and 2) the mandatory improvements identified in the Mobility Plan. The Plan shall set a schedule for completion of Public Improvements within the property owned or controlled by the applicant in which the percentage of completion of public improvements is approximately equal to or greater than the percentage of completion of all other development on property owned or controlled by the applicant.

B. Additional Requirements:

The Public open space improvements shall be constructed contemporaneously with any development of the surrounding blocks.

Certificates of Completion and Compliance

Upon the inspection and verification by the Redevelopment Entity that the redevelopment of a parcel has been completed, a Certificate of Completion and Compliance shall be issued to the Redeveloper as such parcel shall be deemed no longer in need of redevelopment. At the discretion of the Redevelopment Entity, the Redeveloper may submit a final Certificate of Occupancy for approval by the Redevelopment Entity to serve as the Certificate of Completion.

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Town Council of the Town of Newton. The Redeveloper Agreement may include provisions for a Certificate of Project Completion in accordance with the Redevelopment Plan.

Non-Discrimination Provision

No covenant, lease, conveyance or other instrument shall be effected or executed by the Town Council of the Town of Newton or by a developer or any of its successors or assigns, whereby land within the Redevelopment Area is restricted by the Town Council of the Town of Newton, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. There shall be no restrictions of occupancy or use if any part of the Redevelopment Area on the basis of race, creed, color or national origin.

Affordable Housing

The site must meet all current New Jersey Council on Affordable Housing (COAH) standards as are related to this Area at the time of Site Plan application, provided that, a minimum of twenty percent of the residential units in any development undertaken under this Plan must be affordable units as that term is defined by COAH. Alternatively, a developer may construct a number of affordable units on an alternative site equivalent to twenty-five percent of the residential units constructed by the developer within the Area.

As defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), an inventory must be completed of all housing units affordable to low and moderate income households present within the Area that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

In addition, a plan must be prepared for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit if present in the Area, that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Any displaced residents of existing housing units within the Area, provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation.

If applicable, to the extent reasonably feasible, replacement housing of any existing housing shall be provided within or in close proximity to the Area. The municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.).

Environmental Standards

The site must meet all current New Jersey Department of Environmental Protection standards as are related to this Area at the time of site plan application.

Project Signs and Advertising

In order to facilitate the overall redevelopment of the Area, and to encourage further investment in the surrounding area and the Town of Newton in general, all advertising, signage, renderings and other promotion of the development and redevelopment of the Area shall contain references to the proposed project's location in Newton, so as to promote the positive aspects of the project, the Hicks Avenue Redevelopment Plan and the Town of Newton.



SECTION 10.0

Acknowledgements

Newton Mayor:

Joseph Ricciardo	Mayor
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Town Council:

E. Kevin Elvidge	Deputy Mayor
Thea Unhoch	Councilwoman
Kristen Becker	Councilwoman
Helen LeFrois	Councilwoman
Raymond Storm	Former Councilman
Philip Diglio	Former Councilman

Newton Planning Board:

Marge Lake McCabe	Chairperson
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Newton Professional Staff:

Thomas D. Russo, Jr.	Town Manager
Eileen Kithcart	Former Town Manager
Debra Lockwood Millikin	Community Development Director/ Deputy Town Manager
Jessica C. Caldwell	P.P., A.I.C.P., Planner
Cory L. Stoner	P.E., C.M.E., Engineer

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April Geruso	
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Daniel Sheen	
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