



# Sparta Avenue Redevelopment Plan

Town of Newton, New Jersey

**Adopted: March 23, 2009**  
**Ordinance # 2009-6**



This document was signed and sealed on March 23, 2009 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Ross Sheasley, PP  
A. Nelessen Associates, Inc  
Professional Planner #594000

THIS PLAN WAS DEVELOPED, IN PART, USING NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GEOGRAPHIC INFORMATION SYSTEM DIGITAL DATA, BUT THIS SECONDARY PRODUCT HAS NOT BEEN VERIFIED BY NJDEP AND IS NOT STATE-AUTHORIZED.

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## SECTION 1.0

On March 16, 2005, the Planning Board of the Town of Newton recommended the designation of the area comprising Block 1104, Lot 21 (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 April 25, 2005, the Newton Town Council so designated Block 1104, Lot 21 as an Area in Need of Redevelopment (the "Redevelopment Area"). Additional notice was sent to the property owner, Leeds Terminal, Inc., on April 10, 2008, pursuant to DeRose v. Town of Harrison, which was decided well after the designation of the Redevelopment Area.

This Plan also governs a portion of the Town of Newton Rehabilitation Area, namely the public streets and Rights-of-Way of Sparta Avenue, Merriam Avenue and Pine Street which are adjacent to the Redevelopment Area as shown on the Local Context Map found on page 3 (the "Rehabilitation Area" together with the Redevelopment Area, the "Area"). The Rehabilitation Area was designated by the Town of Newton pursuant to the Redevelopment Law on April 23, 2007.

The Area is located on the Sparta Avenue corridor, in an area, or district, of Newton which has historically been the manufacturing and industrial center of the Town. The site, which makes up the Area, was used for the processing of silk and fabric manufacturing from the inception of the Sterling Silk Company in 1896 until the early 1960's.

In the early 1960's, the facility's use changed from fabric production to the production of plastic products. The Area was occupied by Newton Plastics Company from the 1960's until manufacturing operations were terminated on the site in 1992. In 1993 the facilities and structures on the site were demolished, with the exception of a small storage building located to the rear of the site. The site has remained vacant since 1993.

Redevelopment of this Area is an integral piece of the realization of the Newton Urban Design Plan, adopted in 2006, which calls for the district surrounding the Area to become a "neighborhood center". According to the New Jersey State Development and Redevelopment Plan (the State Plan), neighborhoods are defined by walking distances and contribute to a balanced mix of uses and activities. The State Plan indicates that the identity of a neighborhood is most commonly achieved through the manipulation of the physical design features and/or by offering a unique facility or range of uses.

According to the State Plan, a neighborhood center is the

central focus for a neighborhood, reflecting the neighborhood's physical character and density. The neighborhood center may be an employment center, may offer neighborhood-oriented retail and services along with housing, civic uses and centrally located green space. The State Plan indicates that a neighborhood center is generally within a 10-minute walking distance from what is considered the neighborhood edge, in this case being about the intersection of Merriam Avenue with Patterson Avenue.

Redevelopment of this Area is also a first step towards the revitalization of the Sparta Avenue corridor.

The Area is located approximately one half mile to the south of the central business district of Newton and along what is referred to in the Newton Urban Design Plan as the Spring Street - Sparta Avenue "spine" of the Town. The Area is within the section of Newton which developed as the Town's industrial and manufacturing base in the mid to late 19th century. This development as a manufacturing district was facilitated by its proximity to the Sussex Branch Railroad which ran roughly parallel to Sparta Avenue. The Area has frontage along Sparta Avenue, Merriam Avenue and Pine Street.

The district surrounding the Area is currently a mixture of light industrial, commercial and residential land uses. The Merriam Gateway complex, located across Sparta Avenue from the Area, is an adaptive reuse of a former industrial factory, converted into residential units and commercial space. The surrounding district is in the process of evolving from incompatible adjacent land uses to more appropriate and compat-

ible land uses, which fit within the vision of the future of Newton as well as its designation under the State Development and Redevelopment Plan (State Plan) as a "Regional Center". The former industrial uses and documented contamination found within the Area are in conflict with the surrounding residential and commercial development.

The boundary of the Area is shown with the red line on the Local Context Map below. This Redevelopment Plan calls for the Area, and adjacent street rights-of-way, to be developed as a "neighborhood center", with some combination of mixed-use (ground floor commercial space with other uses on floors above), research and development (R&D), and/or commercial/light industrial development. Mixed-use development, if any, would be limited to the frontage of the Area along Sparta Avenue.



Area Governed by the Plan

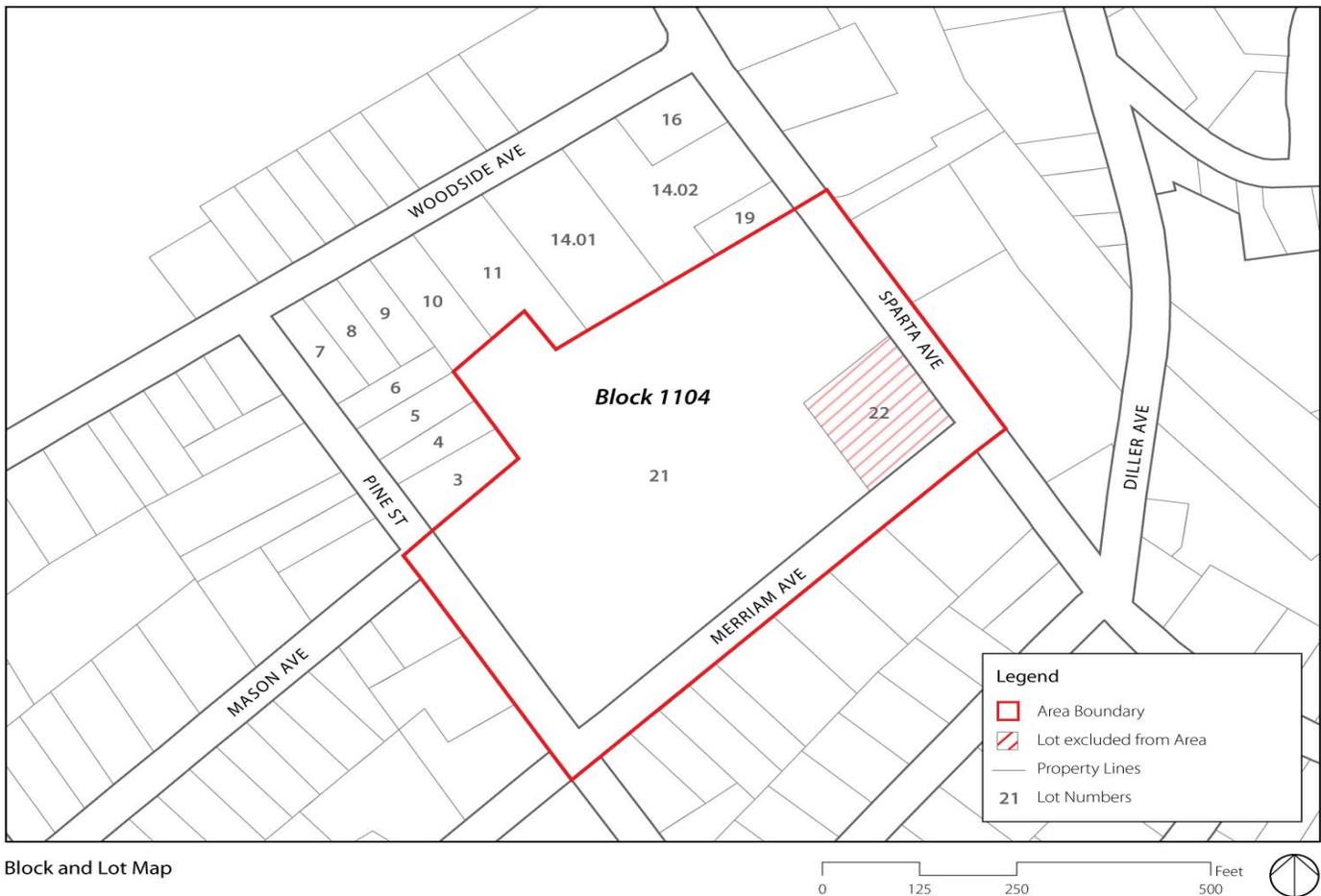


## 1.3 BLOCK AND LOT MAP

The Redevelopment Area consists of one parcel, Block 1104, Lot 21, located at Sparta Avenue. The Redevelopment Area measures 5.63 acres and is irregularly configured, with frontage along Sparta and Merriam Avenues and Pine Street. The site was utilized for manufacturing until 1992. With the exception of a storage shed located to the rear of the parcel, the property has remained vacant since 1993, when the primary industrial buildings on the site were demolished.

The Area is located approximately one half of a mile south of the Central Business District of Newton, and is surrounded by residential and commercial land uses. Residences fronting on Pine Street abut the Area to the west, and commercial properties fronting on Woodside and Sparta Avenues abut the Area to the north and east. One lone residential property fronting on Sparta Avenue abuts the Area to the north. However, there is no residential development within the Area.

The Area is shown on the Block and Lot Map below, illustrating the layout of the parcel and adjacent rights-of-way which makes up the Area as well as the surrounding parcels and streets.



This Plan has been prepared in furtherance of the Town of Newton's determination on April 25, 2005 by Council Resolution # 65-2005 that the Redevelopment Area meets the statutory criteria for designation as an "Area in Need of Redevelopment", pursuant to N.J.S.A. 40A:12A-6, and the Town's determination on April 23, 2007 by Council Resolution #70-2007 that the Rehabilitation Area meets the statutory criteria for designation as an "Area in Need of Rehabilitation" pursuant to N.J.S.A. 40A:12A-14.

### 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 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. The Plan's 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 Area;
3. The plan for the temporary and permanent relocation of any displaced businesses and/or residences, if any;
4. The plan for replacement of affordable housing, if any, to be removed as a result of the implementation of this Plan;
5. The identification of any property that may be acquired in accordance with the Redevelopment Plan;
6. Any significant relationship of the 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); and
7. Its relationship to the development regulations of the municipality.

B. This Redevelopment Plan will also contain:

1. Standards for the redevelopment of the properties as mixed-use, research and development, and/or commercial and light industrial 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; and
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 Area may be redeveloped.

The basic elements of this Plan, including the design of the streets and circulation networks and the general massing of the buildings, are conceptual and are illustrated in this document 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 economic and aesthetic impact on the Town of Newton.

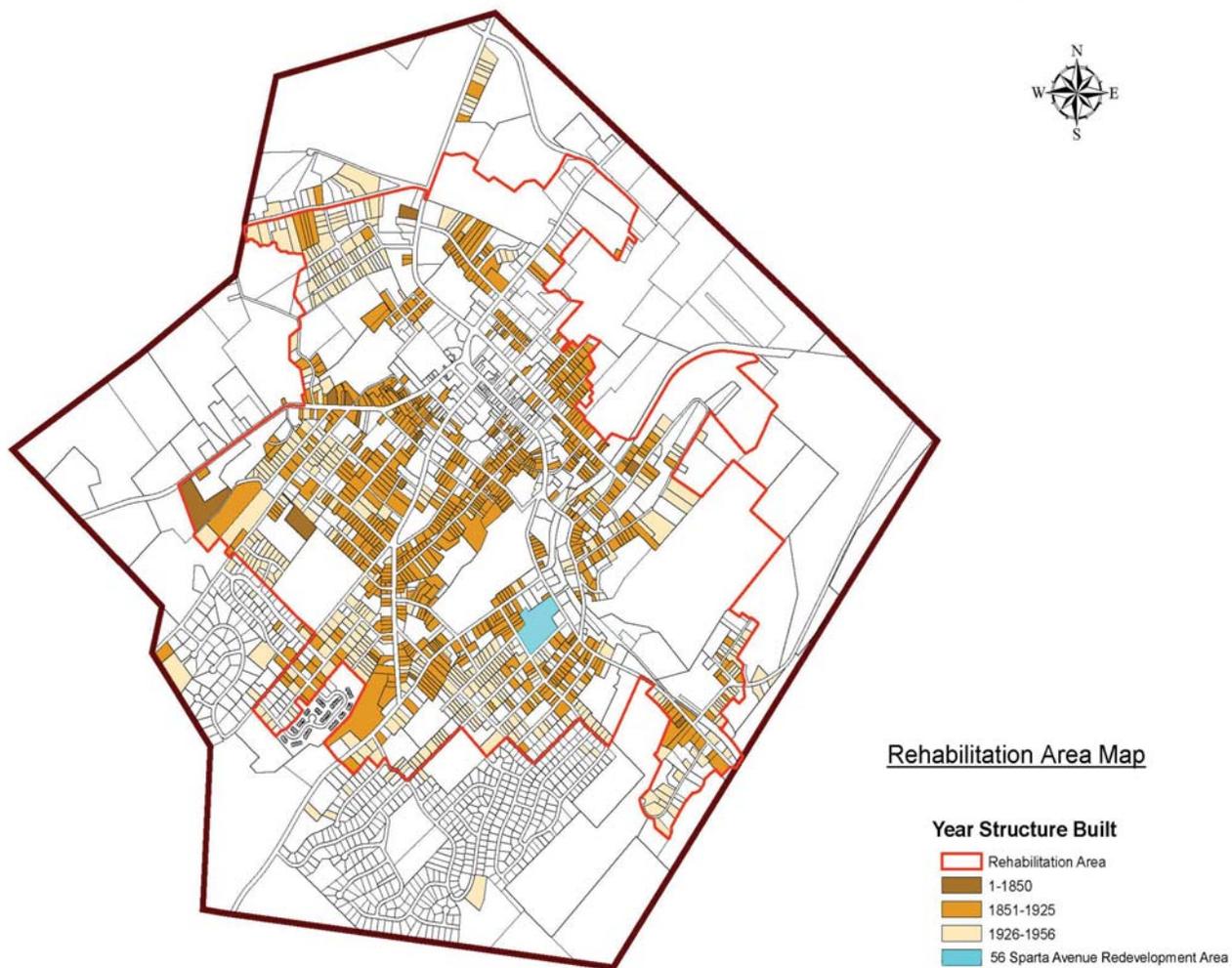
The redevelopment of the Area is part of a larger pattern of revitalization occurring in Newton. This process was first spearheaded by the Newton Mayor and Council, who recognized the need for a community vision of the future of Newton, resulting in the Newton Urban Design Plan.

The Newton Urban Design Plan is a community-oriented Vision plan for the future of Newton which was adopted in early 2006. 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.

Revitalization of the Town will occur 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 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 on average are 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 Urban Design Plan, which recommends the transformation of the entire length of the Sparta Avenue/Spring Street corridor, or the "spine" of the Town, into a pattern of more traditional vehicular and pedestrian-balanced neighborhoods and streets, allowing a diverse range of local and regional residential, commercial and office uses.



Data provided by Harold E. Pellow & Associates, Inc.

## Redevelopment Goals

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

1. To eliminate the continuing blighting influences on the surrounding community from this long-vacant property.
2. To allow for more efficient use of land and to expand the Town's tax base.
3. To allow context appropriate commercial and/or light industrial activity. The Town is committed to retaining economic activity and jobs within the Town as well as fostering additional economic activity and job creation in Newton.
4. To establish a pattern of redevelopment along the Sparta Avenue corridor 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.
5. To create a well planned development which will provide expanded opportunities for a mix of uses within the Town and region that also has the potential for sound development which improves the overall quality-of-life.
6. To provide a system of streets, sidewalks, crosswalks and open spaces that encourages a safe, engaging and pedestrian-friendly experience.
7. To enhance the positive visual character and safety of the Area through building placement and design, landscaping and streetscape improvements.
8. To provide flexibility of building design, while incorporating modern technologies and reflecting the architectural design vocabulary (design characteristics) of the surrounding neighborhood and the Town of Newton, and respecting the historic character of Newton.
9. To encourage placement of buildings and construction techniques that will contribute to future sustainability and energy conservation and minimize the "carbon footprint".
10. To provide for an intensity of uses and quality streetscapes that would encourage walking and bicycling to and from the Area.
11. To increase the amount of green space within the Sparta Avenue - Spring Street corridor.
12. To provide vehicular circulation and parking options to minimize impacts on the existing roadways and adjacent residential uses.
13. To create building forms and design that set a new standard for the overall aesthetic appearance of the Area and surrounding neighborhood.
14. To further environmental sustainability through creation of a mandatory Potable Water Conservation Program by which stormwater is recaptured, stored and used

for landscape irrigation and non-potable uses within commercial, manufacturing and/or retail structures. Unless it can be demonstrated by the redeveloper to the Town's reasonable satisfaction that such a program is not feasible.

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 Area, a variety of redevelopment actions are necessary, including but not limited to:

1. Acquisition and assembly of land for the construction of the proposed uses set forth in this Plan. These uses may include: roadways, mixed-use, research and development and/or commercial/light industrial, green space and pedestrian spaces/walkways.
2. Clearance of all dilapidated and underutilized structures.
3. Improvement of streetscapes.
4. Construction of 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 Exemption Law, N.J.S.A. 40A: 20-1 et seq.



## SECTION 2.0

Existing Conditions

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The Town of Newton has recently completed a Master Plan update, which was adopted by the Newton Planning Board on August 13, 2008. The updated Master Plan recommends the separation of the Town's land uses into form-based SmartCode Transect Zones. This change in land use designation reflects the community-based vision illustrated in the Newton Urban Design Plan, adopted in 2005.

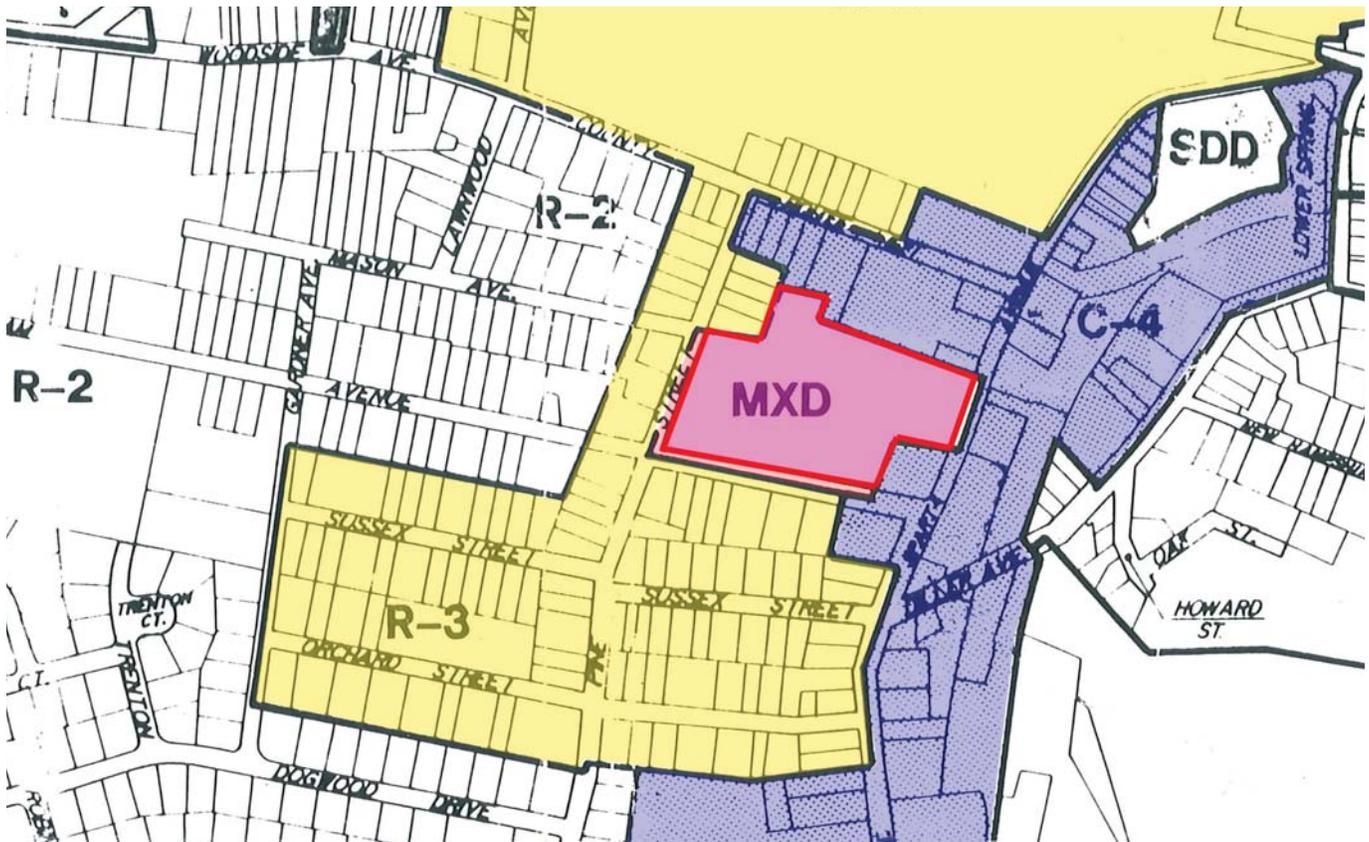
Under the 1996 Master Plan, which was amended in 2003, the Area was designated as a MXD (Mixed-Use Development) district, which allows for a mix of residential, commercial/retail and service uses (See map below). The Area abutted the former C-4 General Commercial District on its northern and eastern boundaries and the R-3 Residential district extended to the south and west from the Area.

Under the new land use designation in the 2008 Master Plan (See Transect Zoning Map on following page), the Area is located within both the T-5 Zone (Town Core Support Area / Neighborhood Cores) and the SD-5 Zone (Office/ Manufacturing District). Adjacent Transect zones include the T-5 Zone across from Sparta Avenue; the T-4 Zone (Neighborhood Services), located adjacent to the Area on Block 1104; and the T-3 Zone (Neighborhood Residential), located on adjacent blocks to the East, South and West of the Area. The T-5 Zone would allow a range of commercial

uses including mixed-uses, retail and services, offices, hotels and mixed-use parking structures, as well as residential uses including townhouses, single-family detached dwelling units, duplexes, live/work units, residential flats over ground floor retail, multi-family flats (apartment buildings), and bed & breakfasts. The SD-5 Zone specifically addresses the Area and would allow a range of office and manufacturing uses including: offices; light manufacturing; industrial; research & development; recreation; mixed-use; live/work and multi-family dwelling units.

The proposed zoning set forth in this Plan is consistent with the 2008 Master Plan:

1. **Uses Permitted.** The following principal uses shall be permitted: mixed-use, research & development, (R&D); commercial/light industrial, including associated storage; general business and professional offices; personal service establishments (e.g. tailor, barber shop or beauty salon, branch banks); restaurants, retail stores and shops (excluding drive-in or curbside establishments); and green space; provided it is part of and integrated with other principal uses.
2. **Distribution of Uses.** Permitted uses may be distributed throughout the Area, provided that mixed-use containing retail space shall be limited to the Sparta Avenue

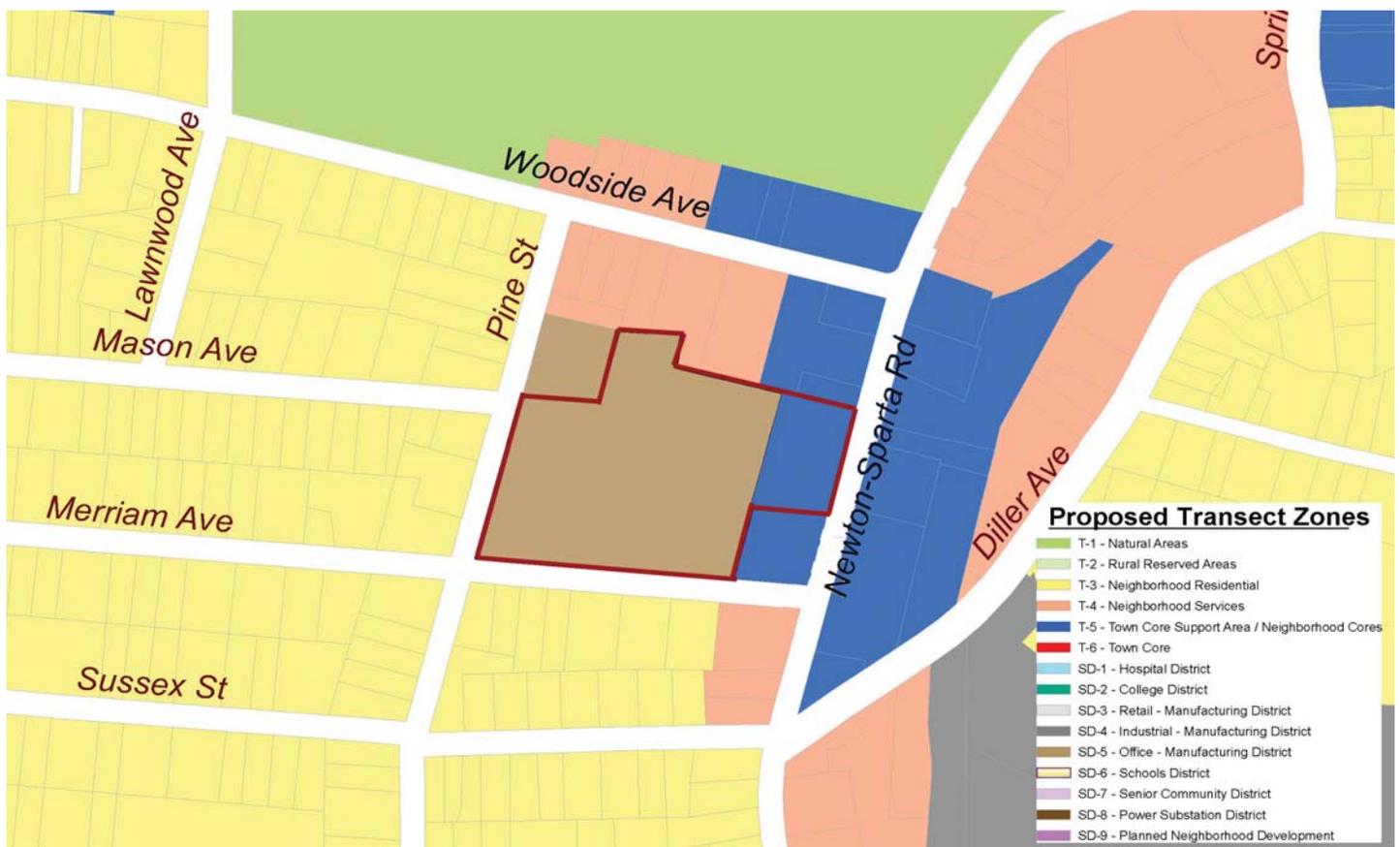


frontage.

3. Accessory Uses Permitted. Accessory uses and buildings customarily associated with, and subordinate to, permitted principal uses.

4. Minimum Tract Area. Five (5) contiguous acres, to be developed in accordance with a master site development plan.

5. Bulk Standards. All development shall conform to the bulk standards set forth for each permitted use in this Plan, and shall take into consideration the context of the surrounding SmartCode Transect Zones.



In the district surrounding the Area, former industrial brownfields are currently located adjacent to single-family residential development as well as commercial land uses. The Redevelopment Area, composed of industrial brownfields, continues to be a blighting influence on the surrounding community.

Facilities in the Area were used for the processing of silk and fabric manufacturing from the late 19th Century until the early 1950's and then for clothing production through most of the 1950's. Sometime in the later part of the decade or early in the 1960's, the facilities in the Area were converted from clothing manufacturing to the industrial production of plastic products. Plastics production continued in the Area until operations were terminated in 1992. The majority of the structures in the Area were demolished in 1993 and the site has been vacant since that time.

### Site Contamination

Prior to the demolition of the facilities located in the Area, the owner of the property at the time, Leeds Terminal, Inc., filed a Memorandum of Agreement with the NJDEP to resolve soil contamination issues stemming from an oil spill that occurred in 1988 and issues related to the removal of underground storage tanks.

As of late 2004, when "A Study to Determine the Need for Redevelopment" was completed for the Area, the issue of the oil spill and related soil contamination issues, as well as other possible environmental issues related to the manufacturing operations in the Area, remained unresolved with the NJDEP. At that time the Area was also listed as a "Known Contaminated Site" by the NJDEP and listed as a "Regulated Site" on the US EPA's list of environmentally impacted sites.

The Area has received a No Further Action (NFA) letter (with restrictions) from the NJDEP, dated September 9, 2007. The NFA indicates that the NJDEP has determined that there are no known soil or groundwater contaminants present in the Area, or that any contaminants that were present in the Area have been remediated in accordance with the terms set forth in the 1993 Memorandum of Agreement and applicable State regulations.

Due to contamination found on the parcel located across Sparta Avenue from the Area, the former U-Save Gas station, monitoring wells have been placed within the Area. It is presently unknown whether groundwater contamination from the U-Save parcel has any impact on the Area.

As of the writing of this Plan, the Town does not have all NJDEP documentation of environmental conditions related to this Redevelopment Area, and has requested a comprehensive review of all environmental documents related to this Redevelopment Area.

### Wetlands, Steep Slopes, Tree Cover

There are no identified wetlands or steep slopes which impact the Area. No significant tree cover is located on the site, except for some scrub trees located at the periphery of the Area.

### Constraints

There are no significant physical constraints within the Area. The most significant constraint to development is the irregular shape of the Redevelopment Area.

## Circulation

The primary vehicular access to the Area is from Sparta Avenue, which approaches Newton from Andover Township, located to the east. The Area also has frontage along Merriam Avenue and Pine Street, two residential streets.

Sparta Avenue is a high volume arterial and a county road. Traffic on Sparta Avenue is steady throughout the day in the district around the Area. Traffic is considerably heavier during the morning and evening rush hours on Sparta Avenue. Signalized intersections at Woodside Avenue and Diller Avenue meter traffic flow along Sparta Avenue, which makes ingress and egress from the Area more accessible.

As residential streets, Merriam Avenue and Pine Street are considerably less traveled than Sparta Avenue. While these streets serve primarily as residential streets, they are relatively low volume and have a secondary function as collector streets which distribute local traffic to Sparta Avenue and Woodside Avenue.

The Area abuts the intersection of Merriam Avenue with Pine Street, while another parcel, Lot 22, is at the corner of the block and separates the Area from the intersection of Sparta Avenue with Merriam Avenue.

Pedestrian accessibility to the Area is marginal. While sidewalks and curbs have recently been replaced along the Sparta Avenue frontage, there are no sidewalks along the Merriam Avenue or Pine Street frontages.

## 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*

Stormwater management within the Area will be in accordance with the Town of Newton Stormwater Management Regulations as well as the strategies articulated in this Plan to further lessen and mitigate stormwater runoff and lessen the impact on limited potable water resources.

### *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.

**DRAFT**





## SECTION 3.0

Terms in this Redevelopment Plan shall be defined as follows:

**Affordable Housing** – Housing that meets the definition set forth by the New Jersey Council on Affordable Housing (COAH).

**Area** – Shall mean collectively the Redevelopment Area and the Rehabilitation Area.

**Allowable Building Area** - That portion of the Redevelopment Area where development is permitted, excluding any setbacks and other constraints. It is defined by the foundation plan of the building(s) or structures, or footprint, not including other paved areas including streets, driveways, and walkways.

**Allowable Building Footprint** - The total area which comprises the shape and orientation of the ground floor of a developed building space. The total building area, including on-site loading, is included in the allowable building footprint.

**Buffer** – A landscaped area used to physically separate or screen one property from another so as to visually shield or block noise, lights, or other nuisances.

**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.

**Carbon Footprint** - The total set of greenhouse gas emissions caused directly and indirectly by an individual, organization, event or product.

**Cartway** – 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.

**Clerestory** - A high wall with a band of narrow windows along the very top. The clerestory wall usually rises above adjoining roofs.

**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.

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

**Design Professional** - A practicing Urban Planner or Designer, or architect, that has experience with redevelopment plans 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.

**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.

**Floor-Area-Ratio** – The gross floor area of all buildings or structures on a lot divided by the total lot area.

**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. 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.

**Gable** - The triangle formed by a sloping roof. A building may be front-gabled or side-gabled.

**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.

**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.

**Greywater** - Non-industrial wastewater generated from domestic processes such as dish washing, laundry and bathing.

**Internal Lane** - A low-volume street to serve primarily as access to mid-block for pedestrians and vehicles.

**Light Industrial** - Light assembly or fabrication which uses clean machine operation processes and where limited off-site impacts are generated.

**Lintel** - A horizontal block that spans the space between two supports.

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

**Mixed-Use** - A building or structure which can accommodate two or more land-uses. Mixed-use buildings may contain ground floor commercial, retail or services with offices and/or services located on floors above.

**Mullion** - The large vertical member between two adjoining windows.

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

**Parapet** - A low protective wall or railing along the edge of a raised structure such as a roof or balcony. It may serve as a decorative and/or functional feature of the building.

**Plan** – Shall mean this Sparta Avenue Redevelopment Plan.

**Potable Water Conservation Program** - A mandatory program prepared by the developer by which stormwater is recaptured, stored and used for non-potable use within industrial, retail or commercial structures as well as landscape irrigation. Unless it can be demonstrated to the Town's reasonable satisfaction that such a program is not feasible (see Redevelopment Goal #14 on page 8).

**Principal Structure** - A structure housing the main or principal use of the lot on which the structure is situated.

**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 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.).

**Sedum** - A plant genus containing several species suited for use in green roof construction. Sedum species are a common choice for rooftop applications because they have high water-retention capability, an ability to filter pollution, and are hearty.

**Semi-Public Edge (or Space)** – The yard area between the right-of-way line and building front, 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.

**Side light window** - A vertically framed area of fixed glass, often subdivided into panes, flanking a door.

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

**Signage, Directory** - Signage which indicates or lists the occupants, businesses and/or departments found in a building. Typically found on the front facade of a building adjacent to the main entrance or inside the main entrance.

**Signage, Identification** - Commercial signage that identifies a building, structure or business. Typically found on the front facade, either hanging from or mounted to the building, or as a free-standing or monument sign.

**Signage, Way-finding/Directional** - Signage that directs people to and around a locale, an area and/or place of business, or that helps people to orient themselves in a locale, area or place of business. Way-finding signage typically includes street signs and other directional signage.

**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 #14 on page 12).

**Story** - That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

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

**Streetscape** - A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, textured strip, street furniture, landscaping and planting edge, including trees and other plantings, awnings and marquees, signs, and lighting.

**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.”

**Textured Strip** - The area between the curb and the sidewalk that is paved with a permeable material like cobblestone or brick that allows water to seep through.

**Thoroughfares** - Rights-of-way for vehicles and pedestrians including Boulevards, Avenues, Streets and Lanes.

**Townscape** - The landscaping system established in a town.

**Transect Zones** - Establish a graduated level of density from the dense center core of the Town to the preserved and natural areas at the edges of the town. Transects are referenced from T6 (dense center core) to T1 (preserved and natural areas at the edges of the town). The 2008 Town of Newton Master Plan further describes each Transect Zone.

**Transom** - The window above the transom bar (a horizontal element that subdivides an opening, usually between a door and window) of a door.

**Void Area** - windows and other openings in a building façade.



## 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. **Mixed-Use Commercial:** Ground floor commercial, retail or services, with commercial, office and/or services located on floors above. Bulk shall be limited as per the Building Regulating Plan found further in this Plan. Appropriate commercial uses include: general office, research & development, retail, personal services, restaurants, cafes, galleries, convenience groceries and delicatessens (excluding 'drive-through' retail establishments).
2. **Commercial: Office/ Light Industrial/ Research & Development:** Professional offices, technology-based office and laboratory space, research and light manufacturing facilities, including associated storage, in a campus and/or neighborhood center setting.
3. **Open Spaces, Parks and Playgrounds:** Open spaces which may be utilized by development in the Area and/or the public. 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 uses:

1. Engineered green roofing systems.
2. Off-street parking and garages.
3. Kiosks.
4. Decks.
5. Fences and walls.
6. Signs.
7. Photo-voltaic (solar energy) panels.
8. Gazebos and trellises.
9. Limited recreational facilities.
10. Parks and Plazas.
11. Mailboxes, lampposts, flagpoles, driveways, paths, and sidewalks.

#### Interim Uses

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

Interim uses are restricted to:

1. Surface parking facilities.
2. Construction staging area.

The Land Use Plan below represents one conceptual layout of the permitted land uses within the Area.

The predominant land use in this Plan is commercial/ light industrial use, including research & development, office space and light industrial facilities, indicated on the Plan in purple. The design is to emulate the bulk and aesthetic qualities and building materials found in the Merriam Gateway residential and commercial complex across Sparta Avenue from the Area and should reflect the historic nature of the Town.

Indicated with red and gray hatching on the Plan, mixed-use development, with flexible interior space for a range of potential uses, is allowed fronting on Sparta Avenue. Mixed-use buildings typically have ground floor retail or services with other uses, such as office space, located on

the floors above. The mixed-use component allowed by this Plan forms one basis of a new neighborhood center in the environs surrounding this Area.

Green space fronting on Sparta Avenue, and a minimum 10 foot building setback, is indicated in green on the Plan. It is anticipated that additional green space will be provided in the interior of the Area, to be determined by the final site plan.

The configuration indicated below is conceptual and intended to represent possible land use and building 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 the boulevards, avenues, streets and alleys for the movement of both 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. 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.

Thoroughfare Plans include the Vehicular and Pedestrian Circulation Plans for the Area along with proposed Thoroughfare Regulating 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 thoroughfares. The Thoroughfare Sections illustrate the characteristics across the various thoroughfares. Each section also contains a table of specific characteristics that apply to that street or thoroughfare.

The thoroughfare improvements for Sparta Avenue, Merriam Avenue and Pine Street are expected to be a public/private venture. These improvements could include sidewalks, crosswalks, street trees, street lights, curbs and paving, as well as improvements to municipal infrastructure.

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

Streets will be integral public spaces for the Area. Streets function as the circulation for vehicles, bicycles, and pedestrians. The street network serves as the support system around the Area. Streets should be functional, beautiful, and safe. Streets include not only the cartway and curb, 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, spe-

cific 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.

Deviations to internal circulation within the Redevelopment Area shall be approved by the Planning Board. Deviations to streets within the Rehabilitation Area are anticipated and are allowed to accommodate the traffic improvements and flows or to accommodate new standards, but must be approved by the Town Engineer and County Engineering Department, as appropriate.

### 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 Area. Where necessary, streets should visually terminate in specific locations in order to provide physical and visual access to public places.
2. Each thoroughfare type 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.
3. All streets shall be open to the public, except for internal lanes, in order to provide access to and through the Area as appropriate. All streets shall be improved to finished specifications prior to the occupation of the buildings.
4. 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.
5. Wherever appropriate, all streets shall provide on-street, curbside parking available to the public, with the exception of any internal lanes.
6. 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.
7. The street improvements identified in this section include all infrastructure, paving base and surfaces,

sidewalks, street trees, street lights, and curbs to meet Town and County standards.

8. The thoroughfare sections are mandatory, except for deviations to the Plan approved by the Town's Engineer, Newton Planning Board and County Engineering Department, as applicable.

### 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 from the curb to the ROW edge shall be a minimum of ten (10) feet. The minimum unimpeded sidewalk width along Merriam Avenue and Pine Street shall be 4' 6", and a minimum buffer area between the curb and sidewalk of 2' 6" along the streets. The remaining width, of at least three (3) feet 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. 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 and 36).
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. All traffic signage must be in accordance with current MUTCD (Manual on Uniform Traffic Control Devices) guidelines.
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 shall 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, brick, and/or synthetic 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 four (4) stipulations:

1. Each structure shall be designed so as to accommodate easy, safe, and sanitary access to disposal facilities and recyclable containers.
2. Disposal and recycling pick-up shall be from a disposal facility, where accessible to a contracted hauler.
3. Disposal and recycling containers must be stored where they are not accessible to wildlife.
4. Disposal facilities shall be screened from the street and pedestrian realm.

The proposed Thoroughfare Regulating Plan calls for a network of streets surrounding the Area. Traffic traveling to and from the Area will be dispersed evenly through the existing street network. The existing street network provides several points of entry, so that both pedestrians and drivers can utilize the most convenient routes to the Area. The Thoroughfare Regulating Plan for the Area primarily addresses the streetscape edges and aims to facilitate the most efficient pedestrian and vehicular access to the site.

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 includes Major Arterials, Streets and Internal Lanes.

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

- Major Arterials - AM
- Streets - ST
- Internal Lanes - IL

The labels indicate the right-of-way width and cartway width. For example, ST: 50:32 is a "Street" with a 50 foot right-of-way and a 32 foot cartway width from curb to curb. The various types of thoroughfares and their locations are indicated on the Thoroughfare Regulating Plan below.

Sparta Avenue is designated a Major Arterial and much of the travel trips generated by development of the Area will utilize Sparta Avenue. Vehicular access to the Area will be by Merriam Avenue and Pine Street, designated as Streets in the Plan. Internal Lanes into the Area are not to intersect with Sparta Avenue. Because of the existing volume of traffic and new traffic generated by the Area's development, improvements are anticipated for the intersection of Sparta Avenue and Merriam Avenue to facilitate additional turning movements.

The streetscape is discussed in the Landscape Section of this Redevelopment Plan.



There are three (3) thoroughfare types in the Sparta Avenue Redevelopment 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 Town's Engineer. The developer must work with the County Engineer to determine the most appropriate ingress and egress to the Area.

The Major Arterial serves as the primary connection of the Area to the surrounding thoroughfare network. The major arterial adjacent to the Area is Sparta Avenue. Because it serves as a primary linkage and forms the "spine" of the neighborhood center as designated in the 2008 Master Plan and Newton Urban Design Plan, it must accommodate the pedestrian while facilitating traffic flow. In addition, a landscaped area fronting on Sparta Avenue, at a minimum width of 40 feet, is to function as green space which includes walkways, pedestrian amenities and plaza space as appropriate. Sparta Avenue could also accommodate parallel parking. It is likely that with this development and its impact on Sparta Avenue traffic movements, the intersection of Merriam Avenue and Sparta Avenue will require improvements. The scope of the improvements necessary will have to be coordinated with the Town's Engineer and the County Engineer, as Sparta Avenue is a County Road, and should be reflected in the final Plan submitted by the designated Redeveloper.

Streets connect the Area to the Major Arterial, Sparta Avenue, as well as the surrounding street network, which provides access to the Area from the South. Because the opposite sides of both streets are residential in character, the Streets in this Plan are to remain residential in character and provide moderate traffic, residential thoroughfare opportunities. All the streets are traditional, bi-directional, two-lane streets with parallel parking allowed on the side of the street adjacent to the Area. Because these are residential streets, they are pedestrian-oriented in design, providing tree-lined sidewalks along the residential frontages and Area. The street edge of all streets should be buffered with landscaping and decorative lampposts to enhance pedestrian circulation.

Internal Lanes are allowed to provide access to the inside of the Area. Municipal services such as waste disposal and recycling pick-up, and parking facilities could be accessed

from an internal lane. Internal lanes should be of a textured pavement material to lessen the emphasis on the vehicle. Appropriate materials include stamped, colored concrete, pavers and/or synthetic brick.

Each typology has a set of standards applicable to that type and corresponds to the Thoroughfare Section Plan (Internal Lanes are not included on 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 the Major Arterial and Streets have 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)  
Street - ST  
Internal Lane - IL

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

**Arterial - Major (AM 62:40)**

A Major Arterial is designed for higher volume traffic with surrounding mixed-use development and public green space. The Major Arterial adjacent to the Area (Sparta Avenue) is a heavily travelled County Route, lined with a mixture of land uses including multi-family apartments, pad commercial retail and single family residential. Depending on the final configuration of the Area's development, the major arterial will include one travel lane in each direction, with parallel parking on each side and green space between the right-of-

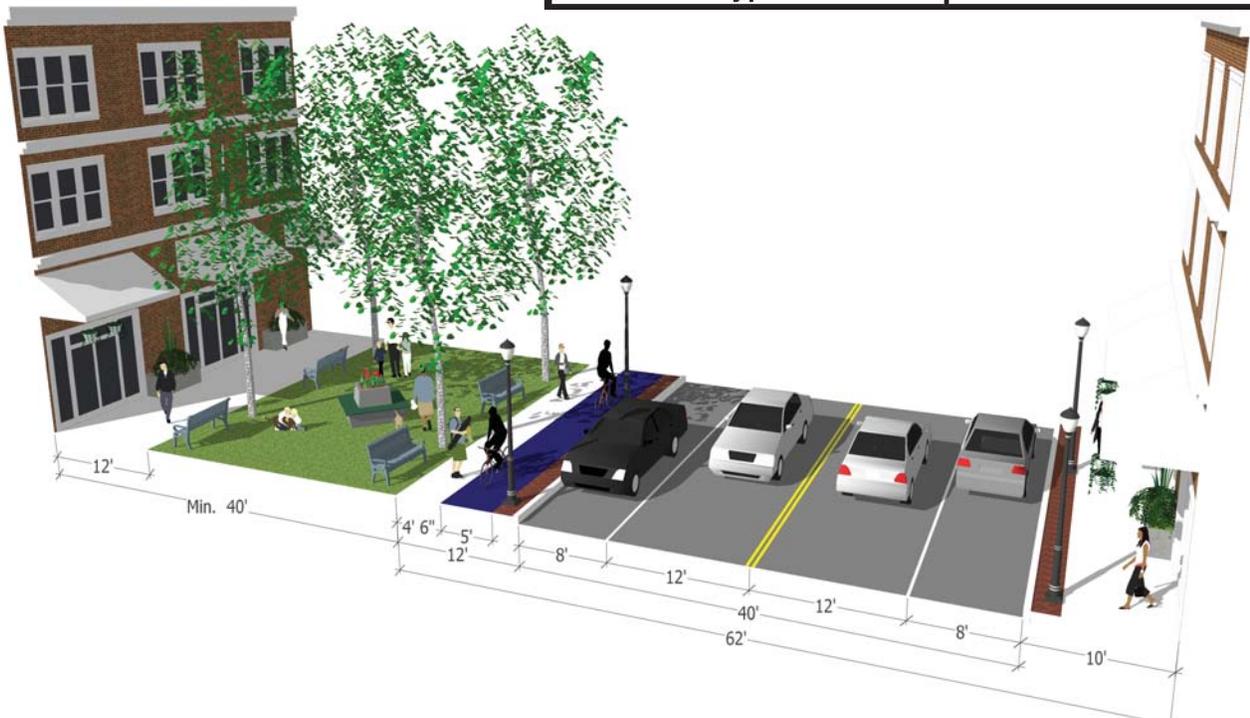
way edge and the buildings. A center turn lane or median along this section of Sparta Avenue is also possible.

Sparta Avenue, the Major Arterial, is located on the right side of the Thoroughfare Map below, indicated with the red color.

The standards for a Major Arterial are illustrated graphically below:



AM 62:40	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	30 MPH
Cartway Width	40 Feet
Lane Width	12 Feet
Curb Radius	10 Feet
On-Street Parking	Both sides - 8' Width
Textured Strip Width	2' (Minimum)
Sidewalk Width	4' 6" (Minimum)
Bike Path/Lane	5' Minimum
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet (Maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



**Streets (ST 50:32)**

Streets are designed for moderate-volume residential uses and the primary vehicular access to the Area.

The street typology illustrated in this Plan differs from a typical street by the configuration of the area between the curb and right-of-way boundary, or pedestrian realm. The width of this pedestrian realm along streets in the Area must be a minimum of 10 feet, with a minimum sidewalk width of 4'6". The narrow strip between the curb and sidewalk must be a minimum of 2' in width and should be a permeable, textured pavement (pavers, brick and/or synthetic brick). This treatment will mitigate the negative effects of winter snow plowing, which typically causes grass die-off of the area along the curb.

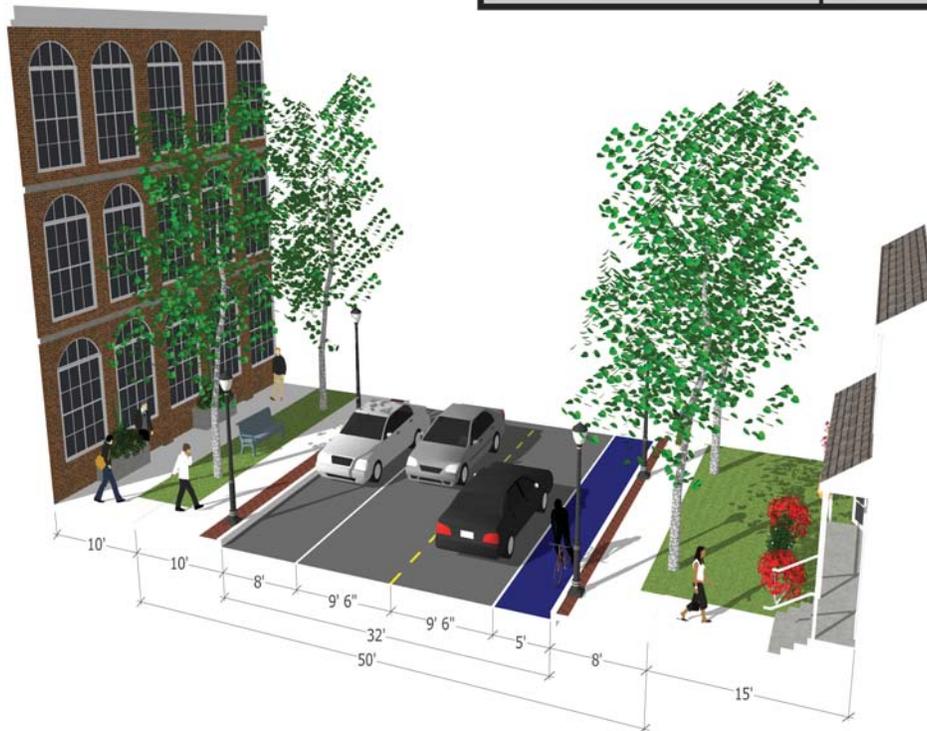
The remaining 3' 6" feet of the ROW will be between the sidewalk and ROW edge/property line. This area is where street trees are to be planted and will serve to 'extend' the semi-public edge within the Area.

Streets located adjacent to the Area, which includes Merriam Avenue and Pine Street, are indicated on the Thoroughfare Map to the left with the blue color.

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



ST 50:32	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	15 MPH
Cartway Width	32 Feet
Lane Width	10 Feet
Curb Radius	10 Feet
On-Street Parking	One Side -adjacent to Area
Parking Stall Width	8 Feet
Textured Strip Width	2' (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 (Maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies
Bike Path	One side - 5' Width Min



**Internal Lane (IL 44:24)**

Internal Lanes are designed for low-volume vehicular traffic and serve primarily as access to the mid-block for both vehicles and pedestrians.

Parking facilities, if located in the interior of the block, and municipal services such as waste disposal and recycling pick-up, would be accessed from an internal lane. Internal lanes should be of a textured pavement material to lessen the emphasis on the vehicle. Appropriate materials include stamped, colored concrete or pavers. The Internal Lane should be of sufficient width to accommodate emergency access, as indicated on the section below with the striped pattern.

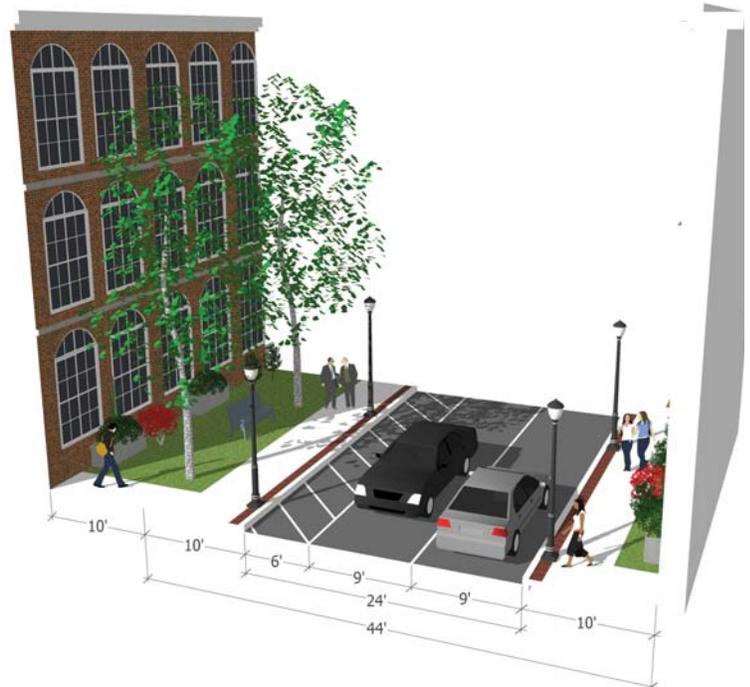
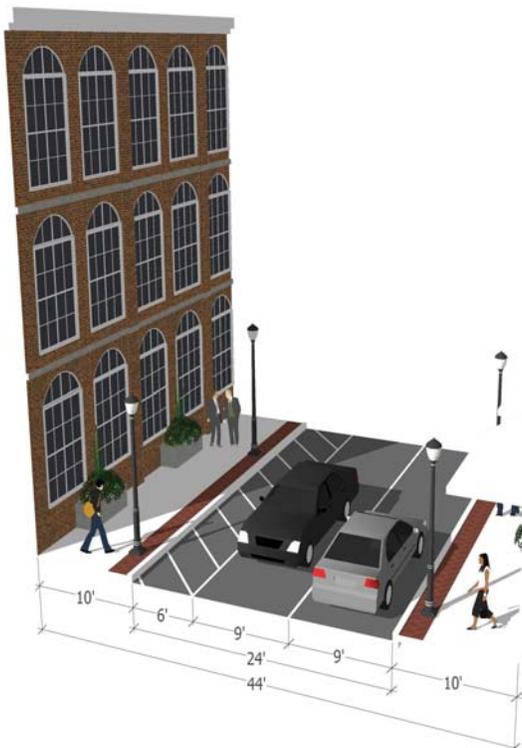
An Internal Lane should have a landscaped pedestrian realm including sidewalks, street and pedestrian-scaled lighting, street trees and landscaping. Sidewalks must be located on at least one side of an internal lane. If buildings are situated on both sides of an internal lane, sidewalks must be on one side of the Internal Lane with crosswalks and walkways con-

necting to any building entrances across the Internal Lane.

Neither the use nor placement of internal lanes are required in this Area and as such are not indicated on the Thoroughfare Map.

The standards for an Internal Lane are illustrated graphically below:

IL 44:24	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	10 MPH
Lane Width	9 Feet
Curb Radius	10 Feet
Emergency Access	One side - 6' Width
Textured Strip Width	2' (Minimum)
Sidewalk Width	4' 6" (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole/ Bldg Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet (Maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



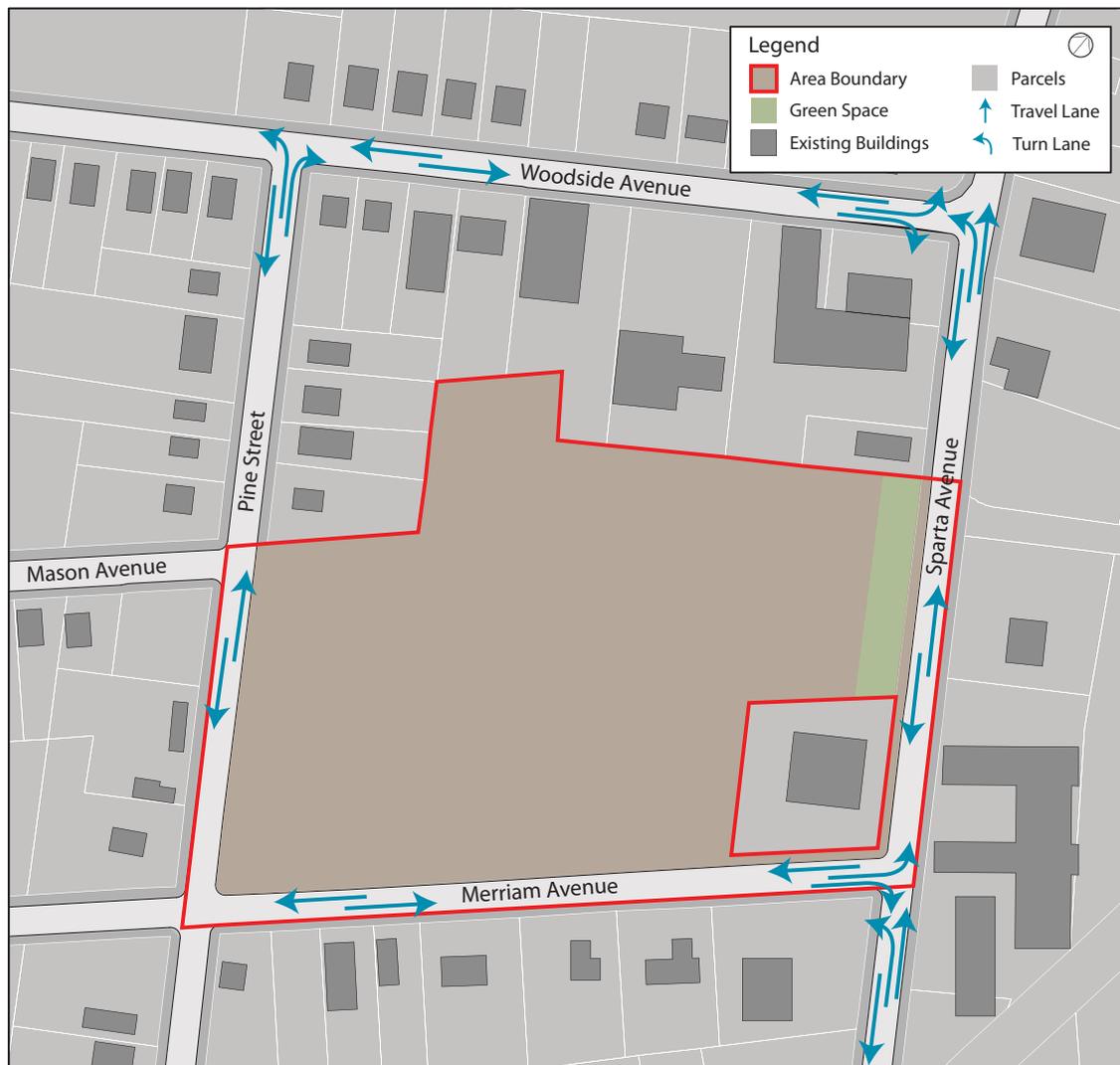
## 5.6 VEHICULAR CIRCULATION PLAN

Vehicular circulation and the directional flow of traffic around the Area is illustrated on the Vehicular Circulation Plan below. The configuration of the street network is designed to disperse vehicular traffic around the Area while limiting access points into the Area, and to provide ease of pedestrian access into and through the Area. Primary vehicular access into the Area will be from Pine Street and Merriam Avenue. Traffic from the South of the Area will likely arrive on Pine Street via Woodside Avenue and Merriam Avenue. Traffic from the East of the Area will likely arrive on Merriam Avenue via Sparta Avenue while traffic from the North will likely disperse between Sparta Avenue and Woodside Avenue to access the Area on Merriam Avenue and Pine Street.

Because of the increase in traffic, the intersection of Sparta Avenue and Merriam Avenue will become more congested with turning movements, specifically left turns from Sparta Avenue onto Merriam Avenue. Whether this requires signalization of and/or additional turning lanes at the intersection

is a matter to be determined by the Town's Engineer and the County Engineering Department, as appropriate. Signalizing this intersection will provide more controlled access to the Area than that which currently is in place.

An Internal Lane is anticipated to access the site from Pine Street and/or Merriam Avenue. An Internal Lane will function to provide vehicular access to internal facilities such as parking.



Redevelopment efforts must include provisions for parking. The Plan allows for surface parking areas, on-street curb edge parking and structured parking.

Calculations for parking were based on an average parking area of 300 square feet per parking space. A variety of scenarios will influence the ability to provide parking to accommodate new development within the Area. Assuming a ten foot building setback on the parcel and dedicated green space fronting Sparta Avenue yields a total maximum buildable area of 217,549 square feet. For example, with a total buildable footprint of 150,000 square feet (See Section 6.2), the area remaining for parking is 67,549 square feet, yielding approximately 225 on-site parking spaces. With a building footprint of 100,000 square feet (See Section 6.2), the area remaining for surface parking is 117,549 square feet, yielding approximately 391 on-site parking spaces. The final layout of the buildings within the buildable area and the consideration of alternatives to surface parking, including structured parking and shared parking, is to be addressed by the redeveloper.

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

1. Restaurants: One (1) space for every three (3) seats.
2. Retail: One (1) space for the first 500 sq. ft. and one space for each additional 300 sq. ft.
3. Commercial/ Light Industrial/ Office/ R&D: Three (3) spaces for each 1000 sq. ft. These requirements may be reduced if parking studies of similar style facilities and/or actual usage illustrates that less parking spaces are required. Said parking studies must be approved by the Town Engineer and the Planning Board.

### 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 the Area along Pine Street and/or Merriam Avenue or in the interior of the Area. Surface parking areas must be screened from visual access by the street or sidewalk (See Page 34 for a design standards for surface parking areas).

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, and to 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 and may be planted in tree wells with a diamond configuration to allow for the use of adjacent parking spaces. Appropriate growth areas for roots shall be provided. Their absorption shall be integrated into the surface drainage system of the Area.

4. Surface parking shall be screened from adjacent residential lots via wood board-on-board privacy fencing, or other fencing as deemed appropriate by the Planning Board, at least six (6) feet in height and not exceeding eight (8) feet in height, or a row of plantings that forms a vegetative wall at least six (6) feet in height which provides an impervious view from adjacent lots throughout 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 ten (10) foot minimum buffered planter strip is required between the surface parking lot and the adjacent property line.

6. Parking lot layout should take into consideration pedestrian movement and pedestrian crossings shall be installed where deemed necessary by the Town 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-four (24) feet wide. 25% of parking stalls may be compact, a minimum of 8 feet wide by sixteen (16) feet deep. Handicapped parking must be provided according to minimum parking standards.

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

### Structured Parking

Multi-levelled structured parking may be considered to provide additional parking on-site without using additional land area. It must meet the general requirements of the surface parking and be buffered from the streetscape.

5.7.1 PARKING - SURFACE PARKING DESIGN STANDARDS



5.7.2 PARKING - STRUCTURED PARKING DESIGN STANDARDS



The images on this page illustrate a range of design characteristics considered appropriate for surface parking areas and structured parking. While none of the photographs are an ideal, the individual characteristics can be applied to the Area. Surface parking must be screened from the streetscape with either vegetation, walls or fencing. Facades of structured parking must resemble buildings by using traditional materials such as brick and cut-outs which resemble windows. Any street frontage of structured parking must also be landscaped.

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 & Bicycle Circulation Plan, illustrated below, is designed to encourage walkability to nearby recreational and commercial uses, provide opportunities for biking with bike lanes and paths, and to connect the development into the existing sidewalk and walking-biking path network in Newton.

People will utilize pedestrian spaces if they are pleasant and engaging places to walk. Because the district surrounding the Area is designated a neighborhood center in both the Newton Urban Design Plan and 2008 Master Plan, sidewalks, indicated in the Plan below with solid red lines, must be a minimum of 4'6" in width along Merriam Avenue and Pine Street, with a wider optimum width along the Sparta Avenue frontage to allow for multiple pedestrians to interact and pass on the sidewalks.

Pedestrian spaces around building entrances must be engaging. Pedestrian spaces and interior sidewalks along the Sparta Avenue frontage, indicated with the red cross-hatch

on the Plan, must place an emphasis on the building entrance and be wider than sidewalks along street edges. They should have features commonly found in plazas.

Crosswalks, indicated on the Plan with blue lines, must have a different texture and surface from roadways. For instance,, crosswalks at the intersection of Sparta Avenue with Merriam Avenue must be textured. It is also highly recommended that the pavement within and defined by the crosswalks should also be textured. Stamped concrete or real Belgian blocks in the intersection of Sparta Avenue with Merriam Avenue would be the most appropriate.

To accommodate and increase opportunities for increased bicycle ridership to the Area, bicycle lanes, indicated on the Plan below with green lines, have been incorporated into the street network along Pine Street and Merriam Avenue. This provides greater connectivity between the surrounding neighborhoods and the Area, as well as to the neighborhood center of which the Area is a part. The bicycle lanes will eventually cross Sparta Avenue and connect to the Sussex Rail Trail.



Several traffic calming tools could be implemented to increase pedestrian safety along the streets surrounding the Area. Bump-outs are suggested at all intersections adjacent to 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 and the County Engineering Department, as applicable.

Modifications to the Pedestrian and Bicycle Circulation Plan are as provided by this Plan.





## 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 must be set for building types and architectural requirements.

The building standards refine the land uses set forth in Section 4.0 and set forth the characteristics for development of the Area including building mass, height, encroachments and sustainable design standards. The architectural standards set forth the design characteristics for the totality of the Area and make sure development of the Area fits into the context of the surrounding community. The architectural design vocabulary includes facades, materials, roof types, windows, signage, fencing and sustainable design standards.

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

**Allowable Buildable Area:** Based on the setbacks desired as part of the need for open space, both public and semi-public, the allowable building envelope for the Area, assuming a minimum 40' setback from the Sparta Avenue frontage for green space, with a 10' setback line around the remainder of the Area, the buildable area of the Area, indicated with the red cross-hatching on the map below, is 217,549 square feet.

**Allowable Building Footprint:** The total allowable building footprint within the buildable area dictates the total area of building space. It assumes that development within the Area will be multi-story, which will allow for greater Floor-Area-Ratios within the Area. The maximum allowable building footprint within the Area is 75% of the buildable area, or approxi-

mately 163,000 square feet.

**Setbacks:** Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. Setbacks are required for all structures.

Sparta Avenue frontage:	40' minimum
Merriam Avenue frontage:	10' minimum
Pine Street frontage:	10' minimum
Sideyard (setback from adjoining properties):	10' minimum



**Mixed-use**

Minimum 2.0 floors

Maximum 5.0 floors or 65 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 buildable 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 building type/land use.

**Office/ R&D/ Manufacturing**

Minimum 2.0 floors

Maximum 5.0 floors or 65 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 buildable area and the proposed height, along with items specifically stated in the following sections of this Plan. The massing of the building must take into account the adjacent land uses and building massing. 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.

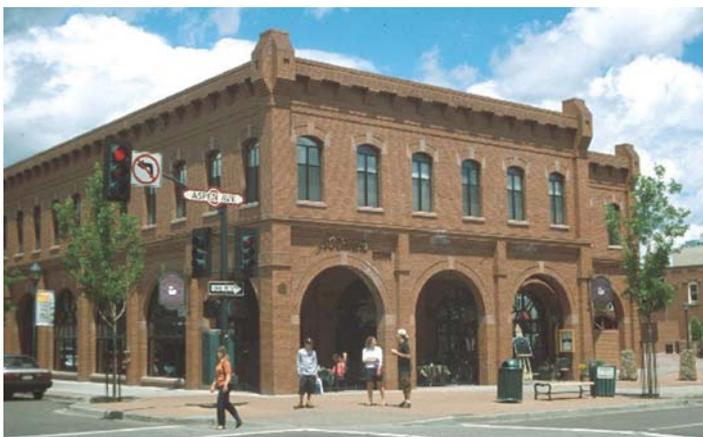
1. Review Process: To assure the visual and spatial character of the totality of the Area, all building façades shall be reviewed prior to being heard by the Planning Board by the design review professionals retained by the Planning Board in accordance with the Development Review Process, set forth below in Section 8, Legal Provisions, of this Plan. Each building must be reviewed in sketch and preliminary form using plans, elevations and renderings 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.
5. Story Heights: Floor heights shall vary. The ground floor may be higher, ranging from 8 to 20 feet. Upper stories may vary from 8 to 15 feet in height.

1. Façade Materials: The primary façade materials shall be stone/masonry, real stucco, brick and/or glass. Street facades must be brick and/or stone. Interior facades may be concrete block, EIFS, or of a similar material, although minimal use of EIFS is preferred. Accents such as projecting, bow, bay and boxed windows should be in metal. Metal used on any façade shall only include aluminum, coated steel, copper, zinc and painted wrought iron.
2. Façade Colors: It is recommended that a color palette be developed for the Plan with allowable facade and complementary accent colors.
3. Accent Colors: A color palette should be developed for accent and trim colors for the Plan. Accent colors must be based on and complement the primary facade colors.
4. 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.
5. 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, it is recommended that southern and western exposures feature exaggerated (wider) soffits.
6. 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.
7. 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.
8. Night security gates, grids or any other security covering of windows are prohibited.
9. Rain Gutters: Storm water from roofs should be collected on site and reused for irrigation and other uses that require nonpotable water. Rain gutters are permitted.
10. Any ground level commercial facades fronting along Sparta Avenue must be of at least 60% void area (windows and other openings).



6.5.1 ARCHITECTURAL STYLE: OFFICE/ R&D/ LIGHT INDUSTRIAL

The photographs on this page illustrate the design characteristics and vocabulary considered appropriate for office, R&D and light industrial development on the site. While the ground floor of several of these images are retail, it is expected that this type of development within the Area will not have retail (with the permitted exception of buildings fronting on Sparta Avenue) but will emulate the design vocabulary found in these images, including materials and bulk standards.



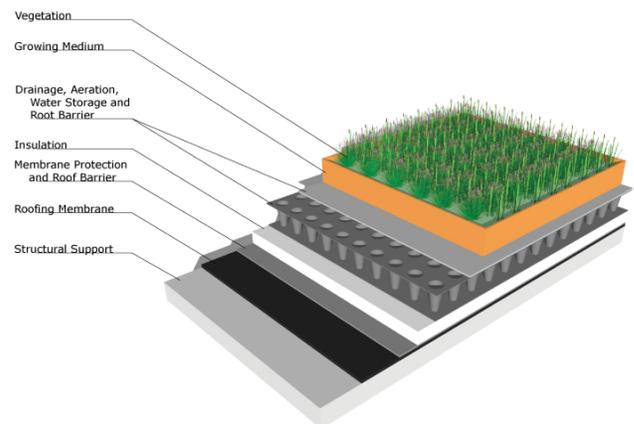
The photographs on this page illustrate the design characteristics and vocabulary considered appropriate for mixed-use development fronting Sparta Avenue. Mixed-use development in the Area should emulate the design vocabulary found in these images, including materials and bulk standards.

1. Windows: All windows 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, as well as windows which must remain inoperable for safety and/or security reasons.
2. Windows should be vertical in orientation, being longer in height than in width.
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 plane 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.
6. Roofs: Roofs may be either 1) pitched roofs, 2) flat roofs, or 3) 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 and/or green engineered roofs shall have parapets or approved decorative barriers or fencing, at a minimum of 3' 6" high and maximum of 4' high, to form protective walls/parapets. The use of trellises, or other forms of permeable roofing, to form a shade-protected area is encouraged. Parapets and other approved protective walls shall not be included in the measured building height.
8. Decorative trim shall be used to articulate all window and frame edges.

1. Comprehensive Public Signage Plan: In order to regulate signage within the 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 Area. This shall include: way-finding and directional signage; building number signage; commercial identification signage for the overall project; and street signs.
2. Way-finding and directional signage shall be limited to a maximum size of four (4) square feet. Way-finding and directional signage may be free-standing.
3. Identification signage shall be limited to a maximum size of twenty (20) square feet. Identification signage must be mounted on the front facade of the building or be a hanging sign on the front building facade, perpendicular to the facade plane.
4. Directory signage shall be limited to a maximum size of twelve (12) square feet. Directory signage may be mounted on the building facade adjacent to the main entrance, or inside the main entrance doors.
5. 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.
6. 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.
7. Signage shall not be neon or neon in appearance.

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 feasible.
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 buried within the 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 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 stormwater runoff and detention requirements, green roofs are recommended on all structures. 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 Sparta Avenue Stormwater Management Plan.
7. Wastewater: Reduction of potable water use for building sewage conveyance by 50% is mandatory through the use of water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater.

8. Water Reduction: Mandatory reduction of 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. Reuse of stormwater and greywater for non-potable applications such as toilet and urinal flushing and custodial uses per a Potable Water Conservation Program is mandatory.
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: A coordinated program of collection services for glass, plastic, paper products, newspaper, cardboard, and organic wastes to maximize the effectiveness of the services is mandatory. All buildings must have individual collection bins to further enhance the recycling program.
14. Construction Waste Management: A coordinated program for recovery of recycling cardboard, metal, brick, acoustical tile, concrete, plastic, clean wood, glass, gypsum wallboard, carpet, and insulation is mandatory.
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, agrifiber, 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.
22. Re-use of existing manufacturing wells on the site for manufacturing processes, and/or other non-potable uses, shall be required unless the redeveloper can demonstrate to the reasonable satisfaction of the Town that use of the wells is not feasible.





## SECTION 7.0

Landscaping and streetscape 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. The goal is to 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 conceptual Landscape Plan is shown below:



The Landscape Plan shall be subject to approval by the Planning Board as part of the Site Plan Approval Process. 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:

1. A detailed Landscape Plan in accordance with the unified Streetscape Plan shall be prepared by a certified landscape architect for all Site Plan proposals.
2. 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.
3. All street tree types shall be recommended by a local arborist, nurseryman, or Landscape Architect acceptable to 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. Native plants should be used before other alternatives. A list of examples is provided at the end of this section.
5. 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.
6. 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.
7. 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.

8. 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
9. All open areas not covered by buildings, paving, and sidewalks shall be graded and landscaped.
10. The green space fronting Sparta Avenue on the map to the left shall be developed to be publically accessible open space.
11. Rainwater management shall be integrated into the site design. Rain water should be captured and stored for non-potable uses wherever possible.
12. All landscaped areas must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character.

*The pictures below illustrate the character of the proposed Green Space*



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.

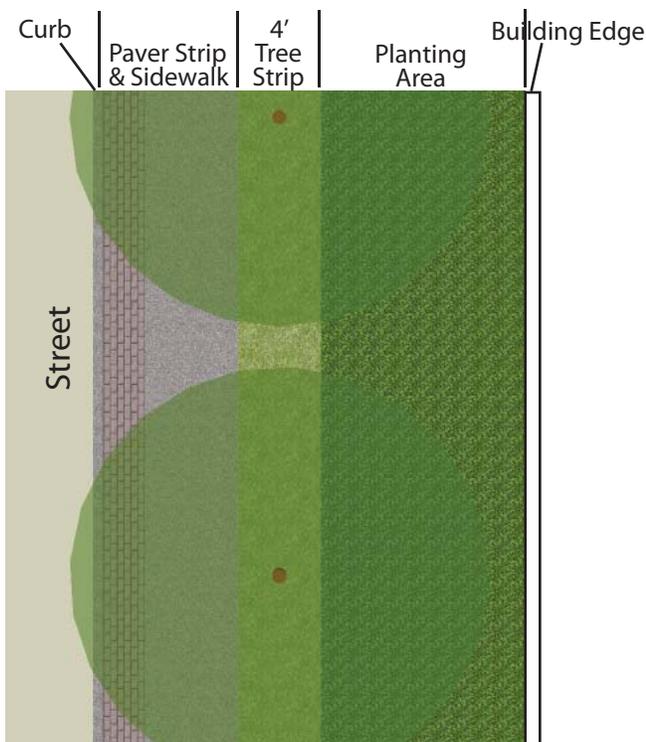
### Hardscape Requirements for Streetscape

1. Barrier-free access to all pedestrian spaces is required.
2. Vehicular travel lanes shall be constructed of asphalt. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used on all crosswalks, to act as a traffic-calming device, and on internal lanes where feasible.
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. Sidewalks shall be constructed of scored concrete with brick edges and dividers or textured paving materials. The paver strip along the curb edge must be brick, synthetic brick or another approved paver. The strip shall be a minimum of 2' wide; the concrete sidewalk must be a minimum of 4' 6" wide. Street trees shall be located on the outside of the sidewalk, between the sidewalk and ROW edge.
5. Crosswalks shall be of similar material and color as the paved sidewalks or textured strip and be in conformance with the street typology and pedestrian plan. Crosswalks must be of a different paving material than the road surface.
6. Utilities shall not be located within the planting strip.
7. Sidewalk areas shall be continuous across any driveway, including any decorative paving elements.
8. Access to any driveway 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.
9. Driveway widths and curb cuts shall be kept to the minimum width necessary.
10. Parking Entrances: Entrances to off-street parking shall vary by building type and shall be located on surface parking areas located behind the primary structure.



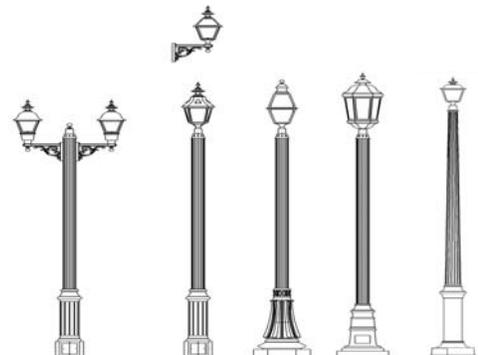
### Planting Requirements for Streetscape

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. (in the designated 4' strip on the building side of the sidewalk as shown below - this 4' strip includes the 3' planting strip within the ROW and a 1' area within the building setback).
4. Street tree planting should be strategically phased to ensure procurement of large quantities of uniform and consistently sized specimens of specifically selected species.
5. 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.
6. 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).
7. Street trees shall not be planted within the clear sight triangle of each intersection.



### 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 of Newton is highly recommended 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 in the textured strip between the curb and sidewalk.
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 that are 12-14 feet in height, spaced a maximum of 40 feet on center.
5. Metal Halide (or comparable light quality) lamps are suggested for their efficiency and light quality. Mercury Vapor and high pressure sodium lighting shall not be allowed.
6. A comprehensive Lighting Plan must 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 ratios 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.



\*Data provided by Harold E. Pellow & Associates, Inc.

### Semi Public Edge Requirements

1. No asphalt paving or wood decking is allowed between the build to line and the curb edge. 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. All building frontages must be landscaped with appropriate vegetation (shrubs must measure at least 30" in height and 30" in width at the time of planting and be planted at the minimum spacing standard).
4. Fencing along all street frontages/semi-public edges shall not exceed three (3) feet in height.
5. 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.
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.



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

Stormwater management measures incorporated into the plan should 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.

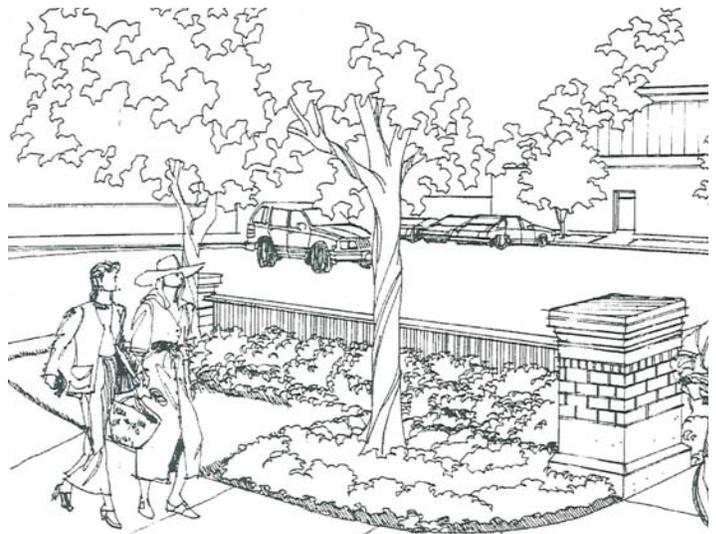
Sustainable techniques to minimize stormwater runoff must be included in the Plan (unless the developer receives a waiver from the Newton Planning Board). These techniques would include the construction of green roofs, water cisterns and the use of stored water for irrigation and other non-potable uses. 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 are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take in consideration non-structural strategies, green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities must be underground and tie back to re-use.



### Parking Requirements

1. All Parking areas must be appropriately screened along the periphery on all sides as required.
2. Fifty percent of paved parking lots surface shall be shaded by tree canopies within fifteen years of planting. Trees shall also be planted in the required landscaped areas along the periphery of the development in order to shade and enhance adjacent property and public right-of-ways.
3. Minimum Planter size between tiers of parking shall be as follows:
  - Standard Parking Stall – (6-8')
  - Compact Parking Stall – (4-6')
  - Along Periphery – (10')
4. Green parking lots reduce runoff that is discharged into local water bodies by using natural drainage landscapes. Where possible bioengineered planting strips, bioswales, and rain gardens must be incorporated to reduce environmental impact of development.



1. Water supply: in accordance with State of New Jersey codes and Town of Newton Regulations as applicable, 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 State of New Jersey codes and Town of Newton Regulations as applicable.
  3. Storm water management: in accordance with State of New Jersey codes and Town of Newton Regulations as applicable, except where pre-developed site conditions such as impervious coverage allow for an offset in stormwater management requirements. Provisions for the recycling of rain water must be factored into the stormwater management program, and are required unless the developer receives a waiver from the Newton Planning Board. If green roofs and water gardens are utilized they also must be factored into the stormwater management program.
  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. 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 at designated locations in the rear of the building.
- 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 Town 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 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 or any Internal Lanes.

All locations 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 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



### 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 relevant Town authority.

### 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 not exceed 25 square feet.

Construction signage must be removed as soon as the Certificate of Completion is approved.

### Prohibited Signage

Fluorescent-lit signage or signage with glowing paint, rooftop-mounted advertising signage, signage above the second floor.



### 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. All trees shall be monitored and treated annually by the building owner for potential disease or decline in physical condition.
5. 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.
6. Green Ash, American Hornbeam, Red Maple, and Hackberry have been suggested as street trees in large part because they are native species.
7. River Birch, Serviceberry, Eastern Redbud, and Flowering Dogwood have been suggested as small trees for green spaces. These trees are native species with multiple season interest.
8. Suggested shrubs and grasses should be used in conjunction with other native, non-invasive, vegetation.
9. The stormwater detention area and other green space should be graded appropriately 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.

### 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.



## 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 nudem*, 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

### **Validity of the Plan**

If any section, subsection, paragraph, division, subdivision, clause or provision of this Plan shall be deemed by a court of competent jurisdiction 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**

Upon final adoption of this Redevelopment Plan by the Town Council, the Zoning Map of the Town of Newton is hereby amended and shall be revised to show the boundaries of the Sparta Avenue Redevelopment Area and identify the district as the "Sparta Avenue Redevelopment Area". In addition, the Zoning Map of the Town of Newton is hereby amended and shall be revised to show the boundaries of the Sparta Avenue Redevelopment Plan and all provisions of this Plan shall apply. Upon final adoption of this Redevelopment Plan by the Town Council, this Redevelopment Plan shall supersede all provisions of the Newton Zoning Ordinance for the Redevelopment Area, and all underlying zoning shall be voided. Any zoning-related issue 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.

### **Amendment to Sparta Avenue Redevelopment Plan**

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

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

### **Variations in Site Plan Design**

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

### **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 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 NJS 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.

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 Section 6 - Building Regulating Plan.
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.

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 combination of T-5 and SD - 5 (Special District) 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 Redevelopment Plan 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 Redevelopment Plan is consistent with the goals and objectives of the SDRP.

#### **Relationship to Zoning Ordinance**

The Area was zoned as MXD-Mixed Use Development surrounded by R-3 Medium Density Residential and C-4 General Highway Commercial according to the 1996 Master Plan. According to the 2008 Master Plan the Area is currently a combination of SD-5 (Special District), and T-5 (Town Core Support Area/ Neighborhood Cores).

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

No conflict is determined to exist between the 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, 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 N.J.S.A. 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 N.J.S.A. 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 undertaken on a project by project basis. This requirement may be waived at the Redevelopment Entity's discretion for minor projects.

### **Acquisition Plan**

There is one (1) parcel within the designated Redevelopment Area, identified as Block 1104, Lot 21 and illustrated on the Block & Lot Map on page 4. This parcel, commonly known as 56 Sparta Avenue, is designated for acquisition in order to realize this Redevelopment Plan.

### **Development Review Process**

#### ***Preliminary Design Review***

All projects in the Area shall be submitted to the Town Planner for a preliminary design review prior to submission of an application to the Planning Board. Applicants may be required to attend a workshop meeting with the Town Planner or the Planning Board's 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 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 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 Town Planner and any other Design Review Professionals designated by the Planning Board shall provide recommendations to the Planning Board regarding the extent to which the proposed project is consistent with the Redevelopment Plan and adequately addresses the design guidelines contained in the Plan.

#### ***Planning Board Review***

Pursuant to N.J.S.A. 40A:12A-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 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.
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. The cost of infrastructure improvements generated by the project, including any related off-tract improvements, shall be borne by the project, either through a direct payment from the redeveloper, or through payments in lieu of tax generated by the project.

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.

### **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 Area.

#### **A. Phasing Plan:**

Any applicant seeking to develop this 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 each phase of 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.

## 8.5 OTHER PROVISIONS

### Revenue Allocation District

The entirety of the Redevelopment Area is hereby identified as a Revenue Allocation District pursuant to N.J.S.A. 52:27D-459 et seq.

### 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.

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.).

The Redevelopment Area is comprised of vacant land; there are no residential units that will be displaced in connection with the implementation of this Redevelopment Plan.

### 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 Redevelopment Plan and the Town of Newton.



## SECTION 9.0

Acknowledgements

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**Newton Mayor:**

Joseph Ricciardo Mayor

**Town Council:**

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

**Newton Planning Board:**

Marge Lake McCabe Chairperson

**Newton Professional Staff:**

Thomas S. 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

**Redevelopment Planner/Designer:**

A. Nelessen Associates  
 Anton C. Nelessen,  
 MArchUD, PP, CNU Principal  
 Ross Sheasley, MCRP, PP Project Manager  
 April Geruso  
 Kelley Sander  
 Liz Naskret  
 Daniel Sheen  
 Andrew Svekla

**Redevelopment Counsel:**

McManimon & Scotland, L.L.C.  
 Glenn F. Scotland, Esq.  
 Andrea L. Kahn, Esq.  
 Jennifer L. Credidio, Esq.