

TOWN OF NEWTON
ORDINANCE 2011-18

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE
TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY,
ADOPTING AMENDMENTS TO THE PATERSON AVENUE
REDEVELOPMENT PLAN**

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.*, (the “Redevelopment Law” or the “Act”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, and to prepare and adopt a redevelopment plan therefor; and

WHEREAS, on December 10, 2007, the Town of Newton, acting by Resolution, designated Block 1201.02, Lots 2 & 2.01 as an area in need of redevelopment pursuant to the Act (hereinafter, the “Redevelopment Area”); and

WHEREAS, on November 10, 2008, after review and comment by the Town’s Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted the Paterson Avenue Redevelopment Plan governing the Redevelopment Area (the “Initial Redevelopment Plan”, attached hereto as Exhibit A); and

WHEREAS, due to changes in the national, regional and local economies occurring since the time of adoption of the Initial Redevelopment Plan that made development of the housing uses contemplated therein unlikely to occur in the near future, the Town wished to consider the addition of alternative uses and standards to the Initial Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

WHEREAS, in accordance with the Act, the Town prepared proposed amendments to the Initial Redevelopment Plan (the “Proposal”, attached hereto as Exhibit B); and

WHEREAS, on June 27, 2011, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on July 20, 2011, Jessica Caldwell, P.P., A.I.C.P. of Harold E. Pellow & Associates, Inc. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, the members of the public were given the opportunity to provide their own testimony regarding the Proposal; and

WHEREAS, after due consideration of the Proposal, the testimony of the Planning Consultant, and the testimony of the public, the Planning Board determined by Resolution dated July 20, 2011 (the "Planning Board Resolution", attached hereto as Exhibit C), that while the Proposal is not consistent with the permitted uses for the Redevelopment Area recommended by the Town's Master Plan, it is consistent with the overarching goals of the Master Plan, and recommended to the Town Council that it adopt a modified version of the Proposal, with such changes as summarized at Exhibit B to the Planning Board Resolution (the "Planning Board Recommendations"); and

WHEREAS, the Planning Board Resolution included the following recommendation:

"The Planning Board recommends that the Town ascertain the height of the existing buildings within the Redevelopment Area, and provide for a maximum height for office, light industrial, research and development and warehouses uses that is the lesser of 40 feet or the height of the tallest building currently existing within the Redevelopment Area."; and

WHEREAS, the Town Engineer has determined that the tallest building currently existing within the Redevelopment Area has an approximate height of 36.3 feet, and has recommended that a maximum height of 40 feet be established for office, light industrial, research and development and warehouse uses within the Redevelopment Area (the "Height Amendment"); and

WHEREAS, the Town wishes to adopt the Proposal, as modified by the Planning Board Recommendations, as further modified by the Height Amendment (as so modified and attached hereto as Exhibit D, the "Plan Amendments"); and

WHEREAS, the Town acknowledges that the Plan Amendments are not consistent with the recommended uses set forth in the Master Plan, but wishes to adopt the Plan Amendments for the reasons set forth therein,

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

Section 1. The recitals hereto are hereby incorporated herein by reference as if set forth at length.

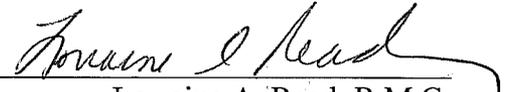
Section 2. The Plan Amendments, as filed in the Office of the Town Clerk, attached hereto as Exhibit D, are hereby approved. Any portion of the Initial Redevelopment Plan not modified by the Plan Amendments shall remain in full force and effect.

Section 3. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Plan Amendments and delineate the boundaries of the Paterson Avenue Redevelopment Area.

Section 4. This ordinance shall take effect as provided in law.

NOTICE

TAKE NOTICE that the above-entitled Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton on August 8, 2011, and said Ordinance was adopted after public hearing at the regular meeting of the Town Council of the Town of Newton held in the Council Chambers, 39 Trinity Street, Newton, New Jersey, on August 22, 2011, and shall take effect according to law.



Lorraine A. Read, R.M.C.
Municipal Clerk

EXHIBIT A

INITIAL REDEVELOPMENT PLAN
ON FILE IN THE CLERK'S OFFICE



Paterson Avenue Redevelopment Plan

Town of Newton, New Jersey



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SECTION 1.0

Description of the Plan

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

Originally developed as a single industrial facility between 1939 and 1940, the site was surrounded primarily by undeveloped woodlands. The site was used for the manufacture of film and photographic papers until the late 1960's. From then until the mid-1980's, manufacturing on the site was primarily for plastics molding operations. Further, and current, uses of the site include general warehousing, light industrial uses and the manufacture of packaging materials.

Original development on the site was concentrated to the east, with excess vacant land to the west located adjacent to Merriam Avenue. The largest portion of residential develop-

ment in the environs surrounding the area occurred in the 1960's and 1970's with most of the remaining residential development to the south of the area has occurred since 2000. In the mid-1990's, the vacant parcel adjacent to Merriam Avenue was rezoned to R-2 residential uses. This parcel has since been developed as single family housing.

The area is now in the process of evolving from incompatible adjacent land uses to more appropriate and compatible land uses which fit within the vision of the future of Newton as well as its designation under the State Plan as a "Regional Center". The age of the structures, as well as changes in land use practice, have made the structures and current land uses in this area obsolete. The industrial uses and documented contamination are in conflict with the surrounding residential development.

The Redevelopment boundary is shown with the red line on the Plan below and on the Local Context Map located on the facing page. This Redevelopment Plan calls for the Redevelopment Area, hereafter called the Area, to be developed as



single family and duplex (“paired villas”) housing with a “central meadow” to serve primarily as a stormwater detention facility and secondarily as public recreation space.



Paterson Avenue Redevelopment Plan
Local Context Map



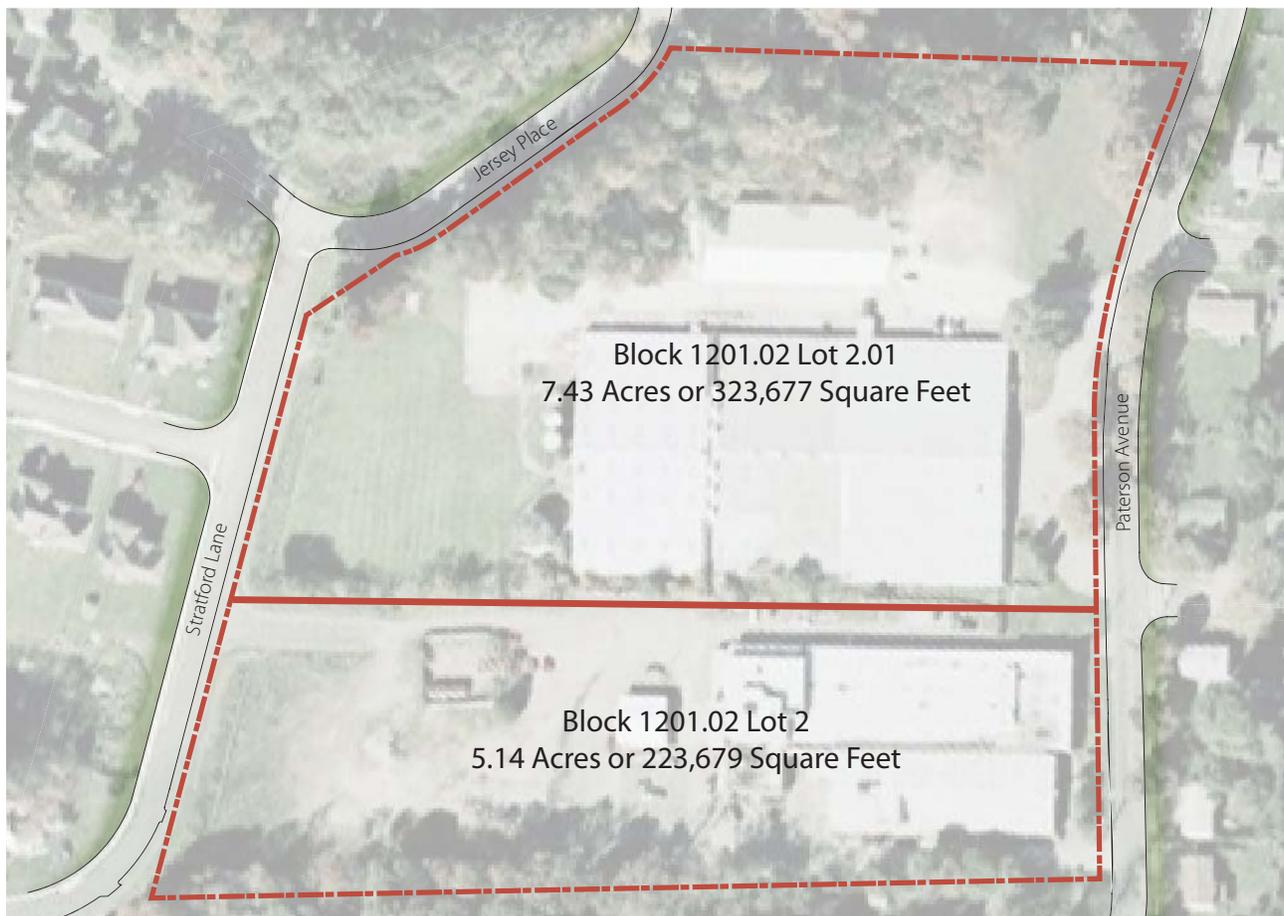
1.3 BLOCK AND LOT MAP The Area consists of Block 1201.02, Lots 2 and 2.01, along with the adjacent public rights-of-way along Paterson Avenue, Stratford Lane and Jersey Place, as shown on the Block and Lot Map. Current land use on both parcels is light industrial/commercial. The area is comprised of two (2) contiguous parcels with a combined acreage of approximately 12.57 acres, or 547,356 square feet.

The Area is located approximately one mile south-southwest of the central business district of Newton and is surrounded by single family residential development within several residential neighborhoods of various vintages. Single family houses fronting on Merriam Avenue abut the area along its northwestern edge while single family houses fronting Paterson Avenue and Paterson Place abut the area along its south-eastern edges.

While the area is relatively flat, there is a gentle slope from the south and southeast to the north and north-northwest. The majority of the area is lower in elevation than the surrounding environs, with Paterson Avenue running approximately 2 to 4 feet higher than the area and Stratford Lane running approximately 6 to 10 feet above the area. As such, the area forms a "bowl", which contributes to drainage issues.

The area is also located near the Merriam Avenue Elementary School, part of which is visible in the upper right corner of the Local Context Map on the preceding page.

The area is shown on the Block and Lot Map, illustrating the existing properties and the layout of the existing buildings and structures.



Paterson Avenue Redevelopment Plan
Block and Lot Map

 Redevelopment Boundary



The Plan has been prepared in furtherance of the Town of Newton's determination on December 10, 2007 that the area meets the statutory criteria for designation as an "Area in Need of Redevelopment", pursuant to the Local Redevelopment and Housing Law, section 6 of P.L. 1992, c.79 (C.40A:12A-6). Council Resolution # 224-2007.

Statutory Requirements

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

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

1. Its relationship to definite local objectives regarding land uses, population density, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. The proposed land uses and building requirements in the redevelopment project area;
3. The Plan for the temporary and permanent relocation of displaced businesses;
4. Any property that may be acquired in accordance with the Redevelopment Plan;
5. 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); and
6. Its relationship to the development regulations of the municipality.

B. This Redevelopment Plan will also contain:

1. Standards for the redevelopment of the properties by any redeveloper as residential uses.
2. Provisions for the enforcement of codes and ordinances;

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

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

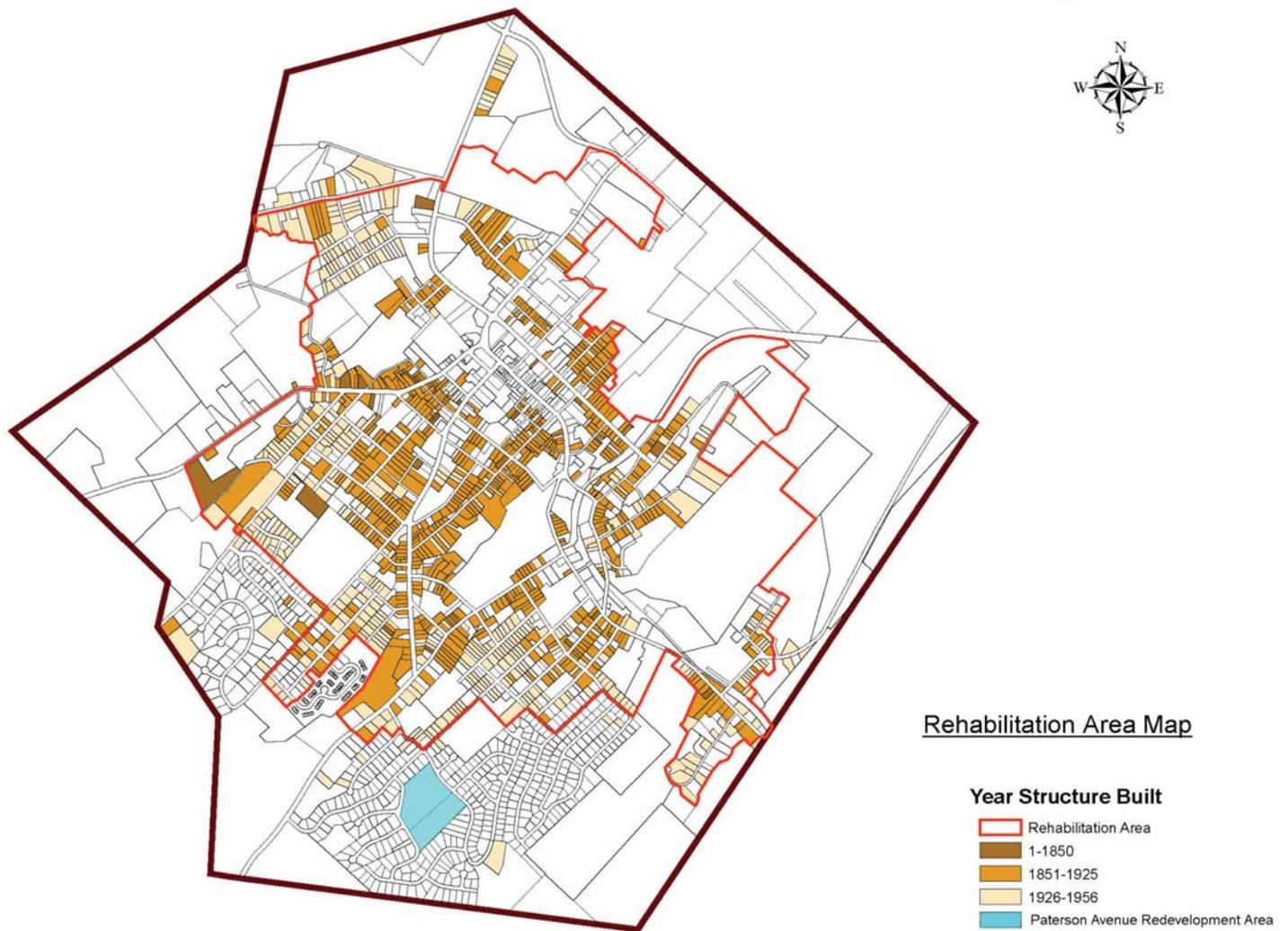
The basic elements of this Plan, including the design of the streets and circulation networks, the general massing of the buildings, and the location of major open space features, are illustrated in a form-based code. This is the newest and most appropriate type of code which assures the Town that they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

The redevelopment of Paterson Avenue is part of a larger pattern of revitalization occurring in Newton which was stimulated by the Newton Urban Design Plan. The Newton Urban Design Plan is a community-oriented Vision plan for the future of Newton which was adopted in early 2007. Revitalization of the Town will be through a combination of rehabilitation and redevelopment. To that end, a large portion of Newton has already been declared as an Area in Need of Rehabilitation, while smaller focus areas (including the Paterson Avenue Redevelopment Area) are being considered 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 average at least 50 years old (see Rehabilitation Area Map below).

The entirety of Newton, and in particular Newton’s Area in Need of Rehabilitation, 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 into a pattern of more traditional vehicular and pedestrian-balanced streets, allowing a diverse range of local and regional residential, commercial and office uses.

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



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

Redevelopment Goals

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

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

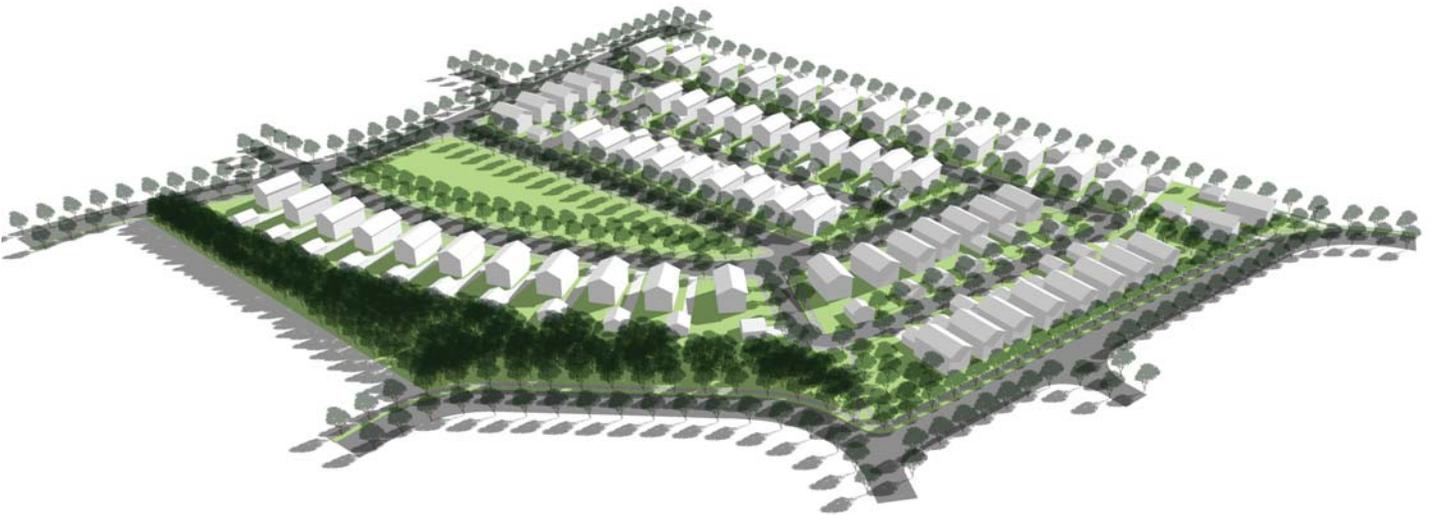
13. To encourage placement of buildings and construction techniques that will contribute to future sustainability and energy conservation and minimize the "carbon footprint".
14. To provide for an intensity of uses and quality streetscapes that would encourage walking and bicycling to and from the Area.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

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

Redevelopment Objectives

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

1. Acquisition and assembly of suitable parcels of land for the construction of the proposed uses set forth in this Plan. These uses may include; residential and recreational uses and pedestrian walkways.
2. Clearance of all dilapidated and underutilized structures.
3. Improvement of streetscapes.
4. Construction of private buildings and other improvements appropriate to the purposes of this Plan.
5. Improvement, revitalization and beautification of the Area.
6. Tax abatements in accordance with the Long Term Tax Exemption Law, N.J.S.A. 40A: 20-1 et seq.



On this page are various views of a conceptual massing model of the Area. Buildings are shown in an abstract form intended to illustrate the potential scale of development and do not represent the final architectural design or reflect actual materials to be used. In addition, the massing model does not indicate the various topographic features of the site.



1.9 ILLUSTRATIVE SITE PLAN

The Illustrative Site Plan for the Area illustrates a conceptual site plan when the Plan is built out according to the standards illustrated in this Code. The Plan is binding in its general form and location of streets, buildings and structures. They are included in the Plan to illustrate the allowable concepts and building envelopes, and the general extent of the Plan. Changes in the Plan could include the precise locations of the building footprints within the building envelope, precise locations of garages and driveways, landscaping and pavement materials. The Plan assumes that any redevelopment could be incremental and does not assume that the Plan will be built out in its entirety at one time.

The Plan calls for approximately sixty-four (64) single family and duplex residential structures. Garages are located to the rear of properties rather than fronting directly onto the street. There are three general parcel sizes and configurations, dictated by access to garages. The primary difference between the units types as regulated in this Plan is whether access to the garages is from a side driveway off the street or from a rear residential lane. The size, configuration and design of the individual dwellings, including number of stories,

the number of bedrooms, location of garages as attached or detached, and architectural design, will be at the discretion of the redeveloper as long as they fit within the standards set forth in this Plan.

Final approval of all design considerations and configurations will be from the Planning Board, with direction from this Plan and a professional Planner.

The Plan also includes a central open space area to be utilized for some combination of stormwater detention and/or park space, if possible, as well as open space along the northern edge of the site due to topographic features. The amount of area which must be dedicated to stormwater detention will depend on the amount of stormwater runoff mitigation for each individual parcel. The Plan recommends and suggests a number of alternatives to manage and mitigate stormwater runoff within the Area.



Paterson Avenue Redevelopment Plan
Illustrative Site Plan

- Building Foot Print
- Garage Foot Print





SECTION 2.0

Existing Conditions

2.1 EXISTING ZONING

The Redevelopment Area is located within the M-1 (Limited Industrial) District and is surrounded by the R-2 (Low and Medium Density) Residential District. This zoning has allowed incongruous land uses to co-exist in the Area.

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



Paterson Avenue Redevelopment Plan
Zoning Map

According to a soil survey of Sussex County, New Jersey dated 1975, the soils of the Area consist of deep, well-drained, gentle sloping soils. The available water capacity of these soils is high with moderate permeability. According to previous environmental reports, groundwater under the site was encountered at approximately 35 below the ground surface and reportedly flows in a southwestern direction. Hydrologic conditions of the Area suggest that actions within the boundaries of the site are likely to affect adjacent residential properties to the southwest of the Area.

A Baseline Ecological Evaluation (BEE) prepared by O'Brien & Gere in October 2001 concluded that no rare or sensitive flora, fauna or significant natural communities exist within the Area that would be impacted by the existing occurrence of contaminants in the Area from the former industrial uses on the site.

The site is currently approximately 50% impervious surface between the existing structures and paved surfaces. Due to the structures, pavement and the topography, the site is plagued by drainage problems, especially during heavy rains.

Site Contamination

Due to its long history of industrial uses, first relating to the film and photographic industry and later to plastics manufacture and other light industrial uses, the Area is likely to have significant issues regarding site contamination.

Five industries which have occupied the site are listed on the 1998 Facilities Index System (FINDS), a US Environmental Protection Agency index of facilities or properties which have been investigated in conjunction with various regulatory programs. One of the former industries which was located in the Area is also listed as a small quantity generator of hazardous waste on the RCRA listing from September 2004. Two industries previously located in the Area are listed in the July 2004 RCRA NLR database, a listing of sites that produce less than 100 kg (220 lbs.) of hazardous waste per month or do not meet any other RCRA requirements.

The NJDEP has documentation of emergency response actions and spill releases. The Spills-1990 database of the NJDEP identifies at least four spills within the Area. In addition, two former industries located on the site are identified as hazardous waste sites in the NJDEP State Hazardous Waste Sites Inventory from April 2004.

Two former industries located in the Area were identified as locations of underground storage tanks (UST) and were

also identified as leaking underground storage tanks in the December 2004 NJDEP Leaking Underground Storage Tanks (LUST) database.

An ISRA investigation from 1986 to 2002 identified petroleum impacted soil and light non-aqueous phase liquid in the soil and groundwater at the site from a leaking fuel oil underground storage tank (UST). A subsequent groundwater investigation detected chlorinated volatile organic compounds (VOCs) in the Area.

A Remedial Action Report prepared by Obrien & Gere in October 2001 identified numerous Areas of Concern (AOC) in the Area. However, based on results below the ISRA criteria levels, NJDEP issued No Further Action directives for the AOCs in the study area. Groundwater quality was determined to be below NJDEP Ground Water Quality Standards as of 2001 and contaminants, including petroleum hydrocarbons and VOCs, were detected above laboratory standards.

Results of an ECRA (precursor to ISRA) investigation conducted within the Area due to the cessation of plastics molding manufacturing determined that the primary AOC for the site was the presence of contaminants in the groundwater. Chlorinated VOCs were detected in the site groundwater with remediation of the impacted groundwater consisting of a groundwater remediation system. As of a 1994 site inspection, a production well, six monitoring wells and a groundwater recovery well were noted on the site.

In 2002, the NJDEP issued a site-wide unrestricted No Further Action directive for the parcel, 56 Paterson Avenue, indicating no further remediation of the industrial establishment was necessary as of that point.

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

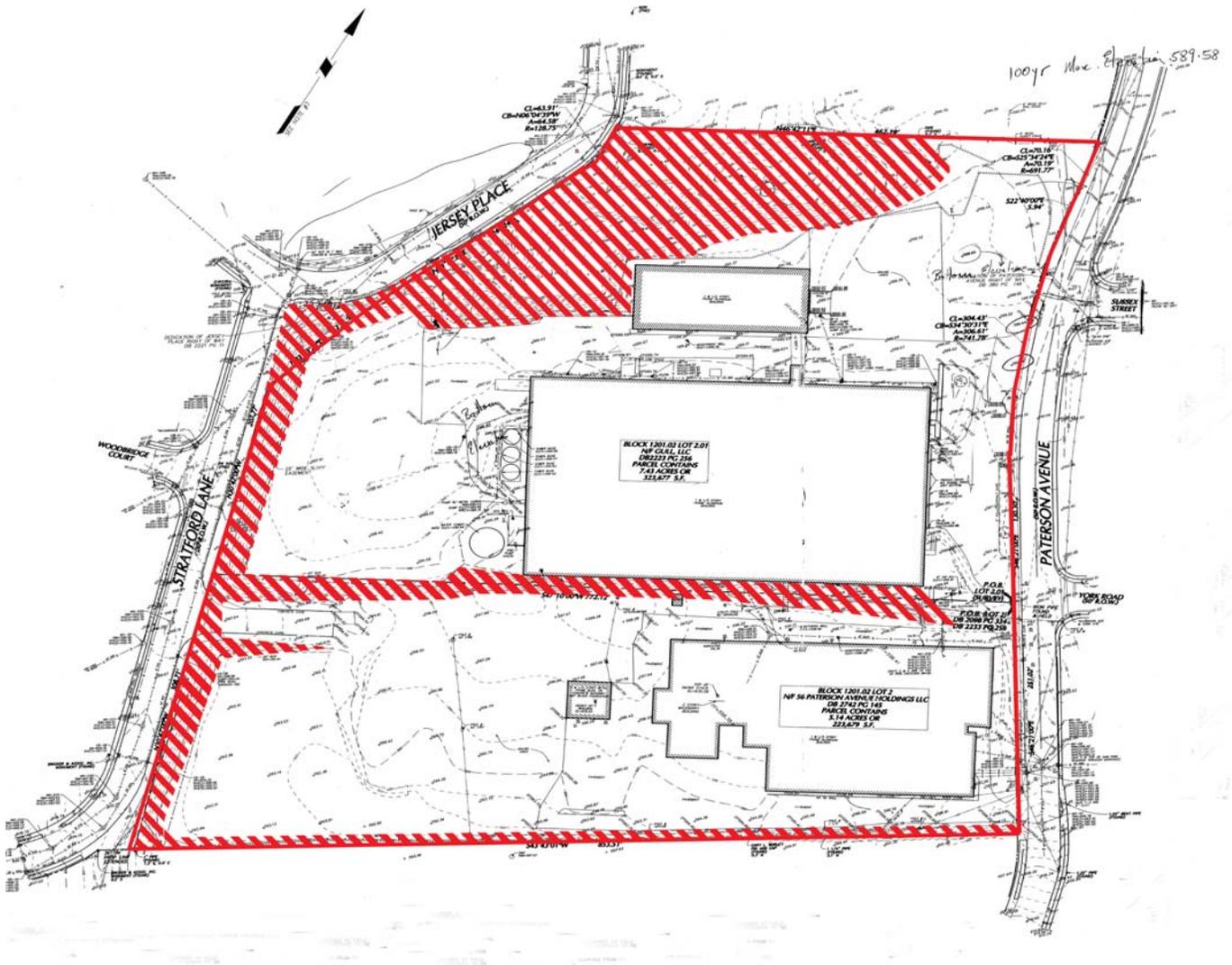
Wetlands, Steep Slopes, Tree Cover

There are no known wetlands or steep slopes in the Redevelopment Area, however, the northwest corner and edge is marked by a rock outcropping. There is also limited tree cover at the northwest perimeter and northern edge of the Redevelopment Area. A constraints map indicating the locations of the rock outcropping and a significant change in elevation from Stratford Lane is provided on the following page.

2.3 CONSTRAINTS MAP

The Constraints Map on this page below indicates with Red Hatching where a rock outcropping, significant tree cover and/or significant changes in elevation are currently found within the existing conditions of the Area. The rock outcropping as well as significant tree cover are located to the northwest corner and northern edge of the Area along Jersey Place, while significantly abrupt changes in elevation occur along the western edge of the Area along Stratford Lane and through the center of the Area along the property line dividing the two separate existing parcels. The map to the left indicates the location of the most significant constraints found in the Area and how they relate to the new development.

The boundary of the Area is indicated with the red dashed line. Topographic data for this map was obtained from a Boundary & Topographic Survey completed by Langan Engineering & Environmental Services in 2006.



Circulation

The primary access to the Area is from Paterson Avenue. This frontage roadway is a residential street which provides access to residential development to the east and south of the site. Paterson Avenue also provides access to US Route 206 and to a large portion of the southern residential area of the Town. Traffic is intermittent on Paterson Avenue along the Area's frontage.

The Area has secondary access from Stratford Lane and Jersey Place, located to the southwest. Both Stratford Lane and Jersey Place are local residential streets with little traffic. A constraint to access to the Area from these streets is a difference in elevation ranging from approximately 4 to 10 feet from the street level to the plain of the Area.

There are no sidewalks fronting the Area on either Paterson Avenue, Stratford Lane or Jersey Place. There are, however, sidewalks on both Paterson Avenue and Stratford Lane across the street from the Area and crosswalks at the intersections of Paterson Avenue with Sussex Street and York Road.

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.

Stormwater

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

Electricity and Natural Gas

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

Telecommunications - Voice and Data Transmission
Newton is currently served by Embarq.





SECTION 3.0

Terms in this Redevelopment Plan shall be defined as follows:

Area – Shall mean the Paterson Avenue Redevelopment Area.

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

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

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

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

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

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

Density – The number of dwelling units within a standard measure of land area, usually given as dwelling units per acre.

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

Design Professional - A practicing Urban Planner or Designer that has experience with this Plan, redevelopment plans in general and form-based zoning.

Design Speed – The velocity at which a thoroughfare tends to

be driven without the constraints of signage or enforcement. There are four ranges of speed: Very Low (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High (above 35 MPH). Lane width is determined by desired design speed.

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.

Focus Area – Shall mean the Paterson Avenue Site.

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

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

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

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

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

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

Mullion - The large vertical member between two adjoining windows.

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

Plan – Shall mean this Paterson Avenue Redevelopment Plan.

Paired Villas - Duplex housing units in a single building, which from the exterior is built to resemble a single family residence. One unit is at the ground floor and one unit is upstairs. Both units share common exterior front and rear entrances.

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

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

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

substandard structural or housing conditions and arrest the deterioration of that area.

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

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

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

Soffit - The underside of the roof overhang

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

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

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

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

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

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

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

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

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

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

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

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



SECTION 4.0

In the event of any conflict or inconsistency between the provisions of this Plan and the provisions of the Town of Newton's Zoning Regulations, this Plan shall govern because this is a form-based code, and inconsistencies with the Code shall be resolved by the Planning Board based on best practices and the assistance of the Redevelopment Planner.

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

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

Permitted Uses

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

1. Residential: Includes premises available for long-term human habitation by means of ownership; excludes all boarding houses and rooming houses. Residential uses are limited to single family dwellings and duplexes with a single front and rear entrance to be shared by both units.
2. Home offices: A 'home office' is classified as a home-occupied commercial activity including, by way of example, a telemarketer, web designer, one chair hair dresser/stylist, photographer, art studio, music teacher, accountant, attorney, architect lawyer, book keeper, and similar type occupations. Any commercial activity in a residence/home must be a registered business in the State of New Jersey. Any employee of the home office must be a resident residing in the home/residence. The sale of tangible retail products from or on the premises is prohibited. No more than one (1) business in any dwelling may generate on-site clients or

customers. Any clientele visiting the home office must be on a scheduled, appointment basis. Appointments may begin no earlier than 9:00AM and no later than 8:00 PM from Monday through Saturday. Parking for the home office will be permitted on the street (not the residential lane). A home occupation permit for the home office will be required to be filed with the Town Zoning Officer. A home office is permitted a two (2) square foot sign identifying the business. The sign must be carved wood and no illumination is permitted on the sign. The sign must be located on the primary structure and must be located in proximity to the dwelling's address number.

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

Accessory Structures

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

1. Gazebos
2. Garages
3. Sheds
4. Decks
5. Mailboxes, lampposts, flagpoles, driveways, paths, and sidewalks
6. Fences and walls
7. Signs
8. Solar energy panels
9. Trellises
10. Ornamental ponds
11. Limited recreational facilities- (playgrounds, etc., located in a common area)

Interim Uses

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

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

This Land Use Plan indicates the proposed land uses within the Area and the general configuration of the parcels within the Plan. The predominant Land Use Plan is Residential with open space making up the remainder of the site. The open space in the center of the Plan, which fronts onto Paterson Avenue, will be some combination of stormwater detention and/or public park space, which will be discussed in the Landscape Plan. The building configurations indicated in this Plan are for illustrative purposes intended to represent allowable building envelopes and possible parcel configurations. A final site Plan showing the precise configurations of the Area, parcels and buildings will be done by the redeveloper.



Paterson Avenue Redevelopment Plan
Land Use Plan

- Single Family Housing
- Open Space







SECTION 5.0

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

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

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

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

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

The functional, aesthetic, and perceptual characteristics of streets should be positively optimized and understood as a component of the townscape. This understanding results in places with the highest value and quality of life. It is the design of the streets, street edge, street network, vistas and landmarks that allow easy, legible and understandable movement of both vehicles and pedestrians throughout the Area.

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

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

Minor deviation to the circulation plans and street standards are anticipated and are allowed to accommodate the traffic improvements and flows or to accommodate new standards but must be approved by the Town's Engineer.

Thoroughfares

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

1. The street configurations and locations shall be designed to meet the projected vehicular traffic, pedestrian volume and circulation needs of the Redevelopment Area. The streets should be designed to provide a sense of enclosure within the residential areas to enhance neighborhood character. Streets should visually terminate in specific locations in order to provide physical and visual access to public places.
2. The street system shall take the form of a modified grid pattern with the thoroughfare typology as shown on the Street Network Plan. The modified grid pattern shall create development blocks appropriately sized for the anticipated residential uses.
3. All open space parcels shall be edged with thoroughfares.
4. Each thoroughfare type, i.e. neighborhood street, residential lane, etc., shall be dimensioned and specified as to right-of-way width, pavement width, sidewalk width, traffic lanes, parking lanes, planting treatment and other factors that may apply to both the functional and aesthetic character of the specific street as specified in the attached thoroughfare sections.
5. All streets shall be open to the public in order to provide access to and through the Area. All streets shall be improved to finished specifications prior to the occupation of the dwellings and be offered to the Town for dedication.
6. Two Pedestrian Ways are proposed to provide pedestrian access through the Area.
7. The Pedestrian Ways shall not provide any vehicular access, with the exception of emergency services and emergency vehicles.

8. 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.
9. All streets shall provide on-street, curbside parking available to the public, with the exception of the Residential Lane and Pedestrian Way.
10. 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.
11. The street improvements identified in this section include all infrastructure, paving base and surfaces, sidewalks, street trees, street lights, and curbs to meet Town standards.

Pedestrian Realm

1. Sidewalk areas must be provided along all streets and shall be properly sized for the safe and convenient movement of pedestrians through and around the Area, taking into consideration such factors as: the volume of traffic on the street, the width of the roadway, and the adjoining land uses. The minimum unimpeded sidewalk width shall be four (4) feet, with the optimum width of 4' 6". The total combined width of the sidewalk and the "parkway" shall equal 8 feet. Sidewalks are not required along either side of residential lanes. The thoroughfare diagrams illustrate and provide the particular dimensions for the sidewalk and semi-public edges of each thoroughfare type (See ST:44-28 and RL:20-18 graphics on pages 35 and 36).
2. Sidewalk areas shall be attractively landscaped and durably paved in conformance with any minimum municipal standards and shall be provided with adequate lighting. Decorative paving materials and pedestrian scale lighting is required. (See Landscape Requirements)
3. Traffic signage shall be consolidated and affixed onto lampposts to the maximum extent practical so as to reduce the number of poles, obstructions and visual clutter in the streetscape and pedestrian movement.
4. All signal and light posts must be a consistent dark color.
5. All sidewalks and intersections must be ADA compliant.
6. Crosswalks are required at each intersection.
7. Sidewalks, curbs and driveway aprons must have a continuous paving texture along all streets and

across all driveways within the Area. Crosswalks may be of a different texture than sidewalks.

8. Sidewalks may not be asphalt.
9. Sidewalks must be located on the edges of the Central Park/Detention Basin.

Disposal Requirements

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

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

The proposed Thoroughfare Regulating Plan calls for a network of streets distributed across the Area. This network provides delineation of buildable blocks. The street network provides several points of entry, so that both pedestrians and drivers can utilize the most convenient routes into and through the Area. Blocks are varied and small, also enhancing the pedestrian experience.

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

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

- ST – Street
- RL – Residential Lane

The labels indicate the right-of-way width and cartway width. For example, ST:44:28 is a “Street” with a 44 foot right-of-way and a 28 foot cartway width from curb to curb. The two types of thoroughfares and their locations are indicated on the Thoroughfare Regulating Plan below; a rear residential lane typology (RL - 20:18) with all other thoroughfares in the Plan being streets (ST - 44:28).

Streets intersect with Paterson Avenue only. The exception to this is the right-of-way used for pedestrian access at the Stratford Lane end of the longer, southernmost street which is perpendicular to Paterson Avenue. Automobile traffic is distributed evenly across the Area with stop signs proposed at all street intersections. Stop signs will be located on the residential lanes where they intersect with streets as well.

The thoroughfare network defines 4 ‘blocks’ of varying configurations and sizes. The Streetscape layout and parking arrangements are indicated and illustrated graphically in the Thoroughfare Sections of the Mobility Regulating Plan.



The thoroughfares serving the proposed Area have a recommended range of lanes, turning movements, and parking arrangements. The specific design and geometries of the improvements should be determined by the Town's Engineer. Each typology is illustrated and codified in the Thoroughfare Sections.

There are two (2) thoroughfare types in the Redevelopment Area:

Streets connect the area to Paterson Avenue and the surrounding street network and provide narrow, quiet residential thoroughfares opportunities. All the streets are traditional, bi-directional, two-lane "priority" streets with parallel parking allowed on both sides. All streets are designed with the pedestrian in mind, providing tree-lined sidewalks along the residential frontages. Each of the streets should be buffered with landscaping and decorative lampposts to enhance pedestrian circulation. On-street parking is recommended on all streets, except where specifically prohibited (i.e., intersections, etc.). There are two allowable configurations for the edges of the streets, or pedestrian realm, in the Area, illustrated on the following pages. The difference being the width of the 'planting strip' and subsequent placement of street trees.

Residential Lanes serve to connect the streets to garages located at the rear of properties found on select 'blocks'. Municipal services such as waste disposal and recycling pick-up will also be from these rear lanes whenever possible. Residential lanes will have stop signs where they intersect with streets.

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

The location of each thoroughfare type has been designated on the Plan. The thoroughfare is contained within the right-of-way and contains the cart way, 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:

Streets - ST
Residential Lanes - RL

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

Streets (ST 44:28)

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

The width of the area between the curb and right-of-way boundary, or pedestrian realm, must be a minimum of 8 feet with a sidewalk of a minimum of 4 feet. The narrow strip between the curb and sidewalk must be a minimum of 1’ 6” and must be a permeable, textured pavement (pavers or brick). This paver treatment will mitigate the negative effects of winter snow plowing, which typically causes grass die-off of the area along the curb.

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

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

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

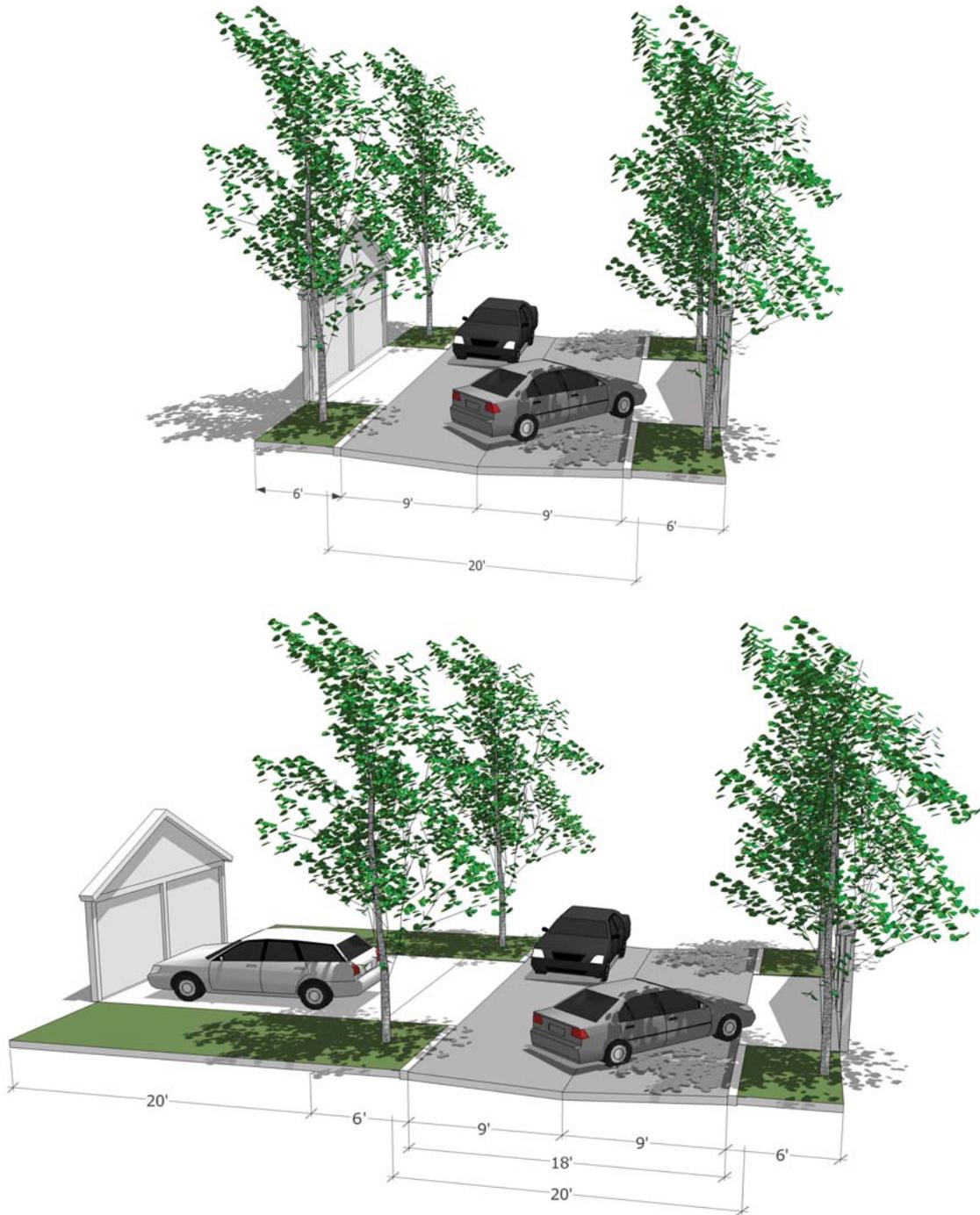


Residential Lane (RL 20:18)

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

The standards for Streets are illustrated graphically below:

RL 20:18	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	10 MPH
Lane Width	9 Feet
Curb Radius	10 Feet
On-Street Parking	Not Allowed
Parking Strip Width	4' (Where Present)
Sidewalk Width	4' Minimum (Where Present)
Lighting Height	8 - 12 Feet
Light Type	Pole/ Garage Mounted
Light Spacing	40 Feet (Maximum)



Vehicular circulation and the directional flow of traffic within the Plan is illustrated on the Vehicular Circulation Plan below.

The new streets within this Area are considered "priority" streets and will include two travel lanes (one each direction) and two on-street parking bays (one in each direction). They will function to provide vehicular access to the site as well as on-street parking and will provide the primary frontage for all the dwelling units that front onto these streets. The speed limit will be restricted to 15 miles per hour. These streets are not "through" streets.

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



Paterson Avenue Redevelopment Plan
Vehicular Circulation Plan

- Two Way Street
- Two Way Residential Lane



5.7 PEDESTRIAN PLAN

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

People will utilize pedestrian spaces if they are pleasant and engaging places to walk. It is required that all sidewalks within the area must be a minimum of 4 feet in width, with an optimum width of 4' 6", along residential frontages to allow for multiple pedestrians to interact on the sidewalks.

Pedestrian paths are also required in the Plan to help link this new neighborhood with the Stratford Lane and Jersey Place neighborhoods. These linkages will also provide access through the Area, access to the open space within the Area and access to Merriam Avenue Elementary School to residents of surrounding neighborhoods.

The Plan also shall incorporate paving patterns in intersections and crosswalks. For instance, the intersections of the new streets with Paterson Avenue must be textured in the crosswalks. It is highly recommended that the pavement within and defined by the crosswalks should also be textured on Paterson Avenue. Stamped concrete or real Belgian blocks in the intersections with Paterson Avenue would be the most appropriate.

Several traffic calming tools could be implemented to increase pedestrian safety along the streets surrounding the site including speed humps. Bump-outs are suggested at the intersections of the new streets with Paterson Avenue, thus providing greater safety for pedestrians crossing the street.

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

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



Paterson Avenue Redevelopment Plan
Pedestrian Plan

— Sidewalk Network
— Crosswalks

North
Scale 0 25' 50' 100' 200'



SECTION 6.0

A place is defined not only by the character of its streetscape, but also by the quality of its buildings. In order to assure quality architecture and building character, standards should be set for building types and architectural requirements. This will be an eclectic mix of homes with architectural styles varying from brick colonials to vibrant Victorians and sustainable Craftsman bungalows.

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

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

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

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

Density: The allowable density of the Area is to be no more than 6 dwelling units per acre.

Lot sizes: The lots will be subdivided into three (3) standard sizes, with several odd sizes due to the plan layout. The three standard sizes are:

- 40 feet wide by 92 feet deep - 3,680 square feet
- 50 feet wide by 100 feet deep - 5,000 square feet
- 60 feet wide by 100 feet deep - 6,000 square feet

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

Residential:
Maximum: 1200 square feet
Minimum: 1000 square feet

Garages:
Maximum: 400 square feet
Minimum: No minimum size. Garages are not required, however, at least 2 off-street parking spaces must be provided for each parcel.

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

Front yard setback:
10 feet (lots which are 40' wide)
15 feet (lots which are 50' or 60' wide)

Side yard setback:
15' total/ 5' minimum one side
(lots which are 40' wide)
25' total/ 5' min. one side (lots which are 50' wide)
30' total/10' min. one side (lots which are 60' wide)

Back yard setback:
5' minimum (all parcels)

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

Front yard encroachment:	6 feet max.
Rear yard encroachment:	10 feet max.
Side yard encroachment:	None Permitted (except for minor encroachment from protruding windows and chimneys)

Driveways: May be either paved asphalt or "California Driveways", which have two paved strips with a "planting area" of grass in the space between.

Minimum width: 10 feet

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

The total number of floors is illustrated for each typology. A typical maximum height is illustrated in the graphic on the following page.

Residential:

Minimum 1.0 floor

Maximum 2.5 floors or 35 feet (measured from the grade of the mean front elevation to the highest point of the roof).

Live/Work or Home Occupation:

Maximum 2 stories (office space above garages)

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

Typically, the ground floor along the front facade is raised above grade by two to three feet. The first floor is typically higher (taller) and the top floors are lower. The maximum number of stories is illustrated for each building type. The development must meet NJ COAH regulations for ADA accessibility for a set number of units. The graphic below indicates a typical massing study for the Area (the graphic does not represent the sole architectural style intended for the Area)

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



The graphic above illustrates a study of the proposed typical massing for parcels and dwellings in the Area. The final Site Plan with the massing details of individual dwellings is to be developed by the designated Developer(s).

6.5 BUILDING TYPE PLAN

There are three (3) primary residential building/lot types within the Paterson Avenue Redevelopment Area. The building types depict the relationships between parcel layout, developable area, setbacks and encroachments in cross-sections and program tables. Each typology is explained in the Building Type Regulating Diagrams illustrated on the following pages. The residential types are primarily based on whether accessibility to the garages is from the front yard or rear yard. In addition, residential dwellings must have a diversity of building configurations and facades that provides an individual expression of each building.

1. Type One (40x92 foot lot) - 1 to 2.5 story single-family and Paired Villas (duplex dwellings) with rear yard access to parking. This typology is further differentiated into types 1A, 1B, 1C and 1D based on the location of the garage on the lot. As Paired Villas these dwellings must be constructed to resemble single family houses, with single front and rear entrances for both units.

2. Type Two (50x100 foot lot)- 1 to 2.5 story single family dwelling with front yard access to parking. This typology is

further differentiated into types 2A and 2B based on the size of the garage on the lot.

3. Type Three (60x100 foot lot)- 1 to 2.5 story single family dwelling with front yard access to parking. This typology is further differentiated into types 3A and 3B based on the size of the garage on the lot.

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



Paterson Avenue Redevelopment Plan
Building Typology Plan

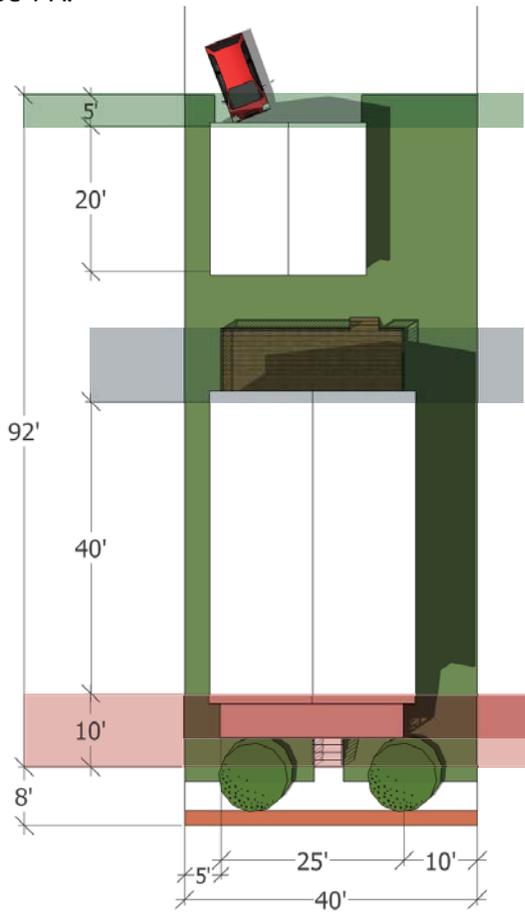
- Type 1
40' frontage
- Type 2
50' frontage
- Type 3
60' frontage



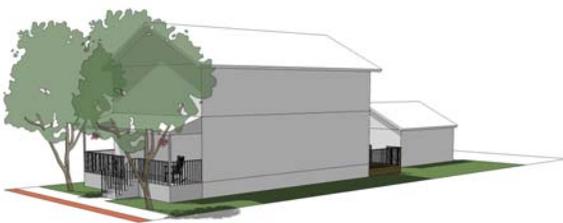
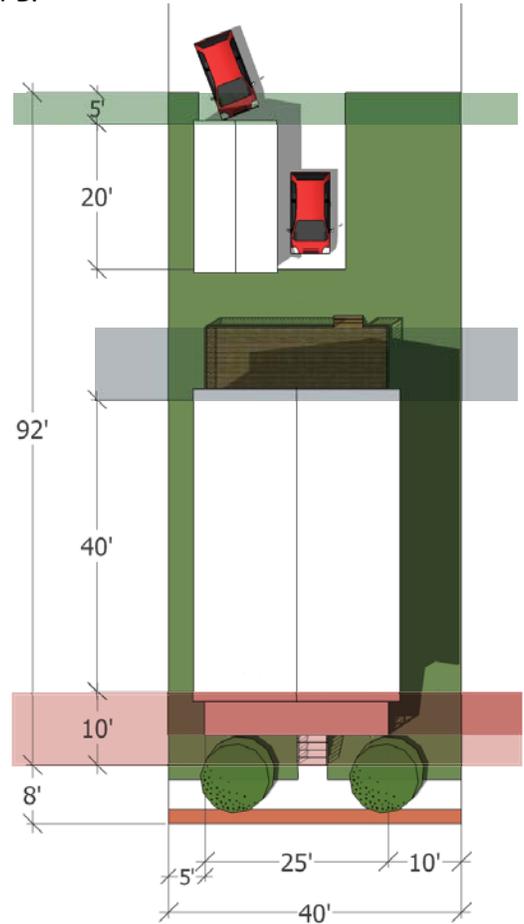
Regulation	Feet
Front Yard Setback	10 min.
Side Yard Setback	10 one side, 15 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	40
Lot Depth	92

Regulation	Feet
Front Yard Setback	10 min.
Side Yard Setback	10 one side, 15 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	40
Lot Depth	92

Type 1 A.

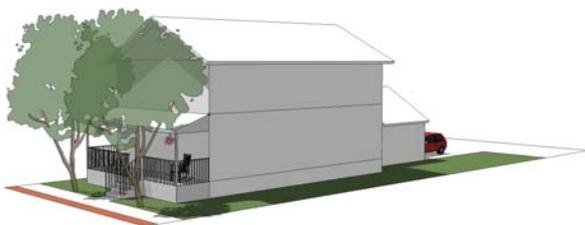
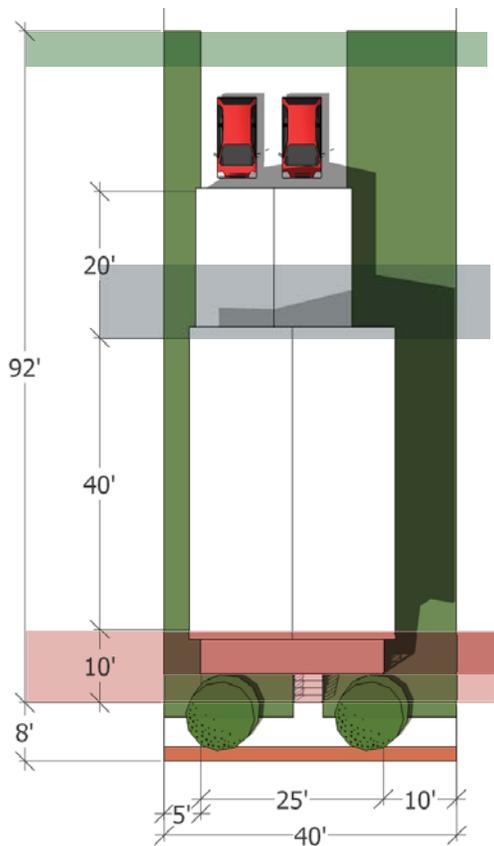


Type 1 B.



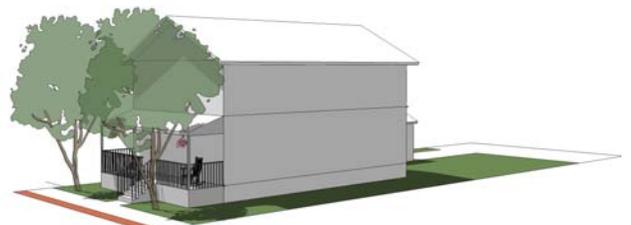
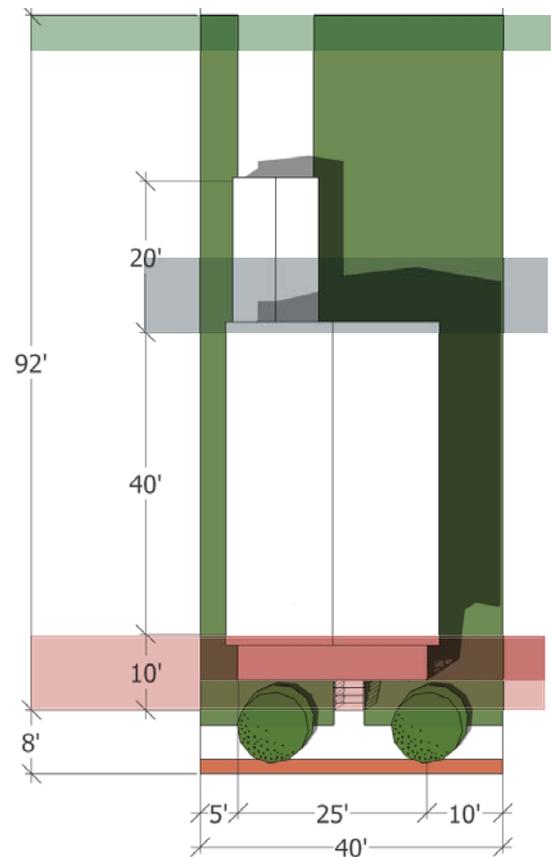
Regulation	Feet
Front Yard Setback	10 min.
Side Yard Setback	10 one side, 15 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	40
Lot Depth	92

Type 1 C.



Regulation	Feet
Front Yard Setback	10 min.
Side Yard Setback	10 one side, 15 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	40
Lot Depth	92

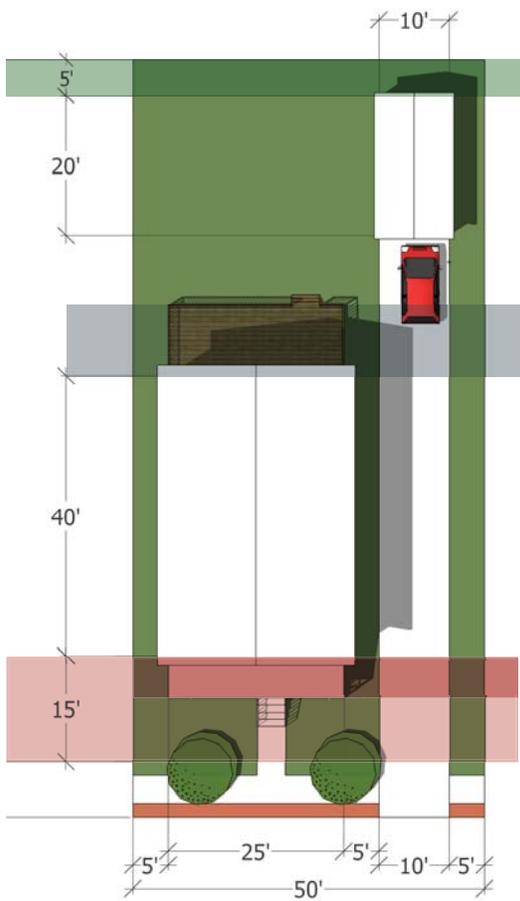
Type 1 D.



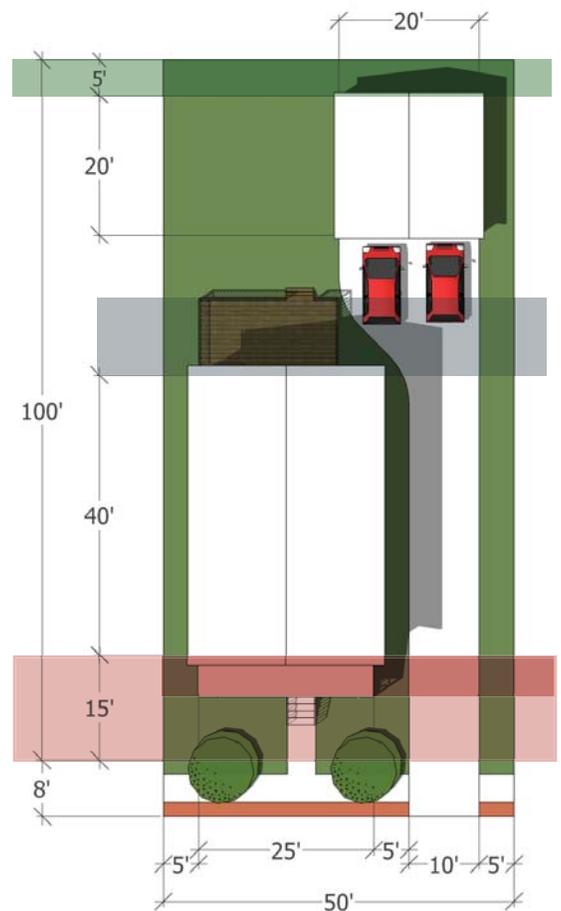
Regulation	Feet
Front Yard Setback	15 min
Side Yard Setback	20 one side, 25 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	50
Lot Depth	100

Regulation	Feet
Front Yard Setback	15 min
Side Yard Setback	20 one side, 25 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	50
Lot Depth	100

Type 2 A.



Type 2 B.

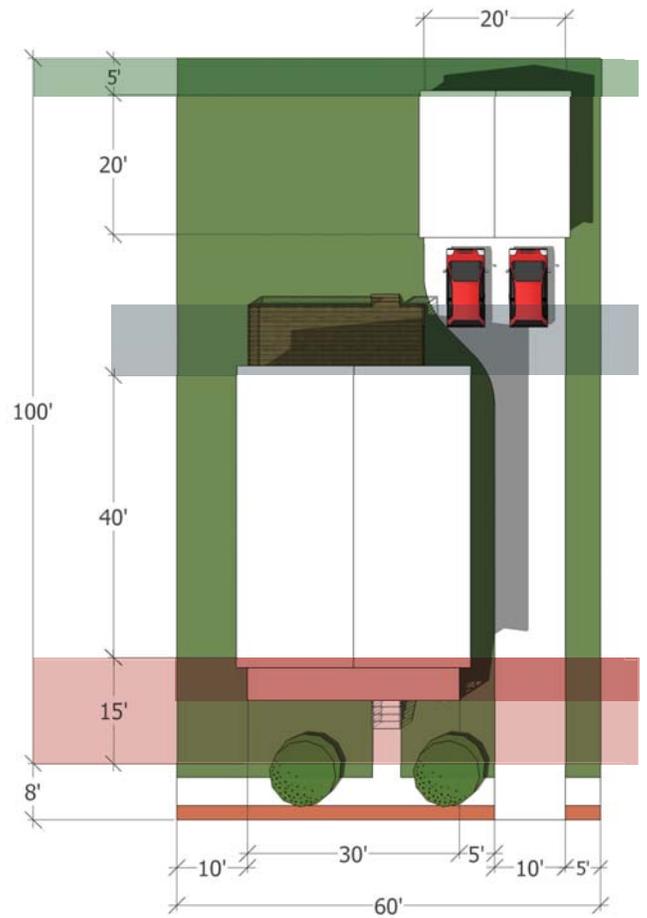
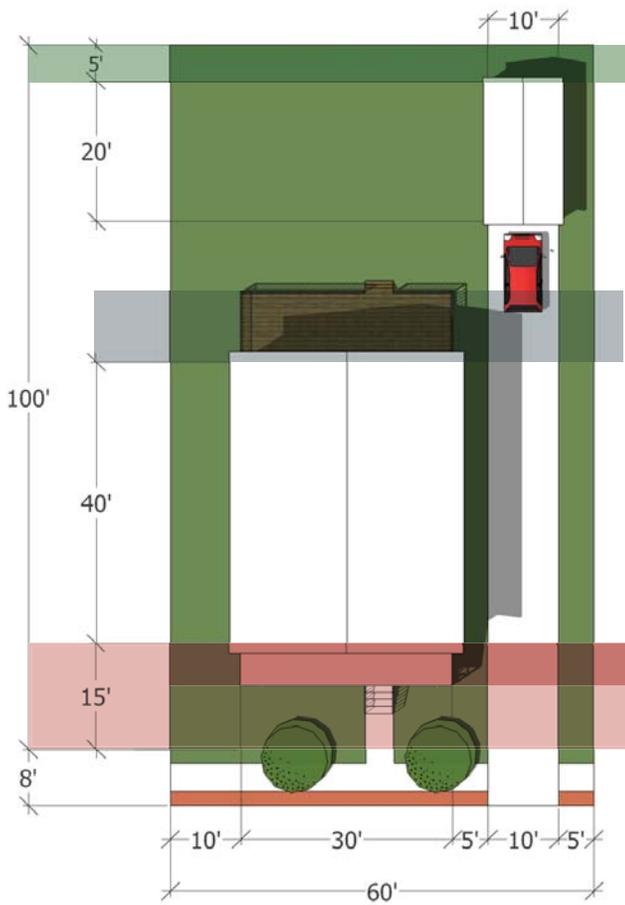


Regulation	Feet
Front Yard Setback	15 min
Side Yard Setback	20 one side, 30 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	30x40 (1200 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	60
Lot Depth	100

Regulation	Feet
Front Yard Setback	15 min
Side Yard Setback	20 one side, 30 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	30x40 (1200 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	60
Lot Depth	100

Type 3 A.

Type 3 B.



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

6.7.1 ARCHITECTURAL STYLE: CRAFTSMAN/BUNGALOW



6.7.1 ARCHITECTURAL STYLE: VICTORIAN/COLONIAL



1. To create individuality with each of the buildings, a more organic look to the development, and to avoid standardization and similarity, there must be a minimum of three distinct building facade designs within each building type (see building types on pages 44-48: Type 1, Type 2 and Type 3). Within the various facades there must be the additional expression of individuality through the use of material changes, changes in window form and type, changes in the porch, portico or stoop design, change in gables, lintels and headers, and use of secondary porches and balconies. No two exact facades shall be allowed on any street frontage.
2. Façade Materials: The primary façade materials shall be hardy plank, decorative shingles with appropriate trim and detailing, stone/masonry, real stucco and brick. EFIS and vinyl siding are prohibited. Accents such as projecting, bow, bay and boxed windows should be in metal. Individual façades should consist of no more than three materials and/or textures. Metal on a façade shall only include aluminum, coated steel, copper, zinc and painted wrought iron.
3. Façade Colors: It is recommended that a color palate be developed for the Plan with allowable facade and complimentary accent colors. Façade colors must not be repeated within any five (5) building frontages on any street. The following primary façade colors are discouraged: cream, beige, tan, and gray. A combination of lighter masonry and darker earth tones are appropriate for brick façades.
4. Accent Colors: A color palate should be developed for accent and trim colors for the Plan. Accent colors must be based on and complement the primary facade colors.
5. Soffit Emphasis: In buildings with a soffit, the underside of the overhang is often more visible than the roof and should be articulated. The soffit should therefore receive a greater emphasis and budget than is typically afforded.
6. Soffits: All building soffits and overhangs shall be designed to provide shade in the summer and allow sunlight to enter the building in the winter. As such, southern and western exposures shall feature exaggerated (wider) soffits.
7. Mechanical structures shall be fully integrated with the architectural and structural design of the building in order to minimize the negative aesthetic impact upon the viewer, both from street level and as may be viewed from adjacent properties. All parts and components of cellular phone antennas, satellite dishes, television and radio antennas shall be designed to be in harmony with the architectural context and shall not be visible from the front street or sidewalk.
8. Utilities: All utilities shall be underground. Machinery and the mechanical controls for same, including but not limited to transformers, junction boxes, electrical meters and condensers, shall be located to the side or rear of buildings and/or otherwise screened from frontages by building elements in a manner consistent with the design of the building.
9. Night security gates, grids or any other security covering of windows are prohibited.
10. Rain Gutters: Storm water from roofs should be collected on site and reused for irrigation and other uses that require nonpotable water. Rain gutters are permitted.
11. A semi-private edge treatment is required along the front property line of all parcels of either a low fence, hedge or low stone or brick wall. It is recommended that side yards and rear yards of all parcels have fences. See standards on fences in the Landscape Plan.

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

6.9.1 ROOFING STYLES



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

6.10.1 PERMISSIBLE ENCROACHMENTS



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

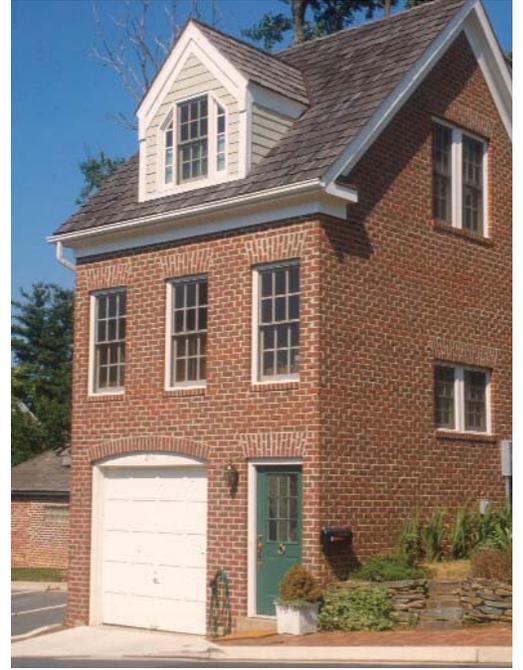
The Planning Board should determine if an identification sign for the development will be permitted. If the Board deems that a sign may be erected to identify the development the following guidelines are to be followed: The sign shall be no larger than 12 square feet and must be a carved wood sign. The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

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

6.1.1 BUILDING SIGNAGE AND LIGHTING STANDARDS

1. Parking: Two (2) off-street parking spaces per parcel will be provided at a minimum. These may be either in a garage and/or driveway or a combination of both.
2. Garages: Garages shall be located behind the back facade of the primary building. Garages, where they are present, may be located at the rear of properties or attached to the rear of the primary building. Garages in the front of properties are not permitted. Garages may be built to accommodate one car or two cars, and may be built with a second floor or loft above.
3. Garage Size: built for one car must be 10 feet by 20 feet. Garages built for two cars must be 20 feet by 20 feet.
4. Garage Access: Where garages are built with a second floor or loft, access is to be given to the space above via stairways. Access may be either to the interior or exterior of the garage but is not to be from the rear facade of the garage.
5. Garage Use: The second floor/loft space of garages so built may be used for home office occupation and or additional living space to the primary residence.

6.12.1 PARKING STYLES



1. LEED Certification: To the extent possible all buildings should strive for the U.S. Green Building Council's (USGBC) Leadership In Energy Efficient Design (LEED) certification.
2. Energy Efficiency: New construction should strive for maximum efficiency of energy usage. Educational, technical and financial assistance programs such as ENERGY STAR and New Jersey Board of Public Utilities (NJBPU). New Jersey's Clean Energy Program should be utilized to the maximum extent possible.
3. Renewable Energy Programs: Several options exist to allow for the incorporation of renewable energy in the operation of new buildings and should 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 should 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, in conjunction or addition to green roofs, it is encouraged that new development incorporate a storm water detention and collection system via the placement of cisterns located either within each dwelling or property or buried within the Redevelopment Area. In addition to mitigating the impact and amount of storm water produced by this development, storm water collected within cisterns could be used for non-potable uses, such as irrigation, washing cars or flushing toilets, to reduce demand on limited potable water sources.
5. Resources: Multiple informational, technical and financial assistance resources are available to encourage and promote the practice of green building and should be considered for the development of new construction. Several of these resources can be accessed via the New Jersey Board of Public Utilities' (NJBPU), New Jersey's Clean Energy Program, and Cool

Cities Program, as well as through the New Jersey Department of Environmental Protection's (NJDEP) New Jersey Environmentally Sustainable Communities Initiative.

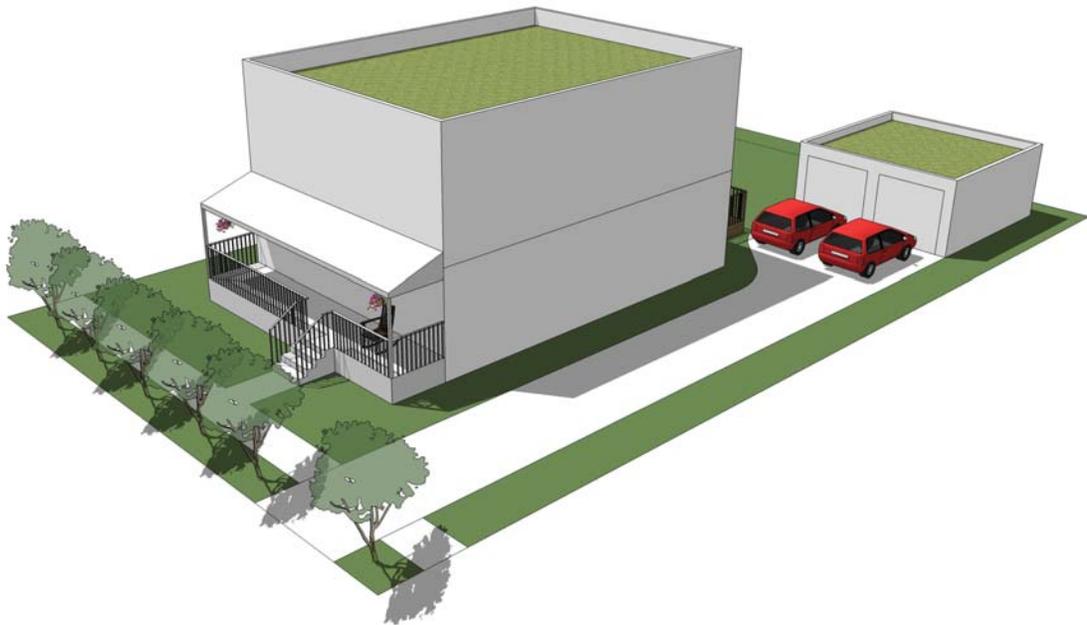
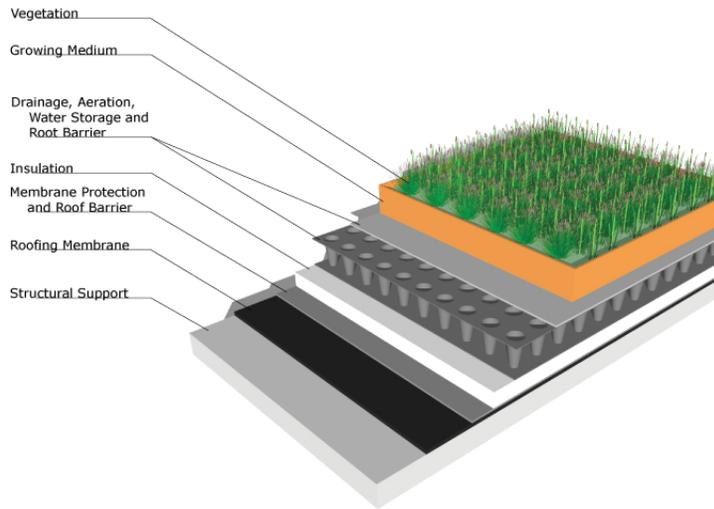
6. Green Roofs: In order to mitigate storm water runoff and detention requirements, green roofs are recommended on all structures and highly recommended on garages. A green roof can be flat with a minimum pitch for drainage with an accented cornice and/or parapet or may be pitched at a 2:1 ratio.

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

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

Currently, initiatives exist to promote the widespread use of green roofs. Further, several agencies and organizations exist to help educate and provide technical support to architects, designers, and contractors seeking to build green roofs. Ideally a green roof strategy should be incorporated into the Paterson Avenue Stormwater Management Plan.

7. Wastewater: Consideration should be given to reducing potable water use for building sewage conveyance by 50% through the use of water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater.
8. Water Reduction: Consideration should be given to using 20% less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Consideration should also be given to reuse of stormwater and greywater for non-potable applications such as toilet and urinal flushing and custodial uses.
9. Heat Island Effect: Consideration should 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 should be given to designing the building envelope, HVAC, lighting, and other systems to maximize energy performance.
11. On-site Renewable Energy: Consideration should 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 should be given to the development and use of grid-source, renewable energy technologies on a net zero pollution basis.
13. Storage and Collection of Recyclables: Consideration should be given to coordinating the functionality of the anticipated collection services for glass, plastic, paper products, newspaper, cardboard, and organic wastes to maximize the effectiveness of the services. All properties should have individual collection bins to further enhance the recycling program.
14. Construction Waste Management: Consideration should be given to recycling cardboard, metal, brick, acoustical tile, concrete, plastic, clean wood, glass, gypsum wallboard, carpet, and insulation.
15. Material Reuse: Opportunities should be identified to incorporate 5% of salvaged materials into building design and potential material suppliers should be researched. Consideration should 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 should 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 should 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 should 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 should 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 should 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 suggested on the secondary façades or roofs.







SECTION 7.0

Landscaping and streetscapes greatly affect the quality of a place. The purpose and intent of this Section is to provide landscape development and buffering requirements in order to maintain and protect property values, 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 Landscape Concept Plan is shown below:



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

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

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

1. The Landscape Plan should strive to include the highest and best quality decorative materials possible and specify, at minimum, architectural pavers, decorative lighting, tree species, and any other Area appropriate decorative site furnishings, including all specific color and material selections.
2. All landscape materials planted by the developer must have a two year maintenance guarantee. If any planting materials die within two (2) years of planting, they must be replaced during the following planting season.
3. Street trees must be a minimum of 3 inches in caliper and 12 feet high at the time of planting. All street tree types and sizes shall be recommended by a local arborist, nurseryman, or some other Landscape Architect designated by the Planning Board and shall be a type suitable for the Area's environment. Lists of suitable trees are available from the Community Forestry Council, a division of the New Jersey Division of Parks & Forestry, or the New Jersey Nursery & Landscape Association.
4. All yard spaces shall be landscaped with shade trees, flowering trees, evergreen and deciduous shrubs and perennials and bulbs. The developer shall plant at least two (2) trees (of approved shade and/or flowering species) per property (one in the front yard, one in the rear yard). The developer shall landscape the front facade of each structure with at least 5 shrubs/bushes fronting buildings 25 feet wide and 6 shrubs/bushes fronting buildings 30 feet wide. Shrubs must be at least 2.5 feet high by 2.5 feet wide (30" high by 30" wide).
5. Sidewalks should enhance the pedestrian experience. Toward that end, the following must be included within the Landscape Plan:
 - A. Barrier-free access to all pedestrian space
 - B. Use of pedestrian-scaled lighting
 - C. Use of pedestrian scaled signage
6. All open areas not covered by buildings, paving, and sidewalks shall be graded and landscaped.
7. All landscaped areas must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character. This must be assured for the foreseeable future through home owner's agreements or other legal device.

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

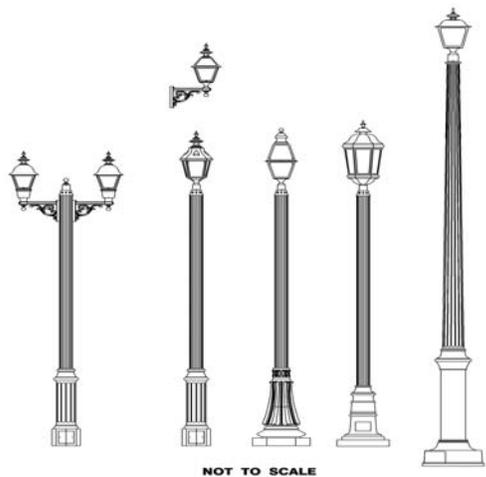
Hardscape Requirements for Streetscape

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



Lighting Requirements for Streetscape

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



shine onto streets or driveways in such a manner as to interfere with or distract driver vision.

9. All lighting shall use shielded light fixtures to prevent misdirected or excessive artificial light and maximize energy efficiently.
10. The use of floodlight-type style fixtures attached to buildings shall be prohibited.

Planting Requirements for Streetscape

1. All trees shall be a minimum of 3 inches in caliper measured at 6 inches from ground level and have a minimum branch height of 6 feet at time of planting for yard trees, 10 feet minimum branch height for street trees.
2. At minimum, street trees shall be spaced every 25' on center along streets and park edges.
3. Trees shall be planted where specified in the Thoroughfare Standards.
4. A minimum of a 1'6" wide 'planting' strip must be installed between the curb and sidewalk. The planting strip must be of a textured pavement material such as pavers or brick. The total width from the curb to ROW edge must be at least 8 feet. Street trees are to be planted in the ROW in the area between the sidewalk and ROW edge (see graphic on page 35).
5. Street tree planting should be strategically phased to ensure procurement of large quantities of uniform and consistently sized specimens of specifically selected species.
6. Trees should only be planted during appropriate spring and fall planting seasons to the highest arboricultural industry standards; appropriate root barriers shall be installed at the time of planting.
7. Fertilization shall be yearly with a balanced, full spectrum inorganic commercial fertilizer applied at a rate adjusted to remedy deficiencies identified by soil testing reports.
8. Native tree species with proven success shall be thoroughly searched by a plant broker before consideration of alternate species. (Suggested native tree species can be found at the end of this Section.)
9. All trees shall be monitored and treated annually by the developer for potential disease or decline in physical condition.
10. Street trees shall not be planted within the clear vision triangle of each intersection according to Town regulation.

7.4 YARD LANDSCAPE REQUIREMENTS

1. No asphalt paving or wood decking is allowed within the front yard except for the primary driveway and front porches. Any paved area including walkways, etc. shall have equal or greater detail than the adjacent sidewalk.
2. Every building shall have direct access from the sidewalk to the primary pedestrian ingress and egress of a building by way of a walkway separate from the driveway. Materials of the walkway shall complement the color and design of the building and the sidewalks.
3. Fencing along all street frontages/semi-public edges in the front yard shall not exceed three (3) feet in height.
4. Only decorative style fences, such as tubular steel or wrought iron type fences, are permitted along street frontages and along semi-public edges. The design of the fencing shall complement the architectural style of the building.
5. Fencing may be up to 6 feet along side yards beyond the plain of the front facade. The top 12" must be semi-transparent (lattice work or some equivalent) while the lower portion may be solid or opaque (See example of fencing in image to the right).
6. The use of native shrubs and grasses is encouraged. A list of examples can be found at the end of this Section.
7. Shade trees, flowering trees, and evergreens must be kept properly pruned.
8. The use of energy efficient lighting is encouraged.
9. Yards must have a minimum number of landscape features:
 - Two (2) canopy trees per dwelling – one in the front, one in the back
 - Foundation shrubs: five (5) per building (25' width); six (6) per building (30' width) along the front façade.





Public Signage

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

Freestanding Signage

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

Identification Signage

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

Construction Signage

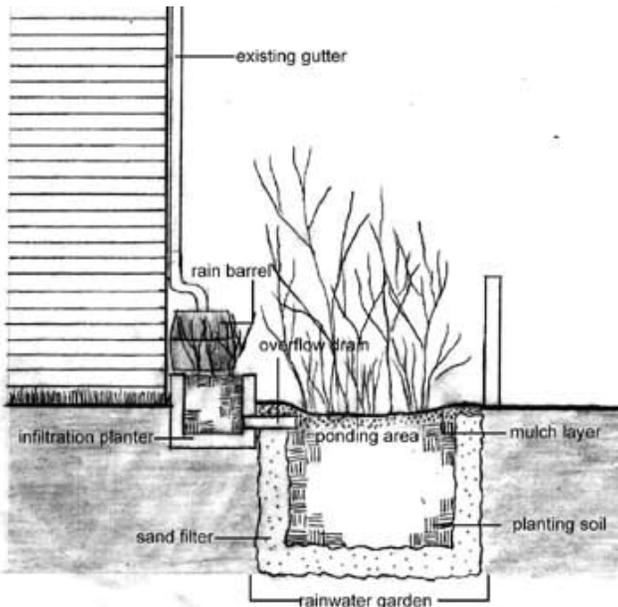
During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, and/or public agency officials (as applicable and appropriate). Construction signage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

Prohibited Signage

Fluorescent-lit signage or signage with glowing paint, roof-top-mounted advertising signage, signage above the second floor, signs that might be mistaken for traffic control devices, unless expressly permitted, are prohibited.

Soil Handling and Soil Compaction

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



Suggested Planting Guidelines

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



Shade and Flowering Trees

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

1. Green Ash



2. River Birch



3. American Hornbeam



4. Red Maple



5. Hackberry



6. Serviceberry



7. Eastern Red Bud



8. Flowering Dogwood



Shrubs and Grasses*(see pictures on following pages)*

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



9. Cranberry Bush



10. Maple Leaf Viburnum



11. Possumhaw Viburnum



12. Black Haw



13. American Holly



14. Blue Joint Grass



17. Steeplebush



15. Little Blue Stem Grass



16. Switch Grass



18. Wintergreen



19. Winter Berry



19. Winter Berry (Winter)



20. Black Chokeberry Flower



20. Black Chokeberry (Fall)

A prominent feature of this development is a large open space, centrally located in the Area and fronting onto Paterson Avenue (See graphic to the right). This space will be some combination of publically accessible open space and stormwater detention facility. The amount of area within this space which must be dedicated to stormwater detention will depend on the “green” technologies incorporated into the design of the project and the percentage of stormwater which is captured by those green technologies. It is recommended that technologies be incorporated in the project that will capture stormwater to be used for non-potable uses on-site, such as irrigation, thus lessening the amount of area required for stormwater detention.

The images on this page are examples of how the open space may be utilized. The area could be depressed and grassed to provide park land and a recreation field when it is not flooded (see top right and middle right images). Should the detention facilities be underground, the open space could be park land at grade (see lower right image). The area could also be converted into a Stormwater Meadow, or constructed wetlands (see images below).

Playground facilities may also be provided within the open space area.



3-D Model of Area with Central Open Space



The set of images on this page illustrate simulated streetscape and open space characteristics which could be incorporated into the development.

The existing conditions are illustrated in the image to the right. Design alternatives are illustrated in the simulated images below:



Existing Conditions



Simulated Design Alternative - Central Open Space at Street Grade for Park Space



Simulated Design Alternative - Central Open Space Depressed for Stormwater Detention and Park Space



Simulated Design Alternative - Central Open Space as Naturalized Pond for Stormwater Detention and Park Space



Simulated Design Alternative - Central Open Space as Stormwater Meadow for Stormwater Detention and Park Space





SECTION 8.0

8.1 GENERAL PARKING REGULATIONS & PLAN

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

1. Residential – Single Family House, front yard access to driveway/garage:
Minimum of two (2) spaces per parcel. Spaces can include garaged or driveway area.
2. Residential – Single Family House, rear yard access to driveway/garage:
Minimum of two (2) spaces per parcel. Spaces can include garaged or driveway area. Parcels with a one-car garage must be provided with an additional

off-street parking space to the back of the property (as illustrated by Building Typology 1B on page 46).

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



1. Water supply: in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-5, except where pre-developed site conditions such as collection and/or recycling of rain water allows for an offset in water supply requirements. Provision for rain water collection and recycling, if used, must be factored into the Water Supply Management Program.
2. Sanitary sewers: in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-6.
3. Storm water management: in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-7, except where pre-developed site conditions such as impervious coverage allow for an offset in stormwater management requirements. Provision for green roofs, water gardens and recycling of rain water, if used, must be factored into the storm water 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. Common Ground: In a residential neighborhood, any ownership and maintenance of common open areas, recreation areas, access drives and parking areas be provided by a homeowners association.
6. Recycling and solid waste removal: Adequate facilities as determined by the Planning Board shall be provided for the collection and removal of recyclables and solid waste. The solid waste and recyclables shall be picked up curbside for single family dwellings with frontyard driveways and picked up from the residential lane for single family dwellings with a rear residential lane.
7. Snow removal: Adequate facilities shall be provided for the removal of snow from the common areas by the homeowners association.

All places related to utilities, infrastructure, stormwater management, water, sewer, and wireless proposed for this Area shall be subject to approval by the relevant Town agency. 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 Area's individual uses shall be located underground, including utility boxes. Utility appliances, regulators, transformers, and metering devices shall be located underground but not in the planting strip between the curb and sidewalk. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
2. If it becomes evident to the Planning Board and the Municipal Engineer during the implementation of this development that a long term utility and infrastructure plan is needed and desired, a Utility Plan which shall include the on-tract and off-tract infrastructure improvements needed to serve the development shall be provided by the designated developer.
3. No development of any parcel in the Plan Area that results in an increase in wastewater from that parcel shall be permitted until the planned project wastewater piping systems for the removal of effluent and stormwater are approved by the Town Engineer and the Newton Utility Advisory Board; and the municipal wastewater piping systems for the removal of effluent and stormwater are certified by the Town Engineer and the Newton Utility Advisory Board as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as determined by the Planning Board, Town Engineer and the Newton Utility Advisory Board.
4. All utilities, with the exception of stormwater, shall be placed within the street ROW, but not under the cartways or road surfaces. It is preferable that utilities be located under the sidewalk.

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

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

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

A Potable Water Conservation Program must be developed as part of the Plan (see page 25). Sustainable techniques to address and utilize stormwater runoff should also be included in the plan. These techniques would include the construction of green roofs, water cisterns and the use of stored water for irrigation and other non-potable uses.

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

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



SECTION 9.0

Validity of the Plan

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

Zoning Map Revisions

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

Parcelization

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

Amendment to the Paterson Avenue Redevelopment Plan

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

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

Variations in Site Plan Design

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

Deviations

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer 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. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) an increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district, (4) an increase in the permitted floor area ratio, (5) an increase in the permitted density.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in

accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

No deviations 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 the Regulations and Standards and the Capacity Calculation sections of 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 the Height Plans and the Frontage Plan sections of this Plan,
3. Increasing or decreasing story height from that which is specifically permitted in the Urban and Architectural Regulations.
4. Varying in any way from the Use Standards Section of this Plan.
5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

Plan Consistency Review

In accordance with Section 40A:12A-7. 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 NJSA 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 2008 Master Plan as a T-3 Residential Area in the Transected Land Use Plan. The Master Plan also recognizes this Area as one in need of redevelopment activities given the context of the Area and its surrounding environs, distinguished by an incompatible and obsolete mix of uses, and the designation of the site as an Area in Need of Redevelopment. In addition, the 1996 Master Plan Update states that, "This limited area is an ideal location to complete the residential pattern established as part of the Merriam/Jersey Place neighborhood".

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

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

On March, 2001, the State Planning Commission ("SPC") adopted the new State Development and Redevelopment Plan ("SDRP"). The SDRP establishes a proposed statewide planning framework that is designed to maintain and revitalize existing cities and towns and organizing new

growth in "Centers" – compact, mixed-use communities that provide a variety of choices in housing, employment opportunities, entertainment, services, transportation and social interaction. The Town of Newton is divided into the Rural/Environmentally Sensitive Planning Area (PA4B) and Environmentally Sensitive Planning Area (PA5). However, the entirety of Newton is within the Regional Center boundary as designated by the SDRP. According to the State Plan, the intent of the PA4B and PA5 Planning Areas is to:

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

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

Relationship with Zoning Ordinance

The current Newton Land Development Ordinance was adopted in July of 2006. The Area is currently zoned M-1: Limited Industrial and the immediate surrounding area is zoned R-2: Low and Medium Density Residential District. Residential uses are not permitted in the M-1: Limited Industrial District. The Redevelopment Plan for this area would call for a change in permitted uses to bring this isolated conflicting land use into better congruency with the surrounding R-2 residential neighborhoods.

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

No conflict is determined to exist between the Paterson Avenue Redevelopment Plan and the Master Plans of adjacent municipalities.

Master Plan

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

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

In accordance with the provisions of a Redevelopment Plan adopted pursuant to section 7 of P.L. 1992, c.79 (C.40A:12A-7), a Municipality or Redevelopment Entity may proceed with clearance, re-planning, conservation, development, redevelopment and rehabilitation of an Area in Need of Redevelopment. With respect to a redevelopment project in an Area in Need of Redevelopment, the Municipality or Redevelopment Entity, upon the adoption of a Redevelopment Plan for the Area, may perform any of the actions set forth in Section 8 of P.L. 1992, c.79 (C.40A:12A-8).

Redevelopment Agreement

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

Acquisition Plan

There are two (2) parcels within the designated Redevelopment Area as illustrated on the Block & Lot Map located on page 8. Both of these properties are designated for acquisition in order to realize the Redevelopment Plan.

Development Review Process

Preliminary Design Review

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

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

Planning Board Review

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

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

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

5. Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. A use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building structure has been "destroyed."
6. No variances, deviations, or waivers may be granted by the Planning Board which will result in permitting a use prohibited or not expressly permitted within this Redevelopment Plan or which will result in a density that exceeds the densities permitted in this plan.
7. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyance between the redeveloper and municipality pursuant to N.J.S.A. 40A:12A-8 and 40A:12A-9.
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.
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 may 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 preparation and/or review. Any such payments are required to reimburse the Town or the Redevelopment Entity.

or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severed, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

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

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

The above provisions are all subject to approval by ordinance and/or resolution according to law. If a Court of competent jurisdiction finds any word, phrase, clause, section or provision of the Redevelopment Plan to be invalid, illegal,

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 the Plan is built out.

Phasing

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

A. Phasing Plan:

Any applicant seeking to develop properties located within this Redevelopment Plan Area shall be required to provide a Phasing Plan for review and approval by the Newton Planning Board, which shall establish the parameters under which public improvements which are the subject of the application for site plan approval shall be constructed in conjunction with permitted residential development. "Public Improvement" is defined as any and all of the following: 1) the mandatory improvements identified in Landscape Plan; and 2) the mandatory improvements identified in the Mobility Plan. The Plan shall set a schedule for completion of public improvements within the property owned or controlled by the applicant in which the percentage of completion of public improvements is approximately equal to or greater than the percentage of completion of all other development on property owned or controlled by the applicant.

B. Additional Requirements:

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

Certificates of Completion and Compliance

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

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

Non-Discrimination Provision

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

Affordable Housing

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

As defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), an inventory must be completed of all housing units affordable to low and moderate income households present within the Area that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure. There are no housing units currently located within the Area. As such, no inventory of affordable housing in the Area will be prepared.

In addition, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), 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. Because no housing currently exists within the Area, no plan relating directly to replacing affordable housing within the Area will be prepared.

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.). Because there is no affordable housing present within the area, any affordable housing would not be replacement housing and would be provided based on COAH standards or the minimum standards stated previously in this section.

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 Paterson Avenue Redevelopment Plan and the Town of Newton.



SECTION 10.0

Acknowledgements

Newton Mayor:

Joseph Ricciardo	Mayor
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Town Council:

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

Newton Planning Board:

Marge Lake McCabe	Chairperson
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Newton Professional Staff:

Thomas S. Russo, Jr.	Town Manager
Eileen Kithcart	Town Manager (former)
Debra Lockwood Millikin	Community Development Director
Jessica C. Caldwell	P.P., A.I.C.P., Planner
Cory L. Stoner	P.E., C.M.E., Engineer

Project Designers:

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

Redevelopment Counsel:

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

EXHIBIT B

PROPOSAL



TOWN OF NEWTON

RESOLUTION #130-2011

June 27, 2011

"Resolution of the Town of Newton in the County of Sussex, New Jersey, Directing the Town Planning Board to Review a Proposed Amendment to the Paterson Avenue Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law"

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on December 10, 2007, the Town of Newton, acting by Resolution, designated Block 1201.02, Lot 2 & 2.01 in the Town (the "Area") as an area in need of redevelopment pursuant to the Act; and

WHEREAS, on November 10, 2008, after review and comment by the Town's Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted a Redevelopment Plan for the Area (the "Redevelopment Plan"); and

WHEREAS, due to changes in the national, regional and local economies occurring since the time of adoption of the Redevelopment Plan, the Town wishes to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Area; and

WHEREAS, in accordance with the Act, the Town has prepared a proposed amendment to the Redevelopment Plan, which is attached hereto as Exhibit A (the "Proposed Amendment"); and

WHEREAS, the Town Council desires to utilize the Planning Board's expertise and experience in considering the Proposed Amendment;

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. PLANNING BOARD DIRECTED TO REVIEW PROPOSED AMENDMENT

The Town Council hereby authorizes and directs the Planning Board to review the Proposed Amendment attached hereto as Exhibit A, and to transmit its comments to the Town Council within 45 days, as required by *N.J.S.A. 40A:12A-7(e)*.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Town.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, June 27, 2011.



Lorraine A. Read, RMC
Municipal Clerk

PATERSON AVENUE REDEVELOPMENT
PLAN AMENDMENT

Draft

June 13, 2011

Prepared by: Harold E. Pellow & Associates, Inc.

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

PLAN CONSISTENCY REVIEW

BACKGROUND

On December 10, 2007, the Town Council of the Town of Newton determined that Block 1201.02, Lots 2 and 2.01 constituted an area in need of redevelopment (the “Area” or the “Redevelopment Area”) in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”). In late 2008, following review and input by the Planning Board, a redevelopment plan (the “Redevelopment Plan”) was adopted for the Area. The Redevelopment Plan called for 64 single family residential units to be constructed to achieve a variety of goals relative to the Redevelopment Area designation.

However, following adoption of the Redevelopment Plan, the economic climate changed dramatically in Newton, as well as across New Jersey and the United States. The housing market plummeted as banks and financial institutions were weakened by bad lending practices. The national economy, and that in Newton, as well, is now coming out of what is now referred to as the “Great Recession”. However, economic recovery is slow and the housing market remains extremely weak. In light of this dramatic change to the housing market, the Town is revisiting the Redevelopment Plan to consider other alternatives for revitalization of the Redevelopment Area.

While the housing market has grown weaker, some businesses are thriving and growing in the economic recovery. For example, under the Sparta Avenue Redevelopment Plan, a research and development and light manufacturing firm devoted to lasers and photonics, Thor Labs, is relocating its world headquarters to Newton. Similar businesses, including Thor Labs itself, subsequently began demonstrating interest in leasing space within the Redevelopment Area. The Town believes that this Area has potential for redevelopment in the near term with new, light industrial and research and development uses that will have a lower impact on the neighboring residential neighborhood than previous uses, when combined with improvements to the Area to improve structures, buffer property, and improve landscaping.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the plan. At Section 9.1 of the Redevelopment Plan, it states, “As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.” The Redevelopment Plan goes on to state that any proposed redevelopment plan amendment should include a Plan Consistency Review Section that addresses the consistency of the proposed amendments with the Redevelopment Plan, the Town of Newton Master Plan, the Sussex County Master Plan and the State Development and Redevelopment Plan.

REDEVELOPMENT PLAN GOALS

The following goals of the Redevelopment Plan are in keeping with this proposed amendment.

1. To allow for more efficient use of land and to expand the Town's tax base by encouraging high quality development.
2. To maximize the participation of private developers while minimizing the participation of the public sector.
3. To enhance the positive visual character and safety of the Paterson Avenue Redevelopment Area through building placement and design, landscaping and streetscape improvements.
4. To provide vehicular circulation and parking options to minimize impacts on the existing roadways and adjacent residential uses.
5. To create a high quality developed environment, with building forms and design that set a new standard for the overall aesthetic appearance of the area and surrounding neighborhood.

TOWN OF NEWTON MASTER PLAN GOALS

The following Town of Newton Master Plan Goals are consistent with this proposed plan amendment:

1. To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
2. Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.
3. Encourage light industrial development subject to performance standards that would be compatible with the "Regional Center" development concept of Newton.

SUSSEX COUNTY STRATEGIC GROWTH PLAN GOALS

The following Sussex County Strategic Growth Plan Goals are consistent with this proposed amendment in promoting the expansion of job centers and retaining jobs in a traditional center:

Job Creation Centers - Expansion of job creation centers will provide/create:

1. Employment
2. Opportunities for reverse commuting.
3. A measure of economic stability to offset the regressive, counterproductive property tax system.
4. The need to establish land use policies which compliment a strategy of marketing the County's strength to identified business and industry groups.
5. A greater ability to align the resources of the Sussex County Economic Development Partnership with municipal efforts to develop employment, attract business, and expand support infrastructure (water, sewer, power, communications).

Traditional Town Centers -

1. These will become the focus of the majority of development in Sussex County.
2. Existing centers should be revitalized. Proposed centers should provide a wide range of densities, styles and mixes of development. Where necessary, sewer service areas should be expanded to accommodate this planned growth (See Exhibit 5, Existing and Proposed Sewer Service Areas). Centers increase the range of options for transportation in the region.

Sussex County's Vision 2020 is supportive of keeping and bringing industrial use to Sussex County. As set forth in the Phase One Report entitled "Background, Situation Assessment and Industry Identification":

In September 2004 the Board of Chosen Freeholders adopted the Sussex County Strategic Growth Plan. This comprehensive document incorporated the goals of the New Jersey State Development and Redevelopment Plan, reflected the concerns of the County's residents and businesses, and articulated a clear and concise vision for the County.

...

One of the focal points in the Strategic Growth Plan is that of economic development. The Strategic Growth Plan (SGP) notes that in large measure Sussex County lacks the higher wage jobs of nearby labor markets, inducing County residents to commute to neighboring areas for jobs. ... many of the local jobs, centered on recreation and tourism, cannot provide the family sustaining jobs needed to cover ever-increasing expense of housing, food, fuel, and taxes.... Thus, attracting and growing firms, whose activities, processes and employment needs best fit the County's strengths, aims, and environment becomes an important aspect of implementing the SGP.

In order to implement the SGP, the County created the Vision 2020 Economic Development Initiative to identify and implement strategies that will grow the business sector in accordance with the principles of both the County Strategic Growth Plan and the State Development Redevelopment Plan....

(Phase One Report – Background, Situation Assessment & Industry Identification, p. 1).

In the Phase Two Report, "Site Selection and Evaluation", Sussex County attempted to identify "star sites" that can be developed or redeveloped for commercial or industrial use. The Planners recognize in the Phase Two Report:

Available sites (on the market, in the right location, at the right prices) or high potential areas should be identified and turned into “project ready” sites so that a developer has no reservation about committing to a project. The County has many assets for businesses and developers, but the development or relocation or expansion decision should be made as easy as possible from site availability to permitting to construction through hiring. This will entail thought, planning and coordination, but will be well worth the effort (if not actually imperative) in the current, difficult, real estate market in the western Interstate 80 corridor. (emphasis in the original) (p. 24 - Phase Two Report).

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Goal 3 and its policies and indicators from the State Development and Redevelopment Plan is consistent with this proposed plan amendment because it would create additional jobs within a State Designated Regional Center, thereby promoting economic development, increasing employment opportunities and bettering the economic welfare of the community.

GOAL	POLICIES	INDICATORS
<p>Goal 3: Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey</p> <p>STRATEGY: Promote socially and ecologically beneficial economic growth, development and renewal and improve both the quality of life and the standard of living of New Jersey residents, particularly the poor and minorities, through partnerships and collaborative planning with the private sector. Capitalize on the State's strengths—its entrepreneurship, skilled labor, cultural diversity, diversified economy and environment, strategic location and logistical excellence—and make the State more competitive through infrastructure and public services cost savings and regulatory streamlining resulting from comprehensive and coordinated planning. Retain and expand businesses, and encourage new, environmentally sustainable businesses in Centers and areas with infrastructure. Encourage economic growth in locations and ways that are both fiscally and environmentally sound. Promote the food and agricultural industry throughout New Jersey through coordinated planning, regulations, investments and incentive programs—both in Centers to retain and encourage new businesses and in the Environs to preserve large contiguous areas of farmland.</p>	<p>Policy on Economic Development - Promote beneficial economic growth and improve the quality of life and standard of living for New Jersey residents by building upon strategic economic and geographic positions, targeting areas of critical capital spending to retain and expand existing businesses, fostering modern techniques to enhance the existing economic base, encouraging the development of new enterprises, advancing the growth of green businesses, elevating work force skills, and encouraging sustainable economic growth in locations and ways that are fiscally and ecologically sound.</p> <p>Policy on Agriculture - Promote and preserve the agricultural industry and retain farmland by coordinating planning and innovative land conservation techniques to protect agricultural viability while accommodating beneficial development and economic growth necessary to enhance agricultural vitality and by educating residents on the benefits and the special needs of agriculture.</p> <p>Policy on Equity - It is the position of the State Planning Commission that the State Plan should neither be used in a manner that places an inequitable burden on any one group of citizens nor should it be used as a justification for public actions that have the effect of diminishing equity. It is also the position of the Commission that the achievement, protection and maintenance of equity be a major objective in public policy decisions as public and private sector agencies at all levels adopt plans and policies aimed at becoming consistent with the State Plan.</p>	<p>Key Indicator 1. New development, population and employment located in the Metropolitan and Suburban Planning Areas or within Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas</p> <p>Indicator 1. Average annual disposable income among New Jerseyans</p> <p>Indicator 2. Unemployment</p> <p>Indicator 3. Conversion of farmland for development</p> <p>Indicator 5. Agricultural output</p> <p>Indicator 7. Economic output per unit of energy consumed</p> <p>Indicator 21. Municipalities with median household incomes of less than \$30,000 per year (in 1990 dollars)</p> <p>Indicator 22. Number of census tracts with more than 40% of the population living under the poverty level</p>

This proposed amendment to the Redevelopment Plan is consistent with the goals of the Redevelopment Plan, the goals of the Town of Newton Master Plan, the goals of the Sussex County Strategic Growth Plan and the goals of the State Development and Redevelopment Plan. It is therefore recommended that the following provisions be added to the Redevelopment Plan:

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

OFFICES, LIGHT INDUSTRIAL, MANUFACTURING, RESEARCH AND DEVELOPMENT AND WAREHOUSES

At Section 4.1 entitled “Land Use Plan”, add the following to “Permitted Uses”:

“4. Offices, manufacturing, research & development (R&D), and light industrial uses, including associated storage and warehouse use.” Permanent outdoor storage is prohibited. Temporary outside storage used in connection and support of a permitted use is permitted (a) provided materials are stored in a storage container or other enclosed container, (b) no container is stored for more than 48 consecutive hours at any one time, (c) no more than two (2) such storage containers are on-site at any one time, and (d) such storage containers are placed on or near and used in connection with a loading dock area.

At Section 6.2 entitled “Setback Regulations”, add the following:

“Bulk Requirements: Offices, Light Industrial, Manufacturing, Research and Development, and Warehouses:

Notwithstanding any other provisions of this Redevelopment Plan to the contrary, the bulk requirements for offices, light industrial, manufacturing, research and development and/or warehouse uses shall be as follows:

- a. Minimum lot area: 87,120 square feet.
- b. Minimum lot frontage: 200 feet.
- c. Minimum lot width: 250 feet.
- d. Minimum yards - principal and accessory structures**:
 1. Front yard: 40 feet.
 2. Rear yard: 30 feet.
 3. Side yard: 15 feet one side; 30 feet total.

At Section 6.12 entitled “Building Parking Standards”, add the following:

“6. Parking Requirements: Offices, Light Industrial, Manufacturing, Research and Development and Warehouses: Notwithstanding any other provisions of this Redevelopment Plan to the contrary, parking requirements for office, light industrial, manufacturing, and/or research and development and/or warehouse uses shall be as follows:

One (1) space for each 1,100 sq. ft. for the Office, Light Industrial, and Research and Development uses, and one (1) space per 2,500 sq. ft. for Warehouses. These requirements may be reduced by minor deviation granted by the Board if parking studies of similar style facilities and/or actual usage illustrates that less parking spaces are required. In parking lots containing more than 10 spaces, at least 5% of the interior parking area shall be landscaped with plantings. Parking lot street frontage screening and perimeter screening shall be a minimum of 10 feet wide. A snow removal/disposal plan shall be provided.

At Section 6.11 entitled “Building Signage and Lighting Standards”, add the following:

“5. Signs for Offices, Light Industrial, Manufacturing, Research and Development and Warehouses. One ground mounted sign is permitted per lot, with a maximum sign size of 40 square feet and a minimum setback of 10 feet is required.”

Add a new Section 7.10 entitled “Landscaping and Buffering – Offices, Light Industrial, Manufacturing, Research and Development and Warehouses.

Notwithstanding any other provisions of this Redevelopment Plan to the contrary, the landscaping and buffering requirements with respect to landscaping and buffering for offices, light industrial, manufacturing, research and development, and/or warehouses shall be as follows:

Landscaping:

- a. The area shall have a minimum of 5% of the lot landscaped. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles.
- b. Deciduous trees shall have at least a three-and-one-half-inch dbh and 10 feet in height at planting, and evergreen trees shall be at least five feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.
- c. Any landscaping which, within two years of planting, dies, for any reason, shall be replaced by the developer(s) at his expense by means of a developer’s agreement or a bond agreement as determined by the Town Council.
- d. The following landscape principles shall be considered:
 1. Landscaping shall be located to provide for climate control, e.g. shade trees in parking areas.
 2. Landscaping shall be used to accent and complement buildings.
 3. Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
 4. Massing trees shall be considered at critical points.
 5. Smaller trees shall be used on narrow streets.
 6. Ground cover shall be used to prevent erosion.
 7. A variety and mixture of landscaping shall be provided. Consideration shall be given to susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.
 8. Local soil conditions and water availability shall be considered in the choice of landscaping.
 9. Existing trees located within 10 feet of any street right-of-way shall be maintained unless shown to be removed as part of an approved plan. The

- existing grade within that space shall not be disturbed without such approval.
10. Entrances to nonresidential lots shall be landscaped.
 11. The impact of any proposed landscaping plan at various time intervals shall be considered. For example, shrubs can grow and eventually block sight distances and foundation plants can block out buildings.
 12. Impervious materials shall not be used in any landscape area. Weed retardant mulch, porous nonwoven synthetic landscape fabric or other materials shall be used.
 13. Decorative stones are discouraged as a ground cover. Vegetative ground cover is encouraged.
 14. On site re-use of rainwater and grey water for irrigation is encouraged.

Buffering:

- a. Visual screens provided through landscaping shall be designed in such a manner as to provide a barrier on a year-round basis around the view of the area to be screened.
- b. Existing vegetation within the buffer shall be preserved, where possible, and supplemented with plantings and other buffer devices to provide screening of residences.
- c. Buffer dimensions shall be measured from property lines.
- d. No buildings, signs (other than directional signs), structures, storage of materials or parking shall be permitted within the buffer area.
- e. All plantings shall be installed according to accepted horticultural standards.
- f. Design. Arrangement of plantings in buffer shall provide maximum protection to adjacent properties and avoid damage to existing plant material. The plantings shall be arranged in double staggered rows where possible. If planting berms are used, the minimum top width shall be four feet and the maximum side slope shall be 2:1. No berm shall be so high in height or mass as to be disproportionate to the characteristics of its setting.
- g. Planting specifications. Plant materials shall be a minimum of six feet in height and planted in such a fashion that a screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be deer resistant, such as Blue Spruce, and installed according to accepted horticultural standards.
- h. Maintenance. Plantings shall be watered regularly with a sprinkler system or other means preferably using recycled water in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.
- i. Basic standards. The following buffer requirements shall apply unless it is shown or apparent to the Board that an alternative arrangement is more suitable:
 1. Along the side and rear lot lines of all commercial industrial and other nonresidential uses: 10 feet.
 2. Along the front lot line of light industrial, manufacturing or other higher intensity nonresidential uses: 10 feet.
 3. Along the rear lot lines of nonresidential uses that abut residential zones and uses: 20feet.
 4. Buffers need not be added cumulatively to setback requirements; a buffer area shall instead be an overlay of a required setback.

EXHIBIT C

PLANNING BOARD RESOLUTION



Interoffice Memorandum

To: Town Council
Cc: Debra Millikin, Deputy Town Manager
FROM: Kathy Citterbart, Planning Board Secretary
DATE: July 21, 2011
RE: Paterson Avenue Redevelopment Plan Amendment

At its regular meeting on July 20, 2011 the Newton Planning Board recommended to the Town Council that the Paterson Avenue Redevelopment Plan Amendments proposed by the Town be adopted, as modified by recommendations enumerated by the attached resolution of the Planning Board.

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THE ADOPTION OF AMENDMENTS TO THE
PATERSON AVENUE REDEVELOPMENT PLAN**

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “Act”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on December 10, 2007, the Town of Newton, acting by Resolution, designated Block 1201.02, Lot 2 & 2.01 as an area in need of redevelopment pursuant to the Act (hereinafter, the “Redevelopment Area”); and

WHEREAS, on November 10, 2008, after review and comment by the Town’s Planning Board in accordance with the Act, the Town, acting by Ordinance, enacted the Paterson Avenue Redevelopment Plan governing the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, due to changes in the national, regional and local economies occurring since the time of adoption of the Redevelopment Plan, the Town wished to consider the addition of alternative uses and standards to the Redevelopment Plan in order to provide additional options for the revitalization of the Redevelopment Area; and

WHEREAS, in accordance with the Act, the Town prepared proposed amendments to the Redevelopment Plan, which are attached hereto as Exhibit A (the “Proposal”); and

WHEREAS, on June 27, 2011, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on July 20, 2011, Jessica Caldwell, P.P., A.I.C.P. of Harold E. Pellow & Associates, Inc. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, the members of the public were given the opportunity to provide their own testimony regarding the Proposal; and

WHEREAS, after due consideration of the Proposal, the testimony of the Planning Consultant, and the testimony of the public, the Planning Board has determined that while the Proposal is not consistent with the permitted uses for the Redevelopment Area recommended by the Town's Master Plan, it is consistent with the overarching goals of the Master Plan, and therefore the Planning Board wishes to recommend to the Town Council that it adopt a modified version of the Proposal (the “Revised Proposal”) as an amendment to the Redevelopment Plan. The Revised Proposal shall consist of the Proposal as modified by the revisions enumerated at Exhibit B attached hereto.

EXHIBIT A

PROPOSAL

4. At page 7, prior to sub-heading entitled “At Section 4.1...” add the following:

Generally:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, graphics included in this Redevelopment Plan which represent residential and home office uses, including but not necessarily limited to Section 1.8, Development Axonometric; Section 1.9, Illustrative Site Plan; and Section 4.1, Land Use Plan, shall continue to apply to residential and home office uses under this Redevelopment Plan and shall not be construed to prohibit the office, light industrial, manufacturing, research and development and warehouse uses that are permitted in accordance with Section 4.1 of this Redevelopment Plan.

5. At page 7, prior to sub-heading entitled, “At Section 6.2...”, add the following:

At Section 5.0, Mobility Regulating Plan, add the following at the end of Section 5.1, Introduction:

The requirements of this Section 5.0 shall apply with respect to residential and home office uses. The location and detail of any thoroughfares within the Redevelopment Area in connection with development of office, light industrial, manufacturing, research and development and warehouse uses, shall be subject to the approval of the Planning Board in consultation with the Town Engineer.

At Section 6.0, Building Regulations, add the following at the end of Section 6.1, Introduction:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, the provisions of Section 6.4 – Building Mass; Section 6.5 – Building Type Plan; Section 6.6 – Building Typologies; Section 6.7 – Architectural Regulations, items #3 (architectural styles), #4 (building design) and #5 (story height); Section 6.8 – Façade Regulations, items #1 (varied façade designs); #2 (façade materials); #3 (façade colors); #4 (accent colors); #5 (soffit emphasis) and #6 (soffits); and Section 6.9 Building Window and Roof Regulations shall apply to residential and home office uses only. With respect to office, light industrial, manufacturing, research and development and warehouse uses the overall mass and design of the building shall be presented to the Planning Board in connection with site plan review.

6. At page 7, prior to sub-heading entitled “At Section 6.12...”, add the following:

- e. The maximum permitted floor area ratio of office, light industrial, manufacturing, research and development and warehouse uses shall be established as a mathematical function of the bulk standards set forth above and the maximum height set forth at Section 6.3, and shall not be impacted by any deviations that may sought and granted with respect to one or more of these bulk standards.

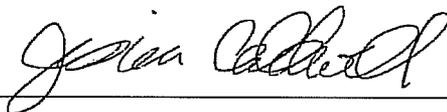
EXHIBIT D

PLAN AMENDMENTS

PATERSON AVENUE REDEVELOPMENT
PLAN AMENDMENT

Revised as of August 22, 2011

Prepared by: Harold E. Pellow & Associates, Inc.

A handwritten signature in cursive script, appearing to read "Jessica Caldwell".

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

PLAN CONSISTENCY REVIEW

BACKGROUND

On December 10, 2007, the Town Council of the Town of Newton determined that Block 1201.02, Lots 2 and 2.01 constituted an area in need of redevelopment (the “Area” or the “Redevelopment Area”) in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”). In late 2008, following review and input by the Planning Board, a redevelopment plan (the “Redevelopment Plan”) was adopted for the Area. The Redevelopment Plan called for 64 single family residential units to be constructed to achieve a variety of goals relative to the Redevelopment Area designation.

However, following adoption of the Redevelopment Plan, the economic climate changed dramatically in Newton, as well as across New Jersey and the United States. The housing market plummeted as banks and financial institutions were weakened by bad lending practices. The national economy, and that in Newton, as well, is now coming out of what is now referred to as the “Great Recession”. However, economic recovery is slow and the housing market remains extremely weak. In light of this dramatic change to the housing market, the Town is revisiting the Redevelopment Plan to consider other alternatives for revitalization of the Redevelopment Area.

While the housing market has grown weaker, some businesses are thriving and growing in the economic recovery. For example, under the Sparta Avenue Redevelopment Plan, a research and development and light industrial firm devoted to lasers and photonics, Thor Labs, is relocating its world headquarters to Newton. Similar businesses, including Thor Labs itself, subsequently began demonstrating interest in leasing space within the Redevelopment Area. The Town believes that this Area has potential for redevelopment in the near term with new, light industrial and research and development uses that will have a lower impact on the neighboring residential neighborhood than previous uses, when combined with improvements to the Area to improve structures, buffer property, and improve landscaping.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the plan. At Section 9.1 of the Redevelopment Plan, it states, “As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes.” The Redevelopment Plan goes on to state that any proposed redevelopment plan amendment should include a Plan Consistency Review Section that addresses the consistency of the proposed amendments with the Redevelopment Plan, the Town of Newton Master Plan, the Sussex County Master Plan and the State Development and Redevelopment Plan.

REDEVELOPMENT PLAN GOALS

The following goals of the Redevelopment Plan are in keeping with this proposed amendment.

1. To allow for more efficient use of land and to expand the Town's tax base by encouraging high quality development.
2. To maximize the participation of private developers while minimizing the participation of the public sector.
3. To enhance the positive visual character and safety of the Paterson Avenue Redevelopment Area through building placement and design, landscaping and streetscape improvements.
4. To provide vehicular circulation and parking options to minimize impacts on the existing roadways and adjacent residential uses.
5. To create a high quality developed environment, with building forms and design that set a new standard for the overall aesthetic appearance of the area and surrounding neighborhood.

PROPOSED AMENDMENTS TO THE PATERSON AVENUE REDEVELOPMENT PLAN:

At Section 1.4, Statutory Basis of the Plan, under the heading Statutory Requirements, B1, replace "...as residential uses." with "...in accordance with this Redevelopment Plan."

At Section 1.7, Goals of the Plan, under the heading Redevelopment Goals, #3, Replace first sentence with "To replace and redirect existing light industrial and commercial activity in the Paterson Avenue Redevelopment Area elsewhere within Newton or to ensure that to the extent light industrial uses are developed within the Paterson Avenue Redevelopment Area, they are developed in a manner that do not create a nuisance to the surrounding residential neighborhood."

TOWN OF NEWTON MASTER PLAN GOALS

The following Town of Newton Master Plan Goals are consistent with this proposed plan amendment:

1. To encourage municipal action to guide the appropriate use or development of all lands in Newton, in a manner that will promote the public health, safety, morals, and general welfare.
2. Encourage development and improvement of industrial, commercial and public service uses which complement Newton's role as a Regional Center in the County.
3. Encourage light industrial development subject to performance standards that would be compatible with the "Regional Center" development concept of Newton.

The Town of Newton Master Plan recommended zoning of the Redevelopment Area as T-3, Neighborhood Residential. The Paterson Avenue Redevelopment Plan established permitted uses in accordance with that recommendation. However, due to dramatic changes in the local, regional and national economies since the time of the adoption of the Paterson Avenue

Redevelopment Plan and the Town of Newton Master Plan, particularly with respect to the housing markets, residential development of the Redevelopment Area is not considered likely in the near future. Therefore, this Proposed Amendment recommends the retention of residential development as a permitted use under the Paterson Avenue Redevelopment Plan, while also recommending the addition of other non-residential permitted uses in order to increase the alternatives and options available for the revitalization of the Redevelopment Area.

This approach, while not entirely consistent with the specific uses recommended for the Redevelopment Area pursuant to the Town of Newton Master Plan, is believed to be consistent with the overarching goals of the Town of Newton Master Plan, as set forth above, and to reflect changing market realities since the adoption of the Town of Newton Master Plan and the Paterson Avenue Redevelopment Plan.

SUSSEX COUNTY STRATEGIC GROWTH PLAN GOALS

The following Sussex County Strategic Growth Plan Goals are consistent with this proposed amendment in promoting the expansion of job centers and retaining jobs in a traditional center:

Job Creation Centers - Expansion of job creation centers will provide/create:

1. Employment
2. Opportunities for reverse commuting.
3. A measure of economic stability to offset the regressive, counterproductive property tax system.
4. The need to establish land use policies which compliment a strategy of marketing the County's strength to identified business and industry groups.
5. A greater ability to align the resources of the Sussex County Economic Development Partnership with municipal efforts to develop employment, attract business, and expand support infrastructure (water, sewer, power, communications).

Traditional Town Centers -

1. These will become the focus of the majority of development in Sussex County.
2. Existing centers should be revitalized. Proposed centers should provide a wide range of densities, styles and mixes of development. Where necessary, sewer service areas should be expanded to accommodate this planned growth (See Exhibit 5, Existing and Proposed Sewer Service Areas). Centers increase the range of options for transportation in the region.

Sussex County's Vision 2020 is supportive of keeping and bringing industrial use to Sussex County. As set forth in the Phase One Report entitled "Background, Situation Assessment and Industry Identification":

In September 2004 the Board of Chosen Freeholders adopted the Sussex County Strategic Growth Plan. This comprehensive document incorporated the goals of the New Jersey State Development and Redevelopment Plan, reflected the concerns of

the County’s residents and businesses, and articulated a clear and concise vision for the County.

...

One of the focal points in the Strategic Growth Plan is that of economic development. The Strategic Growth Plan (SGP) notes that in large measure Sussex County lacks the higher wage jobs of nearby labor markets, inducing County residents to commute to neighboring areas for jobs. ... many of the local jobs, centered on recreation and tourism, cannot provide the family sustaining jobs needed to cover ever-increasing expense of housing, food, fuel, and taxes.... Thus, attracting and growing firms, whose activities, processes and employment needs best fit the County’s strengths, aims, and environment becomes an important aspect of implementing the SGP.

In order to implement the SGP, the County created the Vision 2020 Economic Development Initiative to identify and implement strategies that will grow the business sector in accordance with the principles of both the County Strategic Growth Plan and the State Development Redevelopment Plan....

(Phase One Report – Background, Situation Assessment & Industry Identification, p. 1).

In the Phase Two Report, “Site Selection and Evaluation”, Sussex County attempted to identify “star sites” that can be developed or redeveloped for commercial or industrial use. The Planners recognize in the Phase Two Report:

Available sites (on the market, in the right location, at the right prices) or high potential areas should be identified and turned into “project ready” sites so that a developer has no reservation about committing to a project. The County has many assets for businesses and developers, but the development or relocation or expansion decision should be made as easy as possible from site availability to permitting to construction through hiring. This will entail thought, planning and coordination, but will be well worth the effort (if not actually imperative) in the current, difficult, real estate market in the western Interstate 80 corridor. (emphasis in the original) (p. 24 - Phase Two Report).

STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Goal 3 and its policies and indicators from the State Development and Redevelopment Plan is consistent with this proposed plan amendment because it would create additional jobs within a State Designated Regional Center, thereby promoting economic development, increasing employment opportunities and bettering the economic welfare of the community.

GOAL	POLICIES	INDICATORS
<p>Goal 3: Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey</p> <p>STRATEGY: Promote socially and ecologically beneficial economic growth, development and renewal and improve both the quality of life and the standard of living of New Jersey residents, particularly the poor and minorities, through partnerships and collaborative planning with the private sector. Capitalize on the State's strengths—its entrepreneurship, skilled labor, cultural diversity, diversified economy and environment, strategic location and logistical excellence—and make the State more competitive through infrastructure and public services cost savings and regulatory streamlining resulting from comprehensive and coordinated planning. Retain and expand businesses, and encourage new, environmentally sustainable businesses in Centers and areas with infrastructure. Encourage economic growth in locations and ways that are both fiscally and environmentally sound. Promote the food and agricultural industry throughout New Jersey through coordinated planning, regulations, investments and incentive programs—both in Centers to retain and encourage new businesses and in the Environs to preserve large contiguous areas of farmland.</p>	<p>Policy on Economic Development - Promote beneficial economic growth and improve the quality of life and standard of living for New Jersey residents by building upon strategic economic and geographic positions, targeting areas of critical capital spending to retain and expand existing businesses, fostering modern techniques to enhance the existing economic base, encouraging the development of new enterprises, advancing the growth of green businesses, elevating work force skills, and encouraging sustainable economic growth in locations and ways that are fiscally and ecologically sound.</p> <p>Policy on Agriculture - Promote and preserve the agricultural industry and retain farmland by coordinating planning and innovative land conservation techniques to protect agricultural viability while accommodating beneficial development and economic growth necessary to enhance agricultural vitality and by educating residents on the benefits and the special needs of agriculture.</p> <p>Policy on Equity - It is the position of the State Planning Commission that the State Plan should neither be used in a manner that places an inequitable burden on any one group of citizens nor should it be used as a justification for public actions that have the effect of diminishing equity. It is also the position of the Commission that the achievement, protection and maintenance of equity be a major objective in public policy decisions as public and private sector agencies at all levels adopt plans and policies aimed at becoming consistent with the State Plan.</p>	<p>Key Indicator 1. New development, population and employment located in the Metropolitan and Suburban Planning Areas or within Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas</p> <p>Indicator 1. Average annual disposable income among New Jerseyans</p> <p>Indicator 2. Unemployment</p> <p>Indicator 3. Conversion of farmland for development</p> <p>Indicator 5. Agricultural output</p> <p>Indicator 7. Economic output per unit of energy consumed</p> <p>Indicator 21. Municipalities with median household incomes of less than \$30,000 per year (in 1990 dollars)</p> <p>Indicator 22. Number of census tracts with more than 40% of the population living under the poverty level</p>

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

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

OFFICES, LIGHT INDUSTRIAL, RESEARCH AND DEVELOPMENT AND WAREHOUSES

Generally:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, graphics included in this Redevelopment Plan which represent residential and home office uses, including but not necessarily limited to Section 1.8, Development Axonometric; Section 1.9, Illustrative Site Plan; and Section 4.1 Land Use Plan; shall continue to apply to residential and home office uses under this Redevelopment Plan and shall not be construed to prohibit the offices, light industrial, research and development, and warehouse uses that are permitted in accordance with Section 4.1 of this Redevelopment Plan.

At Section 3.0, Definitions, add the following:

Light Industry - Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

At Section 4.1 entitled “Land Use Plan”, add the following to “Permitted Uses”:

“4. Offices, research & development (R&D), and light industrial uses, including associated storage and warehouse use.” Permanent outdoor storage is prohibited. Temporary outside storage used in connection and support of a permitted use is permitted (a) provided materials are stored in a storage container or other enclosed container, (b) no container is stored for more than 48 consecutive hours at any one time, (c) no more than two (2) such storage containers are on-site at any one time, and (d) such storage containers are placed on or near and used in connection with a loading dock area.

At Section 5.0, Mobility Regulating Plan, add the following at the end of Section 5.1,

Introduction:

The requirements of this Section 5.0 shall apply with respect to residential and home office uses. The location and detail of any thoroughfares within the Redevelopment Area in connection with development of office, light industrial, research and development and warehouse uses, shall be subject to the approval of the Planning Board in consultation with the Town Engineer. In reviewing the location and detail of thoroughfares within the Redevelopment Area, the Planning

Board and the Town Engineer shall consider safe traffic circulation and pedestrian safety, and the minimization of traffic conflicts and traffic impacts.

At Section 6.0, Building Regulations, add the following at the end of Section 6.1,

Introduction:

Notwithstanding any other provision of this Redevelopment Plan to the contrary, the provisions of Section 6.4 – Building Mass; Section 6.5 – Building Type Plan; Section 6.6 – Building Typologies; Section 6.7 – Architectural Regulations, items #3 (architectural styles), #4 (building design) and #5 (story height); Section 6.8 – Façade Regulations, items #1 (varied façade designs); #2 (façade materials); #3 (façade colors); #4 (accent colors); #5 (soffit emphasis) and #6 (soffits); and Section 6.9 Building Window and Roof Regulations shall apply to residential and home office uses only. With respect to office, light industrial, research and development and warehouse uses the overall mass and design of the building shall be presented to the Planning Board in connection with site plan review.

At Section 6.2 entitled “Setback Regulations”, add the following:

“Bulk Requirements: Offices, Light Industrial, Research and Development, and Warehouses:

Notwithstanding any other provisions of this Redevelopment Plan to the contrary, the bulk requirements for offices, light industrial, research and development and/or warehouse uses shall be as follows:

- a. Minimum lot area: 87,120 square feet.
- b. Minimum lot frontage: 200 feet.
- c. Minimum lot width: 250 feet.
- d. Minimum yards - principal and accessory structures**:
 1. Front yard: 40 feet.
 2. Rear yard: 30 feet.
 3. Side yard: 15 feet one side; 30 feet total.
- e. The maximum permitted floor area ratio of office, light industrial, research and development and warehouse uses shall be established as a mathematical function of the bulk standards set forth above and the maximum height set forth at Section 6.3, and shall not be impacted by any deviations that may sought and granted with respect to one or more of these bulk standards.

At Section 6.12 entitled “Building Parking Standards”, add the following:

“6. Parking Requirements: Offices, Light Industrial, Research and Development and Warehouses: Notwithstanding any other provisions of this Redevelopment Plan to the contrary, parking requirements for office, light industrial, and/or research and development and/or warehouse uses shall be as follows:

One (1) space for each 1,100 sq. ft. for the Office, Light Industrial, and Research and Development uses, and one (1) space per 2,500 sq. ft. for Warehouses. These requirements may be reduced by deviation granted by the Board if parking studies of similar style facilities and/or actual usage illustrates that less parking spaces are required. In parking lots containing more

than 10 spaces, at least 5% of the interior parking area shall be landscaped with plantings. Parking lot street frontage screening and perimeter screening shall be a minimum of 10 feet wide. A snow removal/disposal plan shall be provided.

At Section 6.11 entitled “Building Signage and Lighting Standards”, add the following:

“5. Signs for Offices, Light Industrial, Research and Development and Warehouses. One ground mounted sign is permitted per lot, with a maximum sign size of 40 square feet and a minimum setback of 10 feet is required.”

At Section 6.3, Minimum and Maximum Height Regulations, add the following:

Office/Light Industrial/Research and Development/Warehouses: Maximum building height of 35 feet, composed of one or more stories. Notwithstanding any other provision of this Redevelopment Plan to the contrary, this Redevelopment Plan does not impose a minimum or maximum story height for office, light industrial, research and development or warehouse uses.

Section 7.10 entitled “Landscaping and Buffering – Offices, Light Industrial, Research and Development and Warehouses.

Notwithstanding any other provisions of this Redevelopment Plan to the contrary, the landscaping and buffering requirements with respect to landscaping and buffering for offices, light industrial, research and development, and/or warehouses shall be as follows:

Landscaping:

- a. Each lot shall have a minimum of 5% of the lot landscaped. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles.
- b. Deciduous trees shall have at least a three-and-one-half-inch dbh and 10 feet in height at planting, and evergreen trees shall be at least five feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.
- c. Any landscaping which, within two years of planting, dies, for any reason, shall be replaced by the developer(s) at his expense by means of a developer’s agreement or a bond agreement as determined by the Town Council.
- d. The following landscape principles shall be considered:
 1. Landscaping shall be located to provide for climate control, e.g. shade trees in parking areas.
 2. Landscaping shall be used to accent and complement buildings.
 3. Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
 4. Massing trees shall be considered at critical points.
 5. Smaller trees shall be used on narrow streets.
 6. Ground cover shall be used to prevent erosion.
 7. A variety and mixture of landscaping shall be provided. Consideration shall be given to susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.

8. Local soil conditions and water availability shall be considered in the choice of landscaping.
9. Existing trees located within 10 feet of any street right-of-way shall be maintained unless shown to be removed as part of an approved plan. The existing grade within that space shall not be disturbed without such approval.
10. Entrances to nonresidential lots shall be landscaped.
11. The impact of any proposed landscaping plan at various time intervals shall be considered. For example, shrubs can grow and eventually block sight distances and foundation plants can block out buildings.
12. Impervious materials shall not be used in any landscape area. Weed retardant mulch, porous nonwoven synthetic landscape fabric or other materials shall be used.
13. Decorative stones are discouraged as a ground cover. Vegetative ground cover is encouraged.
14. On site re-use of rainwater and grey water for irrigation is encouraged.

Buffering:

- a. Visual screens provided through landscaping shall be designed in such a manner as to provide a barrier on a year-round basis around the view of the area to be screened.
- b. Existing vegetation within the buffer shall be preserved, where possible, and supplemented with plantings and other buffer devices to provide screening of residences.
- c. Buffer dimensions shall be measured from property lines.
- d. No buildings, signs (other than directional signs), structures, storage of materials or parking shall be permitted within the buffer area.
- e. All plantings shall be installed according to accepted horticultural standards.
- f. Design. Arrangement of plantings in buffer shall provide maximum protection to adjacent properties and avoid damage to existing plant material. The plantings shall be arranged in double staggered rows where possible. If planting berms are used, the minimum top width shall be four feet and the maximum side slope shall be 2:1. No berm shall be so high in height or mass as to be disproportionate to the characteristics of its setting.
- g. Planting specifications. Plant materials shall be a minimum of six feet in height and planted in such a fashion that a screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be deer resistant, such as Blue Spruce, and installed according to accepted horticultural standards.
- h. Maintenance. Plantings shall be watered regularly with a sprinkler system or other means preferably using recycled water in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the developer during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.
- i. Basic standards. The following buffer requirements shall apply unless it is shown or apparent to the Board that an alternative arrangement is more suitable:
 1. Along the side and rear lot lines of all commercial industrial and other nonresidential uses: 10 feet.
 2. Along the front lot line of light industrial or other higher intensity nonresidential uses: 10 feet.

3. Along the rear lot lines of nonresidential uses that abut residential zones and uses: 20feet.
4. Buffers need not be added cumulatively to setback requirements; a buffer area shall instead be an overlay of a required setback.

At Section 9.5, under the heading “Affordable Housing”, strike the first paragraph and replace with the following:

All development within the Redevelopment Area must comply with State affordable housing regulations, and local affordable housing regulations, if any, which are applicable at the time of the site plan application.