

**TOWN OF NEWTON
ORDINANCE 2012-23**

**AN ORDINANCE ADOPTING AMENDMENTS TO THE MERRIAM
GATEWAY 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 or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, on April 23, 2007, the Town of Newton (the “Town”), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the “Rehabilitation Area”); and

WHEREAS, in November 2010, after review and comment by the Planning Board in accordance with the Act, the Town implemented a redevelopment plan (the “Redevelopment Plan”) for a portion of the Rehabilitation Area comprised of: Block 18.03, Lot 10 (then Block 1104, Lot 22); Block 22.02, Lots 8, 9 and 10 (then Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (then Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5 (portion), 13, 14 and 15 (then Block 1308, Lots 1 (portion), 1.01, 1.02, 10, 11, 12, 13 and 14), together with the public streets and rights-of-way adjacent thereto (collectively, the “Plan Area”); and

WHEREAS, the Town wishes to enlarge the Plan Area to include all of Block 22.04, Lot 5 (then Block 1308, Lot 1), which is within the Rehabilitation Area and which is owned by the Town, and further wishes to modify density requirements and certain bulk standards contained in the Redevelopment Plan; 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 August 13, 2012, 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 August 15, 2012, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board determined by Resolution dated August 15, 2012 (the “Planning Board Findings”, attached hereto as Exhibit B) that the Proposal is consistent with the Town's Master Plan, and recommended that the Town adopt the Proposal as an amendment to the Redevelopment Plan,

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

Section 1. The Town concurs with the Planning Board's determination that the Proposal is consistent with the Master Plan. The Proposal, as filed in the Office of the Town Clerk, and attached hereto as Exhibit A, is hereby approved.

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

Section 3. This ordinance shall take effect as provided in law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on August 27, 2012. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Governing Body conducted at 7:00 pm on September 12, 2012 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.



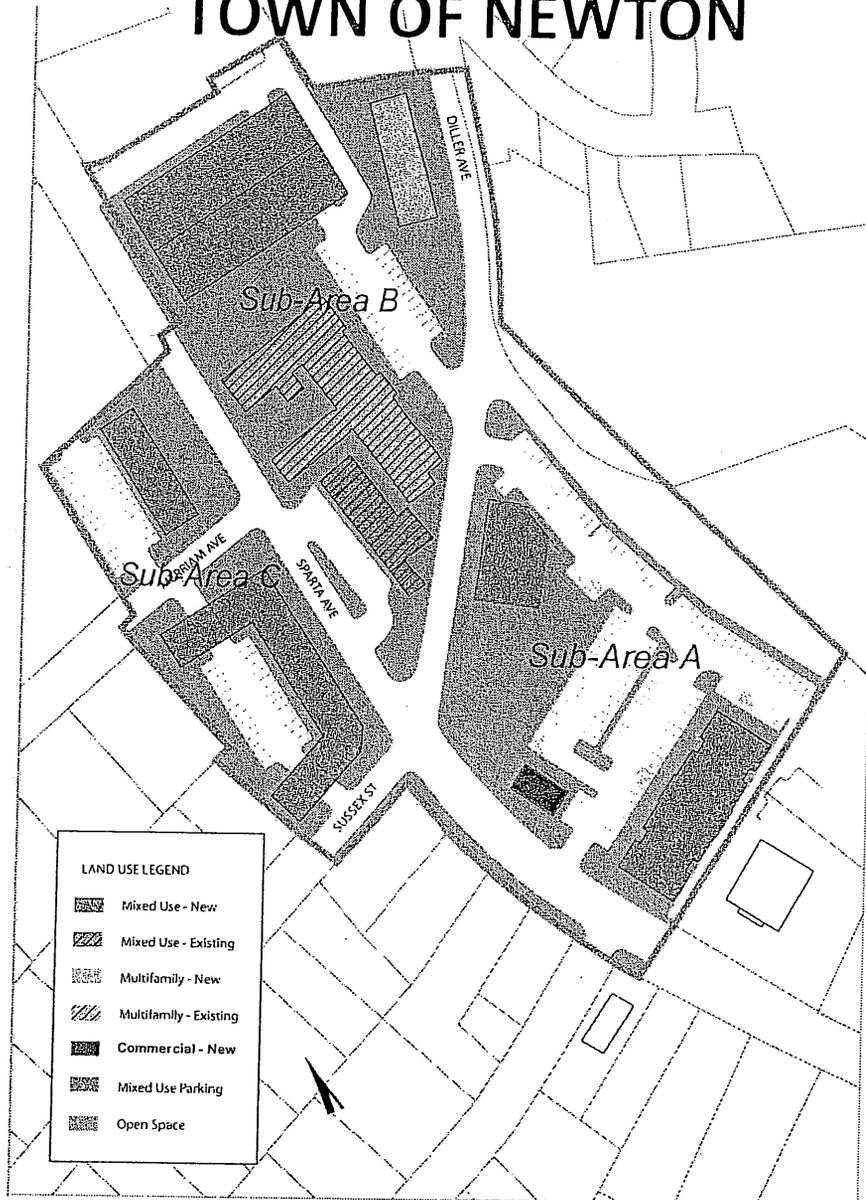
Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

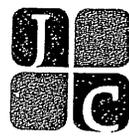
PROPOSAL

On File in the Clerk's Office

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON



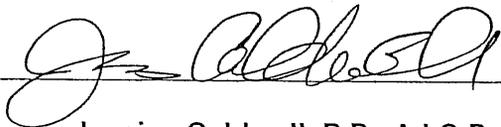
August 2012

 **J Caldwell**
& ASSOCIATES LLC
PLANNING CONSULTING SERVICES

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT TOWN OF NEWTON, SUSSEX COUNTY

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

PLAN CONSISTENCY REVIEW

BACKGROUND

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

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

The purpose of the plan is to create consistency between the development contemplated for the Plan Area and the Bulk Standards promulgated in the Plan. Currently, when applied, the bulk requirements are not necessarily consistent with the locations and density of building concepts shown in the Plan. This proposed Plan Amendment is therefore intended to eliminate inconsistencies between graphical representations of potential development in the Plan and the bulk standards in the Plan. The result will be proposed new bulk standards that better represent graphical depictions of potential development in the Plan Area.

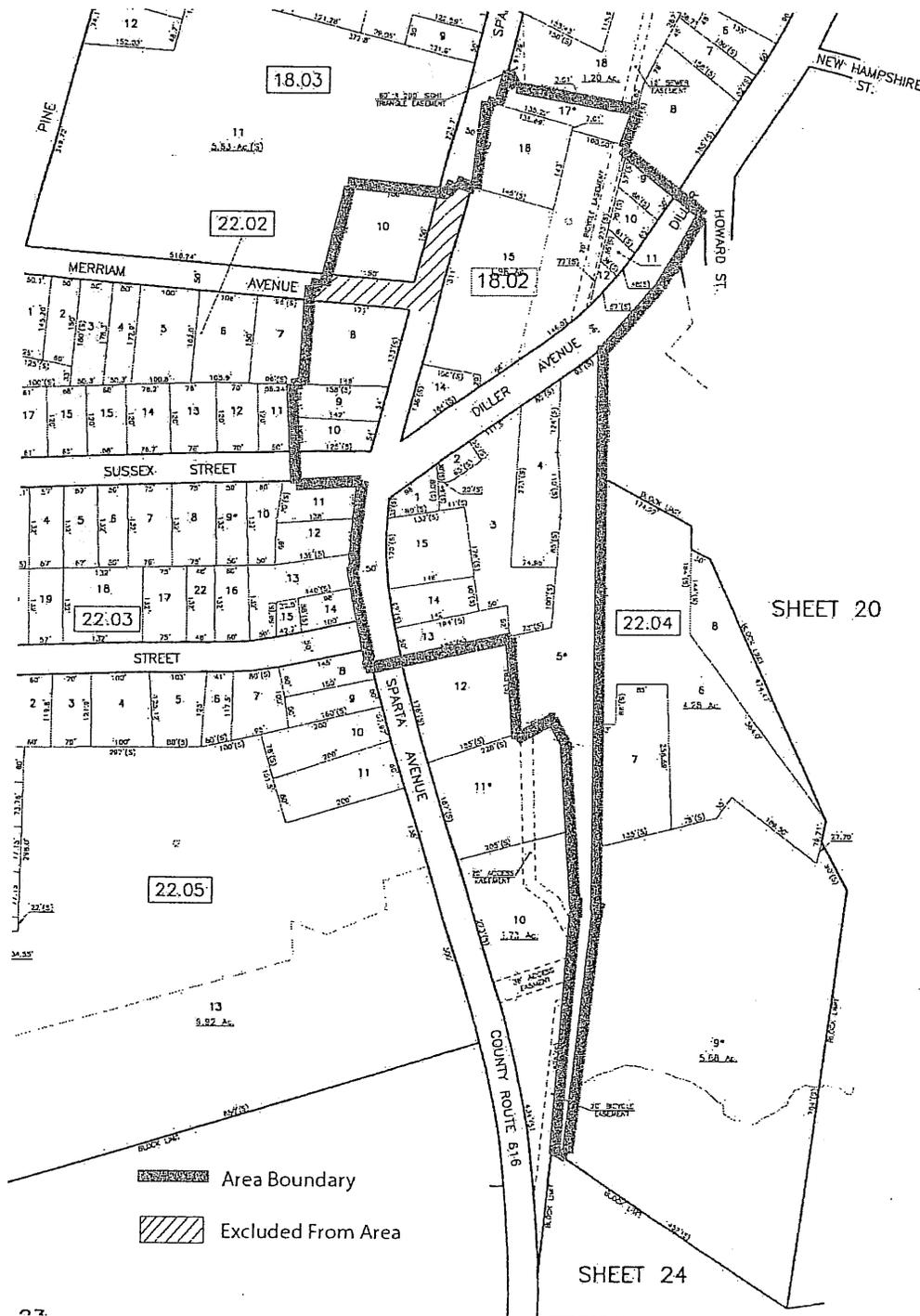
AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the Plan. At Section 8.0 of the Redevelopment Plan, it states, "As development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the changing needs of market demand, the Town of Newton and its citizens. Amendments may be required in order to accommodate these changes." As noted previously, the amendments proposed are required to create better consistency between graphic depictions and the bulk requirements of the Plan. For this reason, the proposed Plan amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan.

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

MERRIAM GATEWAY REDEVELOPMENT PLAN AMENDMENT

At Section 1.3, Block and Lot Map, the area map shall be amended to include the entirety of Lot 5, Block 22.04 (former Lot 1, Block 1308). The portion of Lot 5, Block 22.04 that extends beyond the original Plan Area will be utilized for parking, utilities, stormwater management, garbage and recycling facilities and a public bike path. Other maps in the Plan may not reflect the entirety of Lot 5, Block 22.04; however it is the intention of the Plan to permit the above-referenced improvements within Lot 5, Block 22.04.



At Section 3.0, Definitions, remove the definition for Net Acre.

At Section 6.0, Building Regulations, replace the bulk requirements on page 45 with the following:

Density: The maximum residential density for Sub-Areas A & C shall not exceed 24 dwelling units per acre, excluding rights of way. The density of Sub-Area B shall not exceed 15 dwelling units per acre excluding Block 18.02, Lots 15 and 16, which may maintain the residential density that exists as of the time of the adoption of this Plan Amendment.

Setbacks: Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. The setbacks below apply to principal structures. Accessory structures are not permitted in the front yard setback and must have a minimum 5' side and rear yard setback. The principal building setbacks below are delineated by building type. For descriptions of the varying building types, see page 46 of the Plan.

Sub-Area A (Block 22.04)

Front yard setback:

- Multi-family: 10' min.
- Mixed-use: 10' min.
- Landmark: 0' min.

Side yard setback:

- Multi-family: 10' min.
- Mixed-use: 10' min.
- Landmark: 5' min.

Rear yard setback:

- Multi-family: 10' min.
- Mixed use: 10' min.
- Landmark: 10' min.

Sub-Area B (Block 18.02)

Front yard setback:

- Multi-family: 10' min.
- Mixed-use: 5' min.
- Landmark: 0' min.

Side yard setback:

- Multi-family: 10' min.
- Mixed-use: 10' min.
- Landmark: 5' min.

Rear yard setback:

- Multi-family: 10' min.
- Mixed-use: 10' min.

Landmark: 10' min.

Sub-Area C (Blocks 18.03 & 22.02)

Front yard setback:

Multi-family: 10' min.

Mixed-use: 10' min.

Landmark: 5' min.

Side yard setback:

Multi-family: 10' min.

Mixed-use: 10' min.

Landmark: 5' min.

Rear yard setback:

Multi-family: 10' min.

Mixed-use: 10' min.

Landmark: 10' min.

Encroachments: Encroachment is the distance beyond the setback lines that certain building elements can protrude, expressed in feet. Building elements which may encroach include, but are not necessarily limited to: overhangs, steps, porches, balconies, bay and box windows, decks, etc. No encroachment of more than four (4) feet is permitted.

Allowable Building Envelopes: Delete this section.

At Section 6.5 Architectural Styles, page 48: Delete item 10 (shown below).

- 10. Any ground level commercial facades must be of at least 60% void area (windows and other openings).

At Section 8.1 Legal Requirements, page 73, paragraph 2: Delete items 2, 3 and 5 (shown below):

- 2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
- 3. Increasing or decreasing story height from that which is specifically permitted in the Section 6 - Building Regulating Plan.
- 5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

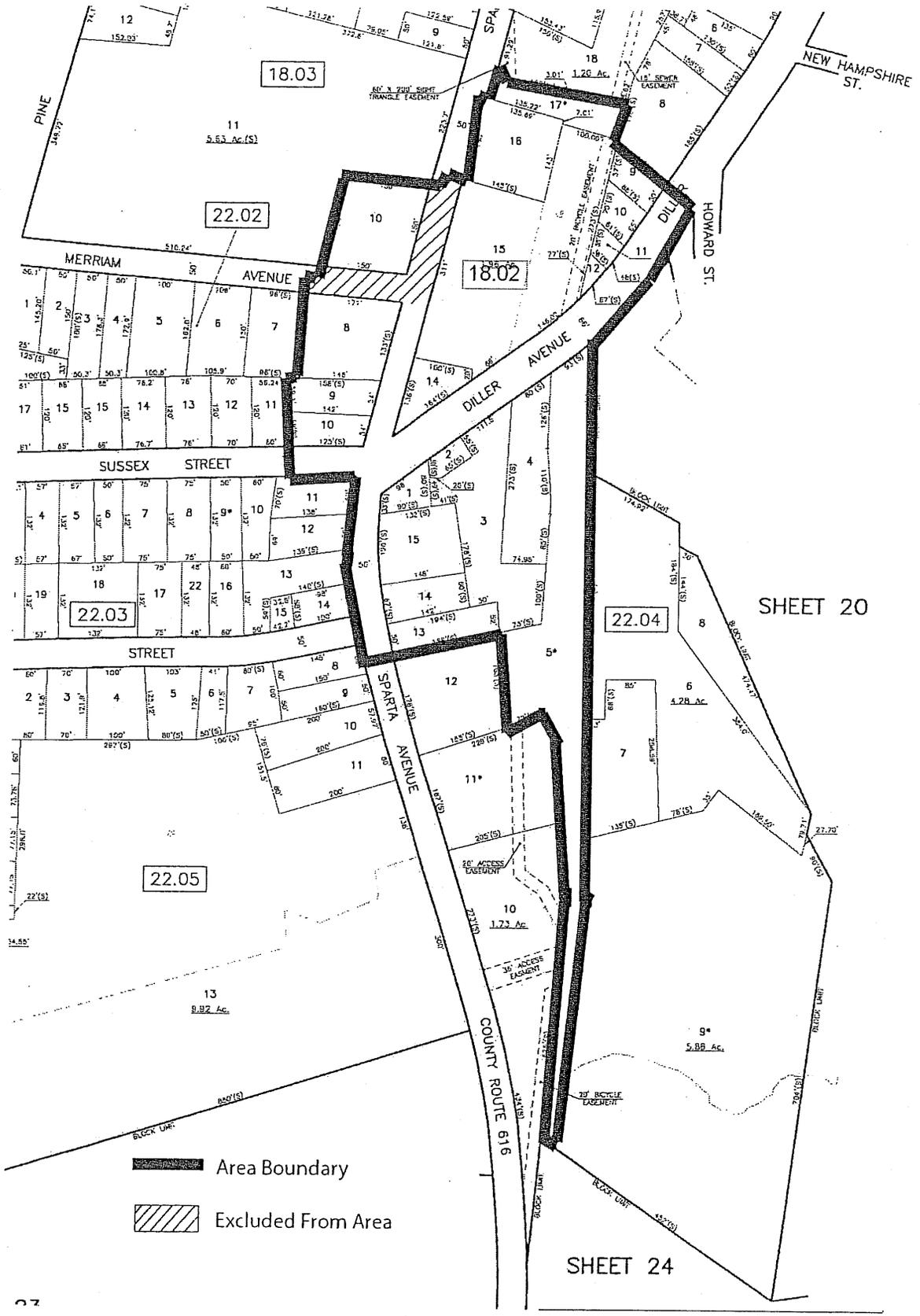
TOWN OF NEWTON, NJ

PLANNING BOARD REVIEW OF PROPOSED AMENDMENTS TO THE MERRIAM GATEWAY REDEVELOPMENT PLAN

TAKE NOTICE that on the 15th day of August, 2012 at 7:00 p.m., the Town of Newton Planning Board will consider proposed amendments to the Merriam Gateway Redevelopment Plan at the Municipal Building, 39 Trinity Street, Newton, NJ.

The Merriam Gateway Redevelopment Plan (the "Plan") governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* The Plan, adopted by the Town in November 2010, governs 20 tax lots on portions of four tax blocks, as well as the adjacent street rights-of-way of portions of Sparta Avenue, Diller Avenue, Sussex Street, and Railroad Place. The lot and block numbers for the parcels located in the Plan Area are: Block 18.03, Lot 10 (former Block 1104, Lot 22); Block 22.02, Lots 8, 9, and 10 (former Block 1209, Lots 10, 11, 12.01); Block 18.02, Lots 9, 10, 11, 12, 14, 15, 16 and 17 (former Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16); and Block 22.04, Lots 1, 2, 3, 4, 5, 13, 14 and 15 (former Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14). The Plan Area covers 10.18 acres. A map of the area is included for your convenience.

Copies of the Merriam Gateway Redevelopment Plan and the proposed amendments thereto may be downloaded from the Town of Newton's website at www.newtontownhall.com, and are also on file in the Town's Community Development Department, where they are available for inspection or reproduction.



Area Boundary
 Excluded From Area

SHEET 20

SHEET 24

EXHIBIT B

PLANNING BOARD FINDINGS

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY
RECOMMENDING THE ADOPTION OF AMENDMENTS TO THE
MERRIAM GATEWAY 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 or areas in need of rehabilitation, as such terms are defined in the Act; and

WHEREAS, on April 23, 2007, the Town of Newton (the “Town”), designated certain properties within its borders as an area in need of rehabilitation in accordance with the Act (the “Rehabilitation Area”); and

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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 August 13, 2012, 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 August 15, 2012, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Proposal, testimony regarding the Proposal, and discussion of the foregoing, the Planning Board has determined that the Proposal is consistent with the Town's Master Plan, and therefore the Planning Board wishes to recommend to the Town Council that it adopt the Proposal as an amendment to the Redevelopment Plan.

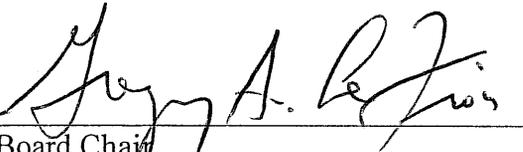
NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Newton as follows:

Section 1. Recommendation – Adoption of Proposal. The Planning Board hereby recommends to the Town Council that the Proposal be adopted as an amendment to the Redevelopment Plan. The Planning Board hereby finds and determines that the Proposal is consistent with the Town's Master Plan.

Section 2. Transmission to the Town Council. The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Town Council. This Resolution shall serve as the Report to the Town Council required by Section 7 of the Act.

Section 3. Effective Date. This Resolution shall take effect immediately.

We hereby certify this to be a true and complete copy of a Resolution adopted by the Planning Board of the Town of Newton on the 15th day of August, 2012.


Board Chair


Board Secretary