



HOUSING ELEMENT AND FAIR SHARE PLAN

Town of Newton, Sussex County

May 21, 2025

Prepared by:



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2025 Housing Element and Fair Share Plan

Town of Newton Sussex County, New Jersey

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1. Introduction

1.1 Community Overview

The Town of Newton is the County Seat of Sussex County, New Jersey. It is located in the northwestern part of the state specifically in the Ridge and Valley Region, situated west of the Highlands Region. Of Sussex County's 24 municipalities, Newton is the eighteenth-largest in area with a total of 2,163.86 acres and the fifth-largest in population (8,374, per the U.S. 2020 Decennial Census). The Town is the third-densest municipality in Sussex County.

Bordering municipalities include Hampton Township to the north, Andover Township to the south and east, and Fredon Township to the west. There are various arterial rights-of-way that traverse through the Town including, U.S. Route 206¹ – a major thoroughfare that runs north to south through Newton. Other major roads include High Street, which becomes N.J. Route 94 to the west, and Spring Street, which serves as a main anchor for the Town's historic core and central business district.

Newton is a mature community that encompasses several distinct neighborhoods and growth areas. Land use throughout is divided between, public property/parks/preserved open space, roadways, schools, critical infrastructure, emergency services, municipal facilities, commercial and residential development, houses of worship, and privately owned vacant land. Within Newton's 2,163.86-acre boundary, 1,267.54 acres (58.6%) are urban, 479 acres are forested, 312.86 acres are designated commercial/industrial, 688.61 acres are residential, and 299.63 acres are preserved as open space. If surface water bodies were removed from the town area, the area of Newton without surface water would be 2,149.16 acres. Newton has 45.27 acres of farmland and public water is provided by the Newton Public Water Supply System which includes the Morris Lake reservoir in Sparta and sewer wastewater is handled by the Newton Sewer Department.

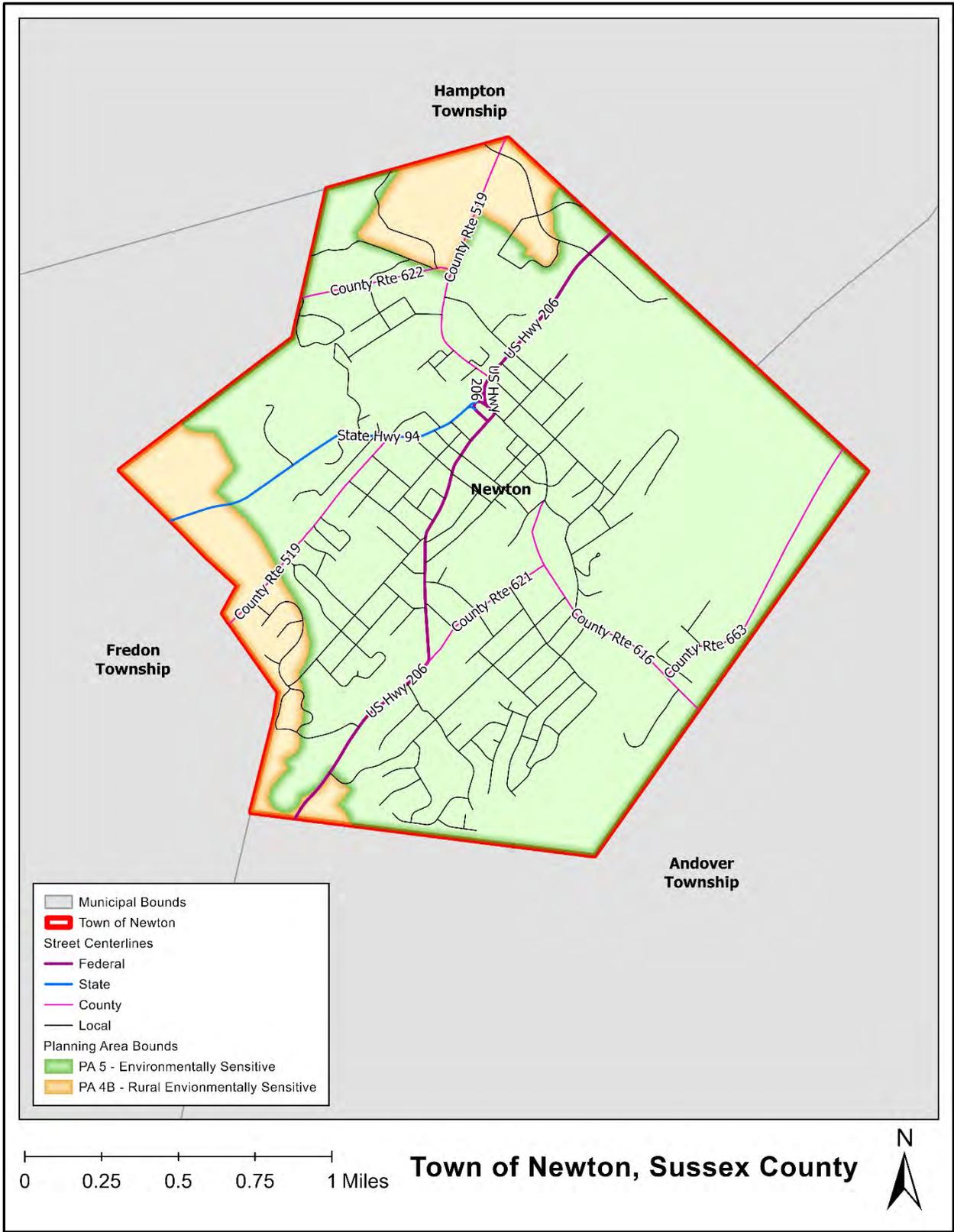
Newton is designated as a Regional Center by the State Planning Commission. While, the Town is located within the PA 4B – Rural Environmentally Sensitive² and PA 5 – Environmentally Sensitive³ State Development and Redevelopment Plan (SDRP) Planning Areas, the Regional Center designation supersedes the State Planning Areas. The Town of Newton first received Regional Center designation from the State Planning Commission in 1993 as the first Regional Center designated in the State. The Town received re-designation of its Regional Center in 2008, and later received Plan Endorsement in 2013. Plan Endorsement was recently renewed by the State Planning Commission on March 5, 2025.

¹ Also referenced as Water Street, Main Street, and Woodside Avenue.

² The PA 4B Planning Area (Rural Environmentally Sensitive Planning Area) in the SDRP includes rural lands with significant environmental features. Development is highly restricted to protect natural resources, with a focus on conservation, low-intensity land use, and limited intensity land use, and limited infrastructure expansion.

³ The PA 5 Planning Area (Environmentally Sensitive Planning Area) in the SDRP consists of lands with critical environmental features, such as wetlands, forests, and habitats. Development is highly restricted to protect ecological integrity, with strict land use controls and limited infrastructure expansion to prevent environmental degradation.

Figure 1. Context Map



1.2 Relationship to Other Plans

Town of Newton Master Plan

The most recent comprehensive Master Plan Update was prepared in 2008, with Reexamination Reports prepared in 2009, 2014, 2016, and 2019. The following goals and objectives which are of particular relevance to this Housing Element and Fair Share Plan are as follows:

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. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions and preservation of the environment;
3. To provide sufficient space in appropriate locations for a variety of residential, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Newton;
4. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
5. To encourage planned unit developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, and recreational development to the particular site;
6. To encourage senior citizen community housing construction;
7. To encourage development of affordable housing within the Town of Newton;
8. To encourage coordination of the various public and private procedures and activities shaping land development;
9. To balance market rate and affordable housing within neighborhoods.

These goals and objectives were first identified in the 2008 Master Plan Update and re-affirmed in subsequent Reexamination reports.

State Development and Redevelopment Plan (2001)

At the time of the preparation of this Housing Element and Fair Share Plan (HEFSP), the update to the SDRP is expected to be completed in late 2025. The last update to the SDRP was adopted in 2001 and identified several goals and objectives for housing, specifically as they relate to the PA 4B, the Rural/Environmental Sensitive Planning Area as well as the PA 5, the Environmentally Sensitive Planning Area. These goals, objectives, and policies, which in part guide the preparation of this HEFSP, are as follows:

1. **Housing:** Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general—and in particular affordable, senior citizen, special needs and family housing—is developed with

access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

2. **Natural Resource Conservation:** Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protects natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetland systems, natural landscapes of exceptional value, critical slope areas, scenic vistas and other significant environmentally sensitive features.
3. **Redevelopment:** Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.
4. **Public Facilities and Services:** Phase and program for construction as part of a dedicated capital improvement budget or as part of a public/private development agreement the extension or establishment of public facilities and services, particularly wastewater systems, to establish adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of environmentally sensitive features and other open spaces; to protect public investments in open space preservation programs; and to minimize conflicts between Centers and the Environs. Encourage private investments and facilitate public/private partnerships to provide adequate facilities and services, particularly wastewater systems, in Centers. Make community wastewater treatment a feasible and cost-effective alternative.
5. **Intergovernmental Coordination:** Coordinate efforts of state agencies, county and municipal governments to ensure that state and local policies and programs support environmental protection by examining the effects of financial institution lending practices, government regulation, taxation and other governmental policies and programs.

The Town of Newton strives to ensure the implementation of this HEFSP is consistent with the above-mentioned policies and objectives while respecting existing community characteristics and natural resources.

County Comprehensive Plan

The Sussex County Strategic Growth Plan (SGP) was adopted in 2005 to provide guidance of the county's development in a sustainable manner. This HEFSP is consistent with the following goals and policy objectives outline in the 2005 Sussex County SGP:

1. Minimize sprawl through incentives for density transfer and focus development into designated growth areas (centers); and
2. Expand the range of housing opportunities through judicious planning of service infrastructure.

Surrounding Municipalities' Master Plans

Andover Township, Sussex County

Approximately three (3) miles of Newton's southern and eastern border is shared with Andover Township and the municipalities are connected via U.S. Route 206, Sparta Avenue/Newton Sparta Road, and Hicks Avenue/Warbase Junction Road (County Route 663). Andover last prepared a Reexamination Report of its Master Plan and is not significantly impacted by this HEFSP.

Fredon Township, Sussex County

Around 2.5 miles of Newton's western border is shared with Fredon Township. Several local roads connect these municipalities, including N.J. Route 94, Swartwood Road (County Route 622), and West End Avenue/Ridge Road (County Route 519). This HEFSP does not significantly impact Fredon's Master Plan.

Hampton Township, Sussex County

Portions of Newton's northern border is shared with Hampton Township. Several local roads connect these municipalities, including U.S. Route 206/N.J. Route 94/Water Street, Swartwood Road (County Route 622), Mill Street/Newton Halsey Road (County Route 519), and Old Newton Swartwood Road. This HEFSP does not significantly impact Hampton's Master Plan.

1.3 History of Affordable Housing Compliance

Overview

The New Jersey Supreme Court, in Mount Laurel I (1975) and Mount Laurel II (1983) required all New Jersey municipalities to take affirmative actions toward providing their "fair share" of the region's need for affordable housing for low- and moderate-income people. In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act ("FHA") in 1985. This act created the Council on Affordable Housing ("COAH") to assess the statewide need for affordable housing, allocate that need on a municipal fair share basis, and review and approve municipal housing plans aimed at implementing the local fair share obligation. Subsequently, the New Jersey Municipal Land Use Law ("MLUL") was amended to require a housing element as a mandatory element of the municipal master plan. According to the MLUL, "a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing (52: 27D-310)."

COAH adopted its Third Round Rules in December 2004. On January 25, 2007, the Appellate Division issued a decision on an appeal of COAH's Third Round regulations. COAH was precluded from issuing Third Round Substantive Certifications until new rules for the Third Round

were revised and adopted. On October 8, 2010, the Appellate Division invalidated COAH's Rules in In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010). The decision stated, among other things, that growth share methodology was invalid, and directed COAH to adopt rules utilizing methodologies similar to those used in the First and Second Round Rules. On September 26, 2013 the Supreme Court affirmed the Appellate Division's 2010 decision and remanded COAH to undertake new rulemaking based on COAH's prior round rules and methodologies. COAH failed to formally adopt amended Third Round Rules.

In a 2015 decision known as Mount Laurel IV, the New Jersey Supreme Court divested COAH of jurisdiction of affordable housing, resulting in the process being left to the trial court system. This ruling dissolved the substantive certification process, turning instead to a judicial determination wherein a municipality files for a declaratory judgment action to certify that their Housing Element and Fair Share Plan has satisfied their Third Round obligation. At the same time, the Court appointed "Mount Laurel" judges for each of the State's judicial vicinages.

In 2024, New Jersey Legislature passed into law amendments to the Fair Housing Act (N.J.S.A. 52:27D-304.1 et seq. via NJ A4/S50) ("Amended FHA" or "P.L. 2024, c.2") that abolished and replaced COAH with the Affordable Housing Dispute Resolution Program ("the Program"), and set forth new methodology for the calculations of a municipality's affordable housing obligations for the Fourth Round and beyond.

Town of Newton

Newton is in Affordable Housing Region 1, which includes Sussex, Passaic, Bergen, and Hudson Counties.

Prior Rounds

Newton petitioned for, and received, Substantive Certification from COAH for Rounds 1 and 2 on November 1, 2000. The Town had fully addressed its Prior Round obligation of 24 units, as outlined in the tables below. Therefore, Newton had no Prior Round obligation to address going forward.

As part of this certification, Newton claimed seven (7) prior cycle credits for the development of a group home for developmentally disabled adults in 1981, partnering with the Sussex County ARC (SCARC, Inc.). Newton addressed the remaining 17-unit obligation through three (3) additional rental projects: the Birth Haven Group Home (6 units), Bristol Glen Assisted Living Facility (1 unit) and the Merriam Gateway Inclusionary Project (6 units + 4 credits).

Table 1. Prior Cycle Credits

Project Name	Year	Type	Units
Sussex ARC Group Home	1981	Special Needs Rental	7
Total			7

Table 2. Post-1986 Credits

Project Name	Year	Type	Units	Bonuses	Total
Birth Haven Group Home	1995	Special Needs Rental	6	0	6
Merriam Gateway Inclusionary Project	1997	Rental	6	4	10
Bristol Glen Assisted Living Facility	2001	Age-Restricted Rental	1	0	1
Total			13	4	17

Third Round

COAH adopted its Third Round regulations on December 20, 2004, requiring Newton to petition for Third Round Substantive Certification in order to remain under COAH's jurisdiction. However, these rules were struck down by the Courts leading to delays and uncertainty at the State level regarding affordable housing requirements and the number of affordable housing units the Town is required to provide.

The Town of Newton adopted a Housing Element and Fair Share Plan in June 2010 in order to petition for Substantive Certification under COAH's Third Round Rules. Since that time, the New Jersey Supreme Court in In re Adoption of N.J.A.C. 5:96 and 5:97 invalidated COAH's Third Round Rules and ordered municipalities under COAH's administrative review jurisdiction to file declaratory judgement actions with the Court by July 8, 2015 so that the Court can complete the review of their affordable housing compliance initiatives and make a determination of constitutional compliance with their affordable housing obligation.

Therefore, in order to determine its share of the regional present and prospective need for affordable housing, Newton utilized the methodology provided in the 2015 report "New Jersey Low- and Moderate-Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology," prepared by David N. Kinsey, PhD, FACIP, PP, for the Fair Share Housing Center (hereafter, the "Kinsey Report"). The Kinsey Report identified a Third Round Net Prospective Need for the period of 1999-2025 for the Town of Newton of 83 units and rehabilitation share of 72 units.

The New Jersey Supreme Court in In re Adoption of N.J.A.C. 5:96 AND 5:97 invalidated COAH's Third Round Rules and ordered municipalities under COAH's administrative review jurisdiction to file declaratory judgement actions with the Court by July 8, 2015. Newton sought a declaratory judgement that the Town is in compliance with its constitutional obligation to provide affordable housing and requested five (5) months to submit a revised Housing Element and Fair Share Plan, including a revised Spending Plan. This revised 2016 Housing Element and Fair Share Plan incorporates all of the required elements prescribed by the MLUL for a housing element in addition to addressing how the Town will provide the realistic opportunity to meet the present and prospective regional need of affordable housing.

A Declaratory Judgement was granted by Superior Court by Order on May 27, 2016, finding that the Town of Newton is in compliance with its constitutional obligations for affordable housing and provides a realistic opportunity for low- and moderate-income housing. The Superior Court of New Jersey Law Division, Sussex County, approved the Town of Newton's Housing Element and Fair Share Plan, dated December 2015. The Town was granted immunity from builder's remedy litigation and exclusionary zoning challenges for a period of 10 years through July 2025.

The Third Round obligation for the Town approved by the Superior Court included 72 units of rehabilitation need and 83 units of prospective need.

The Rehabilitation/Present Need Obligation was addressed through a combination of inclusionary zoning policies, redevelopment area designations, municipally sponsored, 100 percent affordable construction program, special needs and supportive housing, and the Town's rehabilitation program through the use of Elder Cottage Housing Opportunity (ECHO) housing⁴ and the creation of new units (N.J.A.C. 5:93-5.1).

⁴ In reference to DCA Bulletin 95-2, Elder Cottage Housing Opportunity (ECHO) dwelling units are defined as, "Small, manufactured housing units installed on the same lot as a single-family dwelling occupied by the family of the elderly

Fourth Round

On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which set forth the rules and regulations governing the Fourth Round (2025-2035) of affordable housing obligations in New Jersey. This law abolished COAH and shifted implementation of the Fair Housing Act to the New Jersey Department of Community Affairs (DCA), creating the Affordable Housing Dispute Resolution Program (the Program).

On October 18, 2024, the Department of Community Affairs (“DCA”) prepared and submitted a non-binding report (“DCA Report”)⁵ on the Fourth Round affordable housing fair share obligations for all municipalities within the State of New Jersey. The DCA indicated that Newton’s Fourth Round Present Need/Rehabilitation Obligation is 45 units and the Prospective Need is 72 units. The FHA, as amended by P.L. 2024, c.2, (“Amended FHA”) explicitly stated the DCA’s numbers are non-binding.

On January 27, 2025, pursuant to P.L.2024, c.2, the Town Council adopted Resolution #73-2025, committing to its fair share obligation for the Fourth Round (2025-2035) of a present need of obligation of 45 units and prospective need obligation of 72 units.

Given that there were no challenges by interested parties to the adopted number, the Town of Newton’s Fourth Round obligation was established by default on March 1, 2025.

Timeline of Affordable Housing Compliance

- November 1, 2000** Town of Newton receives Substantive Certification from COAH for Round 2.
- December 2004** COAH adopts Third Round Rules
- January 25, 2007** Appellate Division issued a decision requiring COAH revise Third Round Rules
- October 8, 2010** Appellate Division invalidates COAH’s Rules – growth share methodology is invalid; COAH must adopt rules utilizing methodologies similar to those used in the First and Second Round Rules.
- September 26, 2013** Supreme Court affirms October 2010 decision, remands COAH to undertake new rulemaking based on Prior Round Rules and Methodologies
- March 10, 2015** Supreme Court divests COAH of jurisdiction of affordable housing and municipalities must file declaratory judgment actions with the Court by July 8, 2015.
- May 27, 2016** A Declaratory Judgment was granted by Superior Court by Order to the Town of Newton. Newton’s 2016 Housing Element and Fair Share Plan was approved September 2016.
- March 20, 2024** Governor Murphy signs Bill A4/S50 (P.L. 2024, c.2), which sets forth the rules for the Fourth Round of affordable housing in New Jersey and creates the Affordable Housing Dispute Resolution Program

person or couple. The intention is to allow senior citizens to live independently, but in close proximity to family members who can provide assistance as needed.”

⁵ NJ DCA, Affordable Housing Obligations for 2025-2035 (Fourth Round): Methodology and Background, October 2024.

October 18, 2024	The NJ Department of Community Affairs publishes non-binding present and prospective need obligations
January 27, 2025	Town of Newton adopts Resolution #73-2025 adopting Fourth Round affordable housing obligations.
January 29, 2025	A Declaratory Judgment Action, Docket No. SSX-L-000062-25 was filed with the Superior Court seeking approval of the Town's affordable housing obligation and review of its Housing Element and Fair Share Plan under the Fourth Round regulations prior to the January 31, 2025 statutory deadline.
March 1, 2025	Town of Newton's obligations set forth in Resolution #73-2025 are established by default.
June 30, 2025	Deadline for submission of the Town of Newton's Housing Element and Fair Share Plan to the Dispute Resolution Program addressing the Fourth Round obligations as established by Resolution #73-2025.

1.4 Purpose and Goals

The purpose of this Housing Element and Fair Share Plan is to provide a realistic opportunity to address the housing needs of Newton residents across all income levels. This plan proposes multiple opportunities to develop a variety of housing types to meet these needs, which can be integrated into the existing land use pattern and character of the Town. This Plan has been prepared to meet the requirements of the MLUL, Fair Housing Act (FHA), the New Jersey State Development and Redevelopment Plan (SDRP), and Bill A4/S50 (P.L. 2024, c.2).

This HEFSP supports the goals of the Town's 2019 Master Plan Reexamination, which affirmed the following goals from the 2008 Master Plan:

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. To provide adequate light, air, and open space;
3. To ensure that the development of the Town does not conflict with the development and general welfare of neighboring municipalities, the County, and the State as a whole;
4. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities, and regions and preservation of the environment;
5. To provide sufficient space in appropriate locations for a variety of residential, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Newton;
6. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
7. To encourage senior citizen community housing construction;
8. To encourage development of affordable housing within the Town of Newton;

9. To encourage coordination of the various public and private procedures and activities shaping land development;
10. To balance market rate and affordable housing within neighborhoods.

1.5 Contents of the Plan

Municipal Land Use Law, the Fair Housing Act, and Administrative Directive #14-24 require that the Housing Element and Fair Share Plan include the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
7. A detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the Plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection;
8. The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis;
9. Documentation of the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrating that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of

affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided;

10. An analysis of how the HEFSP complies with or will comply with all terms of the executed settlement agreement;
11. An appendix that includes all of the adopted ordinances and resolutions needed to implement the HEFSP.

2. Demographics

2.1 Population

Population Change, 1990-2020

In 1990, the Town of Newton had a population 7,521, which saw an increase to 8,244 in 2000. However, by 2010, there was a decrease in growth to 7,997 (a difference of about 3% or 247 residents) followed by a rise to 8,374 in 2020 (a difference of around 5% or 377 residents). This trend differs to that of the growth in Sussex County and New Jersey, between 2000 and 2010, where the county and state continued to increase in population.

Table 3. Population Change, 1990 - 2020

	1990	% Change	2000	% Change	2010	% Change	2020
Town of Newton	7,521	+ 9.6	8,244	-2.9	7,997	+ 4.7	8,374
Sussex County	130,943	+ 10.0	144,166	+ 3.5	149,265	+ 3.3	144,221
New Jersey	7,730,188	+ 8.8	8,414,347	+ 4.4	8,791,894	+5.65	9,288,994

SOURCES:

1990 – 2010: UNITED STATES CENSUS BUREAU, 2010 CENSUS, TABLE 8. "POPULATION AND HOUSING UNITS: 1990 TO 2010; AND AREA MEASUREMENTS AND DENSITY: 2010."

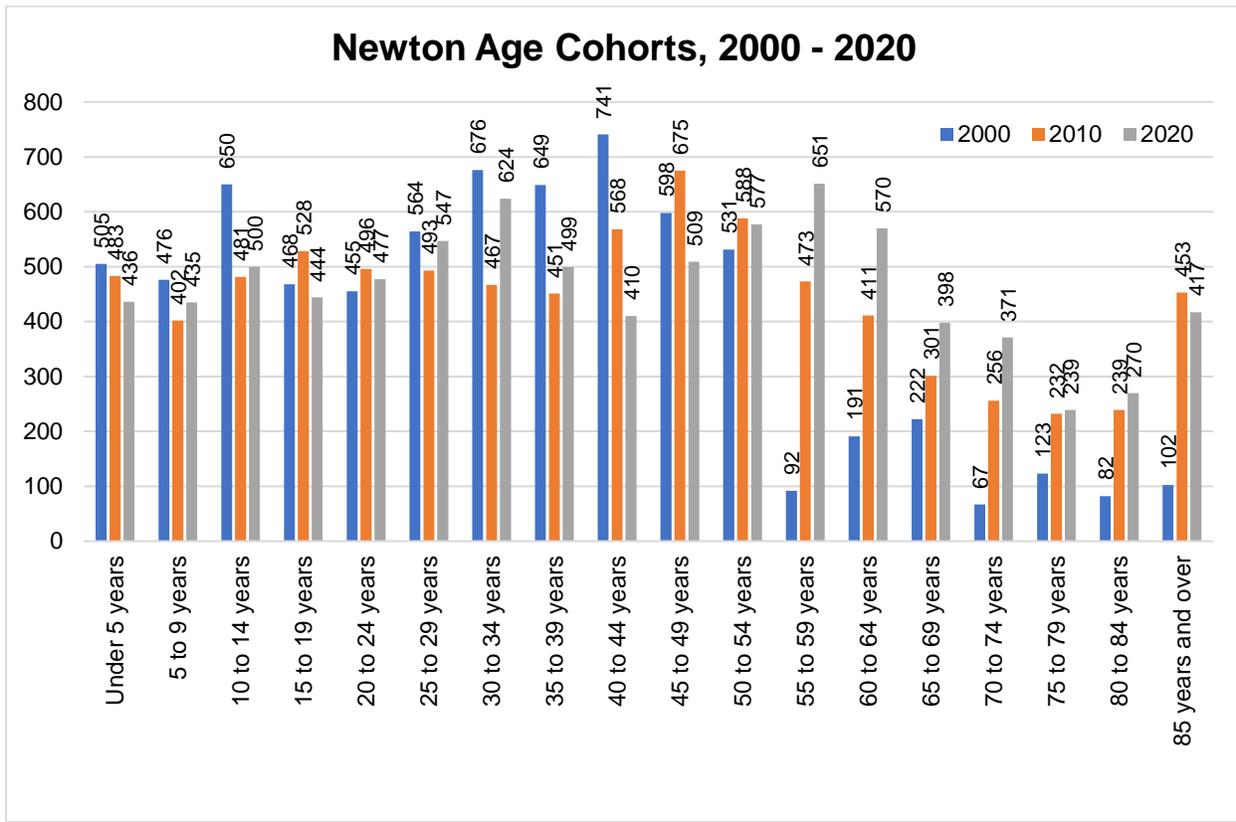
2020: UNITED STATES CENSUS BUREAU, 2020 DECENNIAL CENSUS, DP1, "PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS."

Age

In 2020, Newton’s largest age cohort was for residents between the ages of 55 to 59 years. This is nearly seven times the size of this age cohort in 2000. As illustrated in Figure 1, Newton is seeing an increase in its older populations (**Figure 2**). Compared to Sussex County, the largest age cohort in 2020 were those between 45 to 54 years (14.5%) followed by 25 to 44 years (22.6%).⁶ Sussex County and the State are seeing an increase in its younger and middle-age populations and steady growth in its older population (**Figures 3 & 4**).

⁶ Individuals between 25 to 34 years comprise 11.3% in 2020; Individuals between 35 to 44 years comprise 11.3%, which results in 22.6% of the County altogether.

Figure 2. Age Cohorts, 2000-2020 (Newton)



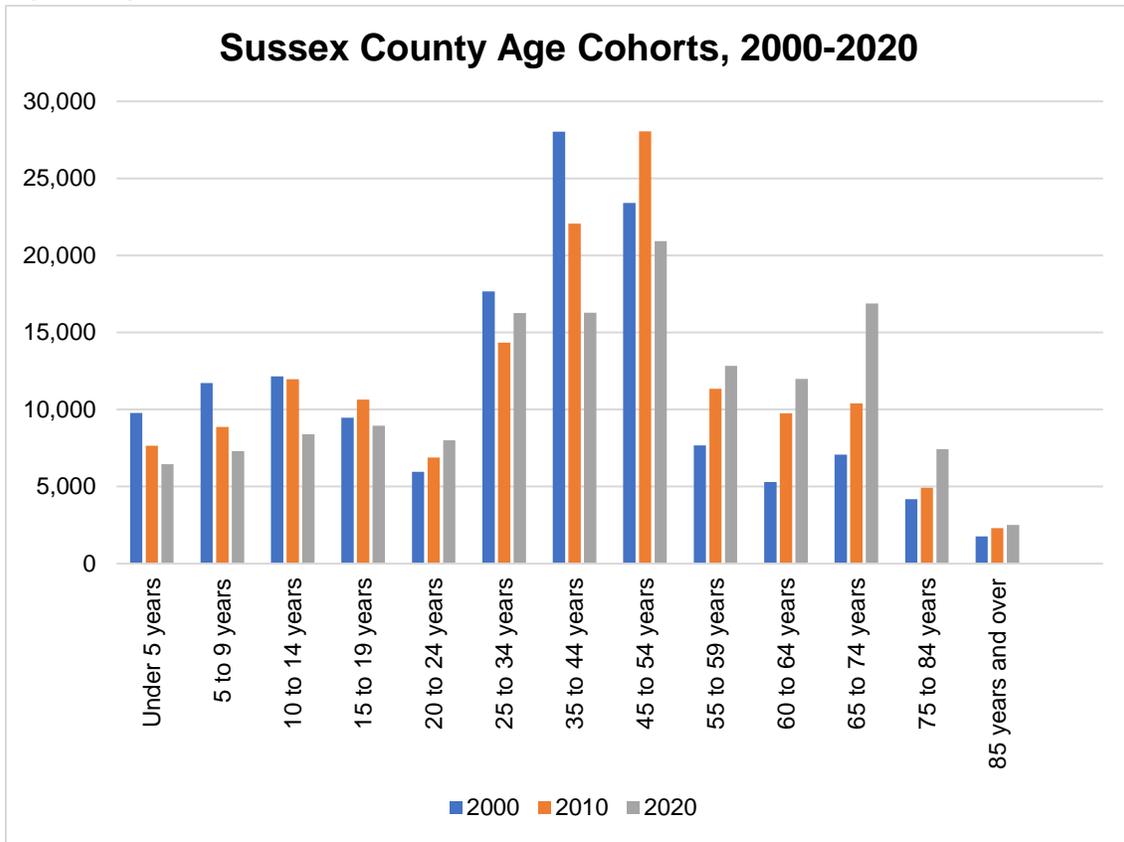
SOURCES:

2000: UNITED STATES CENSUS BUREAU, 2000 DECENNIAL CENSUS, P008, "SEX BY AGE [79]."

2010: UNITED STATES CENSUS BUREAU, 2010 DECENNIAL CENSUS, PCT3, "SEX BY AGE."

2020: UNITED STATES CENSUS BUREAU, 2020 DECENNIAL CENSUS, DP1, "PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS."

Figure 3. Age Cohorts, 2000-2020 (Sussex County)



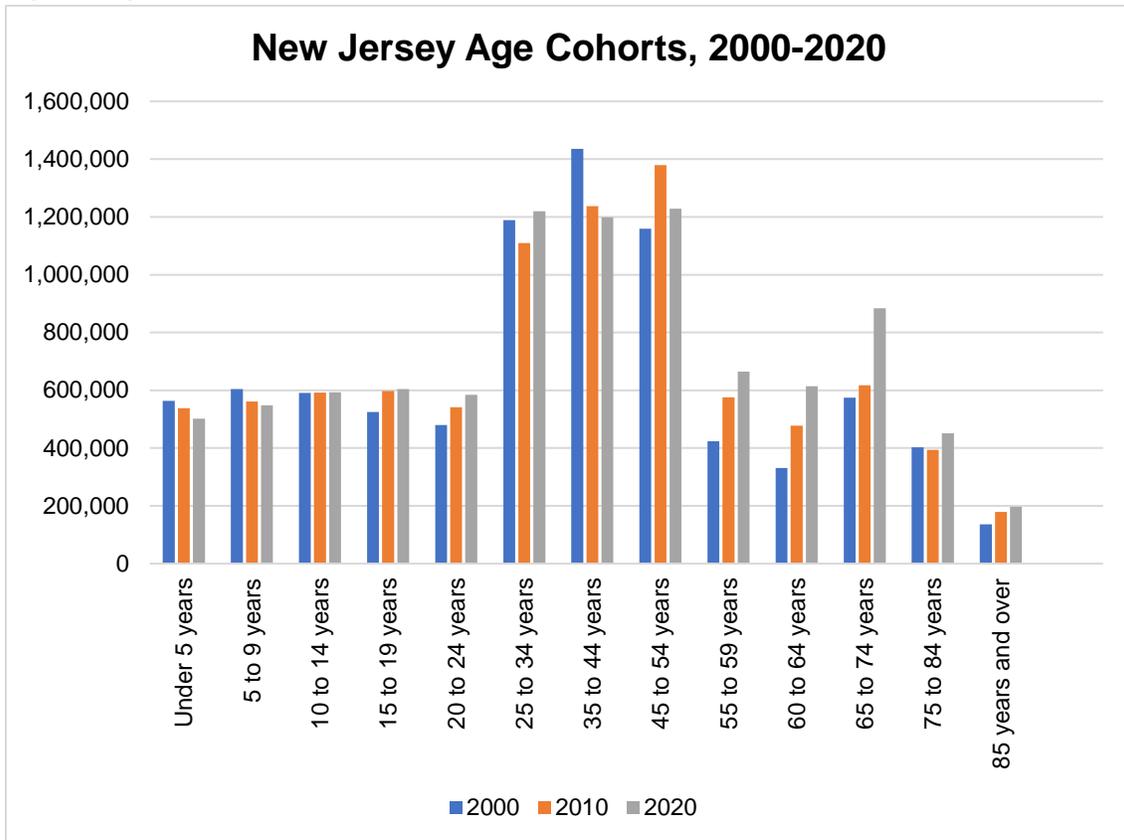
SOURCES:

U.S. Census Bureau. (2000). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *DECENNIAL CENSUS, DEC DEMOGRAPHIC PROFILE, TABLE DP1.*

U.S. CENSUS BUREAU. (2010). DEMOGRAPHIC AND HOUSING ESTIMATES. *AMERICAN COMMUNITY SURVEY, ACS 5-YEAR ESTIMATES DATA PROFILE, DP05.*

U.S. CENSUS BUREAU. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *DECENNIAL CENSUS, DEC DEMOGRAPHIC PROFILE, TABLE DP1.*

Figure 4. Age Cohorts, 2000-2020 (New Jersey)



SOURCES:

U.S. Census Bureau. (2000). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *DECENNIAL CENSUS, DEC DEMOGRAPHIC PROFILE, TABLE DP1.*

U.S. CENSUS BUREAU. (2010). DEMOGRAPHIC AND HOUSING ESTIMATES. *AMERICAN COMMUNITY SURVEY, ACS 5-YEAR ESTIMATES DATA PROFILE, DP05.*

U.S. CENSUS BUREAU. (2020). PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS. *DECENNIAL CENSUS, DEC DEMOGRAPHIC PROFILE, TABLE DP1.*

Household Size and Type

Between 2000 and 2020, the U.S. Decennial Census reported an increase in the number of occupied housing units, where 3,258 were reported in 2000 and 3,459 were reported in 2020. Generally, the number of 1- and 2-person households fluctuated but increased over the last two decades, but 3- and 4-or-more-person households saw a decrease between 2000 and 2020. Across the County, there has been a gradual increase in the number of occupied housing units from 2000 to 2020 where 1-, 2-, and 3-person households grew while 4-or-more-person households declined. At the State level, household sizes remained relatively stable by percentage but grew in overall numbers.

Table 4. Household Size, 2000 - 2020

Household Size	2000	%	2010	%	2020	%
Total Occupied Housing Units (Newton)	3,258	100%	3,170	100%	3,459	100%
1-person household	1,093	33.5%	1,144	36.0%	1,360	39.3%
2-person household	947	29.1%	909	28.6%	1,044	30.2%
3-person household	508	15.6%	463	14.6%	467	13.5%
4-or-more-person household	710	21.7%	654	20.6%	588	17.0%
Total Occupied Housing Units (Sussex County)	50,831	100%	54,752	100%	55,915	100%
1-person household	9,595	18.9%	11,482	21.0%	13,056	23.3%
2-person household	15,742	31.0%	17,807	32.5%	19,604	35.1%
3-person household	9,361	18.4%	10,100	18.4%	9,690	17.3%
4-or-more-person household	16,133	31.7%	15,363	28.1%	13,565	24.3%
Total Occupied Housing Units (State)	3,064,645	100%	3,214,360	100%	3,426,102	100%
1-person household	751,353	24.5%	811,221	25.2%	876,661	25.6%
2-person household	927,354	30.3%	957,682	29.8%	1,026,368	30.0%
3-person household	531,987	17.4%	558,029	17.4%	592,617	17.3%
4-or-more-person household	853,951	27.9%	887,428	27.6%	930,456	27.2%

SOURCE:

U.S. Census Bureau. (2000). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H016.*

U.S. Census Bureau. (2010). HOUSEHOLD SIZE. *Decennial Census, DEC Summary File 1, Table H13.*

U.S. Census Bureau. (2020). HOUSEHOLD SIZE. *Decennial Census, Demographic and Housing Characteristics, Table H9.*

Income

The median income for households in the Town of Newton in 2020, was \$66,763. Most (18.0%) households earned between \$100,000 and \$149,999. Since 2000, the Town has seen more households earning incomes between \$100,000 and \$149,999. While the median income in Newton remained lower than both the County and the State, Newton's median income increased by 38% over the last 20 years, while the County median income increased by 32% and the State median income by 35%.

Table 5. Income in the Past 12 Months, 2000 - 2020

Household Income	Percent of Households		
	2000	2010	2020
Total Households (Newton)	3,270	3,390	3,459
Less than \$10,000	10.8%	8.9%	5.9%
\$10,000 to \$14,999	7.1%	6.8%	5.1%
\$15,000 to \$24,999	11.5%	16.1%	10.6%
\$25,000 to \$34,999	11.3%	9.7%	9.5%
\$35,000 to \$49,999	16.4%	9.4%	7.4%
\$50,000 to \$74,999	21.5%	16.1%	15.8%
\$75,000 to \$99,000	10.8%	14.0%	12.6%
\$100,000 to \$149,999	8.8%	14.8%	18.0%
\$150,000 to \$199,999	1.6%	2.8%	8.7%
\$200,000 or more	0.2%	1.5%	6.4%
Newton Median household income	\$41,667	\$48,702	\$66,763
Sussex County Median household income	\$65,266	\$84,115	\$96,222
New Jersey Median household income	\$55,146	\$67,681	\$85,245

SOURCE: 2000: UNITED STATES CENSUS BUREAU, 2000 DECENNIAL CENSUS, DP3, "PROFILE OF SELECTED ECONOMIC CHARACTERISTICS."
 2010: UNITED STATES CENSUS BUREAU, 2010 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES, S1901, "INCOME IN THE PAST 12 MONTHS (IN 2010 INFLATION-ADJUSTED DOLLARS)."
 2020: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES, S1901, "INCOME IN THE PAST 12 MONTHS (IN 2020 INFLATION-ADJUSTED DOLLARS)."

2.2 Employment Characteristics

Workforce

In 2020, the ACS reported that Newton had a workforce population aged 16 and older of 6,932. Of this number, 4,403 were in the labor force,⁷ with 293 individuals reported as unemployed, resulting in an unemployment rate of 6.7 percent. Newton's unemployment rate is greater than that of the County (5.3%) and State (5.8%).

Table 6. Employment Status, 2020

Employment Status	Estimate	%
Population 16 years and older	6,932	100%
In labor force	4,403	63.2%
Civilian labor force	4,403	63.2%
Employed	4,110	59.0%
Unemployed	293	4.2
Armed Forces	0	0.0%
Not in labor force	2,559	36.8%
Unemployment rate (Newton)		
		6.7%
Unemployment rate (Sussex County)		
		5.3%
Unemployment rate (State)		
		5.8%

SOURCE: U.S. CENSUS BUREAU. (2020). SELECTED ECONOMIC CHARACTERISTICS. AMERICAN COMMUNITY SURVEY, ACS 5-YEAR ESTIMATES DATA PROFILES, TABLE DP03.

Commuting Characteristics

Most of the Town's employed population worked within New Jersey (97.5%), according to the 2020 ACS. Of those that worked within the state, 54.1 percent

⁷ According to the United States Census Bureau Glossary, "The labor force includes all people classified in the civilian labor force, plus members of the U.S. Armed Forces (people on active duty with the United States Army, Air Force, Navy, Marine Corps, or Coast Guard). The civilian labor force consists of people classified as employed or unemployed."

worked in Sussex County. The 2020 ACS reported that 2.5 percent of Newton residents worked outside of New Jersey. Additionally, 43.4 percent of Newton workers were employed outside Sussex County. When commuting to work, the vast majority (89.2%) of workers took a car, truck, or van, and 80.8 percent of those who did, drove alone. This trend is similar to that of the County (88.7%), but not the State which saw 69.6 percent of workers commute via car, truck, or van. The ACS reported that in 2020, 3.0 percent of workers worked from home in Newton. Of those who commuted to work, most (27.3%) left after 9:00 a.m. and most (26.4%) had a commute time of less than 10 minutes. The mean travel time for all workers in 2020 was 29.2 minutes.

Table 7. Commuting Characteristics, 2020

Commuting Characteristics	Estimate
Workers 16 years and over	4,038
Means of Transportation to Work	
Car, truck, or van	89.2%
Drove alone	80.8%
Carpooled	8.4%
Workers per car, truck, or van	1.05%
Public transportation (excluding taxicab)	1.2%
Walked	4.1%
Bicycle	0.0%
Taxicab, motorcycle, or other means	2.5%
Worked from home	3.0%
Workers 16 years and over who did not work from home	3,916
Place of Work	
Worked in state of residence	97.5%
Worked in county of residence	54.1%
Worked outside county of residence	43.4%
Worked outside state of residence	2.5%
Time of Departure to go to Work	
5:00 a.m. to 5:29 a.m.	1.2%
5:30 a.m. to 5:59 a.m.	4.2%
6:00 a.m. to 6:29 a.m.	12.0%
6:30 a.m. to 6:59 a.m.	10.6%
7:00 a.m. to 7:29 a.m.	12.5%
7:30 a.m. to 7:59 a.m.	13.2%
8:00 a.m. to 8:29 a.m.	11.4%
8:30 a.m. to 8:59 a.m.	5.1%
9:00 a.m. to 11:59 a.m.	27.3%
Travel Time to Work	
Less than 10 minutes	26.4%
10 to 14 minutes	7.7%
15 to 19 minutes	8.9%
20 to 24 minutes	7.3%
25 to 29 minutes	6.7%
30 to 34 minutes	6.8%
35 to 44 minutes	10.1%
45 to 59 minutes	8.7%
60 or more minutes	17.5%
Mean travel time to work (minutes)	29.2

SOURCE: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES.

Employment by Industry

Of Newton's 4,038 residents that were employed in 2020, most (27.1%) work within educational services, and health care and social assistance followed by retail trade (15.8%), professional, scientific, management, administrative and waste management services (14.0%), and manufacturing (10.3%).

Of Sussex County's 75,433 residents employed in 2020, most (23.2%) work within educational services, and health care and social assistance followed by professional, scientific, management, administrative and waste management services (13.5%), retail trade (12.1%), and manufacturing (9.1%).

Whereas, the State's residents that were employed in 2020 had a similar makeup with Sussex County wherein most residents (24.1%) worked within educational services, and health care and social assistance followed by professional, scientific, management, administrative and waste management services (13.7%), retail trade (10.7%), and finance and insurance, and real estate, and rental and leasing (8.5%).

Table 8. Industries of Employment, 2020

Industry	Estimate	Percent
Agriculture, forestry, fishing and hunting, and mining	41	1.0
Construction	174	4.2
Manufacturing	423	10.3
Wholesale trade	84	2.0
Retail trade	650	15.8
Transportation and warehousing, and utilities	242	5.9
Information	70	1.7
Finance and insurance, and real estate and rental and leasing	193	4.7
Professional, scientific, and management, and administrative and waste management services	575	14.0
Educational services, and health care and social assistance	1,115	27.1
Arts, entertainment, and recreation, and accommodation and food services	278	6.8
Other services, except public administration	109	2.7
Public administration	156	3.8

SOURCE: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES.

3. Housing Characteristics

3.1 Inventory of housing stock

Housing Occupancy and Tenure

In 2020, the Decennial Census reported a total of 3,945 housing units. Of this number, 3,459 (87.7%) were occupied. More specifically, 55.2 percent of the units were owner-occupied, with the remaining 44.8 percent being renter-occupied. Newton’s homeowner vacancy rate was 2.42 percent and the rental vacancy rate was 4.7 percent. However, Sussex County and New Jersey differ from Newton in which there are more occupied housing units and less vacant housing units. Additionally, the homeowner vacancy rate for the County (2.2%) and State (1.5%) is less than Newton’s 2020 rate. The County and State rental vacancy rates are 6.8 percent and 5.7 percent respectively.

Vacancy Status

Of the 287 vacant housing units reported in the 2020 Decennial Census, most (3.7%) were categorized as “for rent.” The next highest category is “other vacant.” This category includes a variety of situations,⁸ as follows:

1. The owner does not want to rent or sell;
2. The owner is elderly and living in a nursing home or with family members;
3. The unit is being held for the settlement of an estate;
4. The unit is being renovated; or
5. The unit is being foreclosed.

There were 34 properties actively for sale, rather than for rent, that were vacant in 2020 in Newton. Properties that were actively for rent totaled 136 units, or 3.7 percent of the total vacant housing units. This is similar to that of the Sussex County where the number of properties actively for sale resulted in 1,044 units and for rent resulted in 753 units.

Table 9. Housing Occupancy and Tenure, 2020

Housing Occupancy and Tenure	Estimate	%
Newton		
Total housing units	3,945	100%
Occupied housing units	3,459	87.7%
Owner-occupied	1,911	55.2%
Renter-occupied	1,547	44.8%
Vacant housing units	486	12.3%
Sussex County		
Total housing units	62,702	100%
Occupied housing units	55,915	89.2%
Owner-occupied	45,705	72.9%
Renter-occupied	10,210	16.3%
Vacant housing units	6,794	10.8%
New Jersey		
Total housing units	3,761,229	100%
Occupied housing units	3,426,102	91.1%
Owner-occupied	2,098,500	55.8%
Renter-occupied	1,327,602	35.3%
Vacant housing units	335,127	8.9%

SOURCE: UNITED STATES CENSUS BUREAU, 2020 DECENNIAL CENSUS, DP1, "PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS."

Table 10. Vacancy Status, 2020

Vacancy Status	Estimate	%
Total vacant units	287	7.8
For rent	136	3.7
Rented, not occupied	11	0.3
For sale only	34	0.9
Sold, not occupied	10	0.3
For seasonal, recreational, or occasional use	22	0.6
Other vacant	74	2.0

SOURCE: 2020: UNITED STATES CENSUS BUREAU, 2020 DECENNIAL CENSUS, DP1, "PROFILE OF GENERAL POPULATION AND HOUSING CHARACTERISTICS."

⁸ Kresin, M. "Other" Vacant Housing Units: An Analysis from the Current Population Survey/Housing Vacancy Survey." U.S. Census Bureau, Social, Economic, and Housing Statistics Division. Retrieved from <https://www.census.gov/housing/hvs/files/qtr113/PAA-poster.pdf>

Units In Structure

The Town of Newton’s housing is primarily single-family detached housing units; these structures comprise 54.3 percent of the Town’s housing stock. The next largest group consisted of structures having more than 20 or more units (19.0%), followed by 2-unit structures (6.5%). Sussex County provided similar data where single-family housing units (79.4%) made up the majority of the county’s housing stock followed by single-family attached units (6.1%).

The ACS also provided a breakdown of the number of bedrooms in each unit. In 2020, most (35.7%) units contained 3 bedrooms, with 1- and 2-bedrooms comprising 23.4 percent and 23.0 percent respectively, followed by 13.5 percent containing 4 bedrooms. Additionally, 1.1 percent of all housing units had 5 or more bedrooms.

Year Structure Built

The 2020 ACS reported that structures built prior to 1939 saw the largest number of housing units built (1,289, or 37.3% of the total housing stock) than any other time period in the Town of Newton. Between 1960 and 1979, 24.8 percent of the Town’s housing stock was constructed. Sussex County had 11,626 units (18.6%) built between 1970 and 1979.

3.2 Costs and Value

There are numerous methods by which to view the value of Newton’s housing stock. The ACS provided counts for the following items: Selected Monthly Owner Costs (SMOC), the values of owner-occupied and renter-occupied units, and mortgage characteristics.

Selected Monthly Owner Costs

SMOC is a figure which consists of all costs associated with homeownership.⁹ In 2020, the ACS reported that the median SMOC for housing units with a mortgage in Newton was \$2,053. For those units without a mortgage, the median SMOC was \$955. Most (22.7%) owners of housing units with a mortgage had a SMOC between \$1,000 and \$1,499, and most (42.1%) owners of units without mortgages had ownership-related expenses of more than 1,000 per month. For renter-occupied units, of which 1,527 occupants were paying a median of \$1,150 per month. In 2020, 51.9 percent of renters paid between \$1,000 and \$1,499 per month.

Table 11. Units In Structure, 2020

Units In Structure	Count	%
Total housing units	3,945	100
1-unit, detached	2,141	54.3%
1-unit, attached	252	6.4%
2-units	256	6.5%
3 or 4 units	156	4.0%
5 to 9 units	182	4.6%
10 to 19 units	195	4.9%
20 or more units	749	19.0%
Mobile home	14	0.4%
Boat, RV, van, etc.	0	0.0%

SOURCE: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES, DP04, "SELECTED HOUSING CHARACTERISTICS."

Table 12. Year Structure Built

Year Structure Built	Count	%
Built 2014 or later	76	2.2%
Built 2010 to 2013	12	0.3%
Built 2000 to 2009	193	5.6%
Built 1980 to 1999	503	14.5%
Built 1960 to 1979	858	24.8%
Built 1940 to 1959	528	15.3%
Built 1939 or earlier	1,289	37.3%

SOURCE: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES.

⁹ According to the United States Census Bureau Glossary, "Selected monthly owner costs are calculated from the sum of payment for mortgages, real estate taxes, various insurances, utilities, fuels, mobile home costs, and condominium fees. Listing the items separately improves accuracy and provides additional detail."

Table 13. Selected Monthly Owner Costs (SMOC), 2020

SMOC	Count (Newton)	%	Count (Sussex County)	%	Count (State)	%
Housing units with a mortgage	1,455	100%	32,078	100%	1,382,654	100%
Less than \$500	0	0.0%	38	0.1%	2,772	0.2%
\$500 to \$999	46	3.2%	691	2.2%	34,504	2.5%
\$1,000 to \$1,499	331	22.7%	4,195	13.1%	138,116	10.0%
\$1,500 to \$1,999	318	21.9%	7,702	24.0%	253,824	18.4%
\$2,000 to \$2,499	305	21.0%	7,236	22.6%	275,392	19.9%
\$2,500 to \$2,999	283	19.5%	5,269	16.4%	231,946	16.8%
\$3,000 or more	172	11.8%	6,947	21.7%	446,100	32.3%
Median	\$2,053		\$2,236		\$2,476	
Housing units without a mortgage	456	100%	13,210	100%	711,773	100%
Less than \$250	0	0.0%	257	1.9%	14,747	2.1%
\$250 to \$399	0	0.0%	253	1.9%	18,836	2.6%
\$400 to \$599	14	3.1%	1,012	7.7%	48,655	6.8%
\$600 to \$799	108	23.7%	2,698	20.4%	96,262	13.5%
\$800 to \$999	142	31.1%	3,207	24.3%	136,283	19.1%
\$1,000 or more	192	42.1%	5,783	43.8%	396,990	55.8%
Median	\$955		\$950		\$1,062	

SOURCE: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES.

Value

The ACS reported a median value of owner-occupied housing units as \$226,900 (Table 14) in 2020. Nearly three-quarters (71.5%) of the owner-occupied units in the Town had a value of between \$100,000 to \$299,999. The County had a median value of owner-occupied housing units of \$271,500 and New Jersey had a median value of \$343,500. The median value of owner-occupied housing units is significantly less in Newton compared to Sussex County and New Jersey.

Table 14. Value of Occupied Units, 2020

Value of Occupied Units	Count	%
Owner-occupied units	1,911	100%
Less than \$50,000	36	2.5%
\$50,000 to \$99,000	0	0.0%
\$100,000 to \$299,999	1,040	71.5%
\$300,000 to \$499,999	379	26.0%
\$500,000 to \$749,999	0	0.0%
\$750,000 to \$999,999	0	0.0%
\$1,000,000 or more	0	0.0%
Median	\$226,900	

SOURCE: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES.

3.3 Housing Units Capable of Being Rehabilitated

The ACS estimated that in 2020, there were 59 (1.7%) occupied housing units that lacked complete kitchen facilities and 53 (1.5%) units with no telephone service available in Newton. Compared to the Town, the County had less occupied housing units that lacked complete plumbing and kitchen facilities; 0.1 percent and 0.3 percent respectively.

Table 15. Housing In Need of Rehabilitation, 2020

Facilities	Count	%
Newton		
Occupied housing units	3,459	100%
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	59	1.7%
No telephone service available	53	1.5%
Sussex County		
Occupied housing units	54,166	100%
Lacking complete plumbing facilities	60	0.1%
Lacking complete kitchen facilities	174	0.3%
No telephone service available	523	1.0%

SOURCE: UNITED STATES CENSUS BUREAU, 2020 AMERICAN COMMUNITY SURVEY, 5-YEAR ESTIMATES.

3.4 Projection of Housing Stock

Housing Units Certified

Since 2004, there have been 249 housing units that have received certificates of occupancy, according to the New Jersey Department of Community Affairs (DCA) Construction Reporter. Of these certifications, 13.3 percent were issued for 1- and 2-family homes, and 86.7 percent were issued to units in multi-family developments.

Planning Board Approvals

The Town of Newton Planning Board approved several residential projects in 2023 and 2024 that may not yet be reflected in the DCA's certificate of occupancy reporting as follows:

1. 122-124 Main Street
Block 7.09, Lots 3 and 5
Zone T-4

Proposed construction of four (4) apartments to existing apartment buildings to the existing buildings.

Approved June 21, 2023.

2. 59-61 High Street
Block 5.01, Lot 24
Zone T-6

Convert the existing mixed-use building into nine (9) residential apartments.

Approved January 17, 2024.

3. 113 Main Street
Block 14.01, Lot 5
Zone T-5 and Historic Overlay

Convert the existing structure into four (4) residential apartments with minor site improvements.

Approved February 21, 2024.

4. 43 Trinity Street
Block 9.06, Lot 12
Zone T-5

Convert the existing mixed-use building into three (3) residential apartments.

Approved March 20, 2024.

5. 200 Spring Street
Block 8.09, Lot 8
Zone T-6

Table 16. Housing Units Certified, 2004 - 2024

	1&2 Family	Multi	Mixed-use	Total
2004	17	0	0	17
2005	1	0	0	1
2006	0	0	0	0
2007	0	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	0	0	0	0
2011	0	45	0	45
2012	0	0	0	0
2013	0	0	0	0
2014	0	0	0	0
2015	0	45	0	45
2016	0	0	0	0
2017	7	0	0	7
2018	6	65	0	71
2019	1	0	0	1
2020	1	0	0	1
2021	0	0	0	0
2022	0	0	0	0
2023	0	61	0	61
Oct. 2024 YTD	0	0	0	0
Total	33	216	0	249

SOURCE: NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, HOUSING UNITS CERTIFIED, 2004 - 2024

Proposed addition and alterations for a mixed-use building consisting of five (5) floors with a roof-top restaurant.

Approved March 20, 2024.

6. 85.5 Trinity Street
Block 15.01, Lot 18
Zone T-5

Convert the existing group home facility into six (6) residential apartments.

Approved June 26, 2024.

Lands Available for New Construction and Redevelopment

The potential for large-scale new development in the Town is restricted by a lack of developable land due to most of the Town already being built out. Therefore, due to Newton's largely built out nature, Town efforts should be focused on identifying key opportunities for Redevelopment Area Designations.

The municipality should also continue to support the rehabilitation of the existing housing stock for affordable housing opportunities by continuing its participation in using Community Block Grants and other funding sources to achieve this.

Looking at historic trends combined with the limited availability of developable land in the Town, it is unlikely that there will be any large increases in the number of new housing units within the Town, and most new housing units will be created under Redevelopment Area Designations and the redevelopment of existing sites.

Residential Zones

The development of future housing stock is influenced by many factors, including availability of necessary infrastructure, such as sewer and water, zoning regulations, and environmental resource constraints.

The 2001 New Jersey SDRP identifies Newton as Planning Area 4B, the Rural/Environmental Sensitive Planning Area; Planning Area 5, the Environmentally Sensitive Planning Area; as well as a Designated Regional Center. At the time this Housing Element was written, the Town contains a total of 282.08 acres of open space and recreational lands. Approximately three percent (3%) of these lands in the Town are owned and operated by Sussex County. The largest State-owned recreational facility is the Paulinskill River Wildlife Management Area, which is located in the northeasterly portion of the Town and encompasses approximately 110.16 acres. Municipally-owned environmental recreation and conservation lands as well as recreational facilities comprise an approximate 25.9% of all open space. Due to the extensive built-out nature in the Town, new construction is constrained.

T-2 Rural Residential Transect Zone

The T-2 Transect Zone covers large tracts of land that are undeveloped which are located in the outskirts of Town and should be preserved from intensive development and kept as areas which are open and rural to nature. This area is recommended for farmland or other agricultural uses, open space, very large lot development or rural/hamlet cluster development. The recommended density in this transect zone is one (1) unit per 10 acres. Rural cluster/hamlet subdivisions can be created at a density of one (1) unit per two (2) acres on a

maximum lot area of one-quarter (1/4) acre. Access should be developed at rural standards and the remaining land not utilized for lots or access must be placed into conservation or farmland easements. Permitted residential principal uses include single-family detached dwellings while group care (elder-care, extended care, special care) and residential cluster development are permitted conditional uses within the T-2 Transect Zone.

T-3 Neighborhood Residential Transect Zone

The T-3 Transect Zone covers the majority of the single-family residential areas that span outward from the downtown and neighborhood center areas. Permitted residential principal uses include single-family detached dwellings and duplexes while group care (elder-care, extended care, special care) and residential cluster development are permitted conditional uses within the T-3 Transect Zone.

T-4 Neighborhood Services Transect Zone

The T-4 Transect Zone covers smaller mixed-use neighborhood centers and supports larger neighborhood centers that provide local services to neighborhoods. These small neighborhood mixed use commercial areas provide a sense of place and identity to the neighborhood which surrounds it. Permitted residential principal uses consist of single-family detached dwellings, duplexes, age-restricted housing, residential over commercial, flats or lofts (elevator fed), group care (elder-care, extended care, special care), and live-work¹⁰ development.

T-5 Town Core Support Area / Neighborhood Core Transect Zone

The T-5 Transect Zone occupies the area surrounding the Town Core than provides the majority of the housing and employment that directly supports the Town Core. Additionally, the T-5 Transect Zone provides for Neighborhood Cores to serve some of the neighborhoods which are closer to the Town Core area. The permitted residential principal permitted uses involve single-family detached dwellings, duplexes, age-restricted housing, residential over commercial, flats or lofts (elevator fed), group care (elder-care, extended care, special care), and live-work development.

T-6 Town Core Transect Zone

The T-6 Transect Zone is a higher density, mixed and multiple use downtown area. This area provides for the majority of retail and commercial uses within the Town and should be identified as the Central Business District within Newton. This area has residential and office uses over the commercial uses to support day and evening uses in the downtown. Permitted residential principal uses include residential over commercial, flats or lofts (elevator fed), and group care (elder-care, extended care, special care) development.

SD-2 Special District 2: College District

The SD-2 District covers the Sussex County Community College Campus. The permitted residential principal uses include multi-family residential and elevator flat development.

¹⁰ In reference to Town of Newton Form-Based Code, §320-3 defines “Live-Work” as a hybrid commercial/residential building that may be new construction or a conversion of an existing home into a combination ground-floor business and upper-floor single-family dwelling unit.

SD-3 Special District 3: Retail/Manufacturing District

The SD-3 District covers the area along U.S. Route 206 at its intersection with North and South Park Drive. This area includes existing large-scale retail and industrial uses. The area has potential to accept relocated light manufacturing and industrial uses which currently exist in redevelopment areas. Of the permitted residential principal uses, only live/work development is allowed.

SD-5 Special District 5: Office/Manufacturing District

The SD-5 District covers the 56 Sparta Avenue redevelopment area, where office and manufacturing uses are being considered along with alternative plans proposing housing and mixed-use options. A redevelopment plan will ultimately determine which mix of uses is most appropriate. Of the permitted residential principal uses, mixed-use buildings are permitted within the district.

SD-7 Special District 7: Senior Community District

The SD-7 District covers the Bristol Glen/United Methodist Homes Continuing Care and Assisted Living Facility. Residential uses such as duplexes, triplexes, multi-family dwellings, elevator flats, and townhouse development are permitted principal uses within the SD-7 District.

SD-9 Special District 9: Planned Neighborhood Development District

The SD-9 District covers approximately 52 acres along High Street at the western edge of Town. Development in this zone includes a mandatory 20% set-aside for affordable housing. Mixed-use is permitted along High Street and adjacent to the Newton Medical Center to provide retail and services to the neighborhood. The remainder of the development is permitted to be residential and should vary in density from higher density closer to High Street to lower density further from the road frontage. A minimum of three (3) buildings are required for any development. Residential uses such as single-family, townhouse, multi-family residential and elevator flats, duplexes, triplexes, mixed-use buildings, and live-work developments are permitted principal uses in the SD-9 District.

Multigenerational Housing

P.L. 2021, c. 273 established the Multigenerational Family Housing Continuity Commission (the Commission) and assigned the Commission the responsibility of preparing and adopting, "...recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas" (N.J.S.A. 52:27D-329.20f[1]). Municipalities are now required to provide an analysis of the extent to which local ordinances advance or detract from these recommendations. At the time this Housing Element and Fair Share Plan is being prepared, no such recommendations have been published by the Commission; however, all residential zones within the Town of Newton permit accessory apartments, providing an option for creating multi-generational housing.

4. Fair Share Plan

4.1 Plan Purpose and Goal

The Fair Share Plan will describe specific projects, programs, strategies and funding sources to meet the Town's affordable housing obligation while also complying with the Fourth Round Regulations, Fair Housing Act, and the Dispute Resolution Program Directive #14-24. The overriding goal of this Fair Share Plan is to present a framework for the Town to provide for its fair share of the present and prospective regional need for low- and moderate-income housing for the Fourth Round period of 2025 through 2035.

4.2 Determination of Housing Need & Proposed Mechanisms

On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which set forth the rules and regulations governing the Fourth Round (2025-2035) of affordable housing obligations in New Jersey. This law abolished COAH and shifted implementation of the Fair Housing Act to the New Jersey Department of Community Affairs (DCA), creating the Affordable Housing Dispute Resolution Program (the Program).

On October 18, 2024, the Department of Community Affairs ("DCA") prepared and submitted a non-binding report ("DCA Report")¹¹ on the Fourth Round affordable housing fair share obligations for all municipalities within the State of New Jersey. The DCA indicated that Newton's Fourth Round Present Need/Rehabilitation Obligation is 45 units and the Prospective Need is 72 units. The FHA, as amended by P.L. 2024, c.2, ("Amended FHA") explicitly stated the DCA's numbers are non-binding.

On January 27, 2025, pursuant to P.L.2024, c.2, the Town Council adopted Resolution #73-2025, committing to its fair share obligation for the Fourth Round (2025-2035) of a present need of obligation of 45 units and prospective need obligation of 72 units. The Town Council filed a Declaratory Judgment action in Superior Court, Docket No. SSX-L-000062-25 on January 28, 2025 in order to meet the January 31, 2025 deadline to file with the Dispute Resolution Program.

Given that there were no challenges by interested parties to the adopted number, the Town of Newton's Fourth Round obligation was established by default on March 1, 2025.

Prior Round Obligation

Newton petitioned for, and received, Substantive Certification from COAH for Rounds 1 and 2 on November 1, 2000. The Town fully addressed its Prior Round obligation of 24 units through prior cycle and post-1986 credits. Newton claimed seven (7) prior cycle credits for the development of a group home for developmentally disabled adults in 1981, partnering with the Sussex County ARC (SCARC, Inc.). Newton addressed the remaining 17-unit obligation through three (3) additional rental projects: the Birth Haven Group Home (6 units), Bristol Glen Assisted Living Facility (1 unit) and the Merrian Gateway Inclusionary Project (6 units + 4 credits).

¹¹ NJ DCA, Affordable Housing Obligations for 2025-2035 (Fourth Round): Methodology and Background, October 2024.

Table 17. Prior Round Obligation and Credits

Project Name	Year	Type	Units	Bonuses	Total
Prior Cycle Credits					
Sussex County ARC Group Homes	1981	Special Needs rental	7	0	7
Post-1986 Credits					
Birth Haven Group Home	1995	Special needs rental	6	0	6
Bristol Glen Assisted Living Facility	2001	Age-restricted rental	1	0	1
Merriam Gateway Inclusionary Project	1997	Rental	6	4	10
Total			20	4	24

Third Round Obligation (1999-2025)

COAH's third round methodology for determining a municipality's fair share obligation was invalidated by the Courts, leading to delays and uncertainty regarding affordable housing requirements and the number of affordable housing units the Town is required to provide. Therefore, in order to determine its share of the regional present and prospective need for affordable housing, Newton utilized the methodology provided in the 2015 Kinsey Report from the Fair Share Housing Center. This report established a present need of 72 units and a Third Round prospective need of 83 units.

A Declaratory Judgement was granted by Superior Court by Order on May 27, 2016, finding that the Town of Newton was in compliance with its constitutional obligations for affordable housing and provided a realistic opportunity for low- and moderate-income housing. The Superior Court of New Jersey Law Division, Sussex County, approved the Town of Newton's draft Housing Element and Fair Share Plan, dated December 2015, which was later adopted in September 2016. The Town was granted immunity from builder's remedy litigation and exclusionary zoning challenges for a period of 10 years through July 2025. The Town's 2016 Housing Element and Fair Share Plan included proposals to meet 217 credits. The table below reviews the Third Round proposals to address affordable housing obligations; however, the credits are being refined to apply the requisite credits to the Third Round obligation and move the remaining proposals and credits to the Fourth Round.

Table 18. Third Round Credits

Summary of Third Round Fair Share Plan Town of Newton, Sussex County				
Project Name	Type	Units	Bonuses	Total Credits
Third Round				
Completed Units				
Bristol Glen Assisted Living	Senior Rental	5	0	5
Progressive Health Residential Health Care	Supportive/Special Needs Rental	4	0	4
Samaritan Inn (very low income)	Transitional Family Units	14	14	28
Katie's House Supportive Housing	One 2-Bedroom Group Home One 3-bedroom Group Home	5	0	5
Community Options Group Home	One 4-Bedroom Group Home	4	1	5
Newton Town Centre	Senior Rental	65*		15
Clayton Square	Family Rental	6	6	12
Total Completed		102	21	74
Inclusionary Zoning				
SD-9	Family Rental	17*	0	9
	Family For-Sale	54*		
Total Inclusionary		71*	0	
Third Round Fair Share Plan Total				83
Third Round Obligation				83
Maximum Bonus – 25% (21 units)				
Maximum Senior – 25% (20 units)				20
Minimum Family Housing – 50% (42 units)				45
Minimum Rental – 25% (21 units)				83
Minimum Family Rental – 50% of Rental (11 units)				45
*Excess credits not applied carry over to Round 4 – 50 senior rentals and 62 inclusionary				112
Rehabilitation				
Municipal Rehabilitation Program	Completed Rehabilitations	21	0	21
Third Round Rehabilitation/Present Need Total				21

Assisted Living, Transitional Housing, Alternative Living Arrangements and Group Homes

The Town of Newton completed several projects during the Round 3 period that qualify as transitional housing, assisted living, alternative living arrangements and group homes.

- **Bristol Glen Assisted Living** completed **five (5)** units of affordable, senior rental as part of an expansion at their facility located at **200 Bristol Glen Drive (Block 11.01, Lot 4)**. This facility is a continuing care retirement community (CCRC) licensed by the New Jersey Department of Health and Senior Services. These five (5) units are age-restricted, rental units deed-restricted to serve low-income individuals or residents receiving a Medicaid waiver.
- **Progressive Health** established **four (4)** units of special needs/supportive housing for brain-injured adults as part of a new Residential Health Care facility.
- **Samaritan Inn** completed **14 units** of affordable housing in two transitional homes for very low-income homeless families. The first home is located at **21 Union Place (Block 15.01, Lot 47)** and has 5 units. The second building is located at **7-9 Sussex Street (Block 22.03, Lot 9)** and has 6 units. A third building is at 23 Union Place, with three apartments. These three buildings qualify as transitional housing, providing transitional housing for homeless families.
- **Katie's House** established two group homes: one (1) at 29 Moran Street, Block 9.02, Lot 6 with two (2) bedrooms and one (1) at 26 Mason Avenue, Block 18.04, Lot 23 with three (3) bedrooms.

Municipally Sponsored/100 Percent Affordable

A municipality may elect to provide low- and moderate-income units through a municipally sponsored 100 percent affordable construction program. Newton partnered with Newton Town Centre Urban Renewal Associates, L.P. and RPM for the development of a mixed-use building at the corner of Spring Street and Union Place (Block 8.05, Lots 4, 7, 8 and 9) in Newton's historic downtown area.

This development contains 65 age-restricted rental units for low- and moderate-income seniors, approximately 1,600 square feet of commercial space, and a community room to be utilized by residents of the development and available for use by senior groups within the Town. These 65 affordable units will apply only 15 credits to the Town's Third Round fair share obligation due to the cap on affordable housing units provided through age-restricted developments.¹² The remaining 50 units carryover to Rounds 4 and 5.

On June 10, 2013, the Newton Town Council authorized a PILOT agreement with the developers of this site via Ordinance #2013-20. The Newton Planning Board adopted a resolution, memorialized on January 21, 2015, granting final site plan approval, and on May 11, 2015, the Town Council adopted a resolution (#73-2015) to appropriate \$50,000 from the Affordable

¹² Newton's Fair Share Obligation is 83 units. Of these, no more than 25 percent, or 20 units can be age-restricted. The Bristol Glen expansion is also age-restricted and created six (6) credits of affordable housing, five (5) applied to the Third Round. Therefore, Newton Town Centre can account for only 15 units of the Town's Third Round affordable housing obligation.

Housing Trust Fund for the development. Additionally, the Town provided the land for the development through a long-term lease with the developer.

Clayton Square

The Town of Newton worked with Martorana Enterprises to support construction of 54 townhouses and six (6) affordable family rental units on the property at 104 Sparta Avenue (Block 22.05, Lot 13.01). Newton's Planning Board (acting as the Zoning Board of Adjustment) approved a use variance on the property in May 2012 to allow residential use in an otherwise industrial zone. The development is completed and fully occupied. The six (6) affordable units created on-site provided 12 units of family rental credits.

Inclusionary Zoning – SD-9 District

The SD-9 zone is a 52-acre site along both sides of High Street at the western edge of Town that is zoned for 6 du/acre for 85% of the zone and 12 du/acre for 15% of the zone. The zone permits a variety of residential housing types including multi-family and townhouses as well as mixed-use buildings. The Town's 2008 Master Plan recommended increasing the allowed density and set-aside requirements in this District to encourage affordable housing on Lots 1 and 1.06, Block 101 and Lot 1, Block 102. The zoning on this site provides for a total of 354 units. A 20 percent set aside nets 71 affordable units. Of those 71 affordable units, 17 units would meet the density required to provide for the realistic opportunity for family rental units and the remaining 54 units would be family for-sale units. A total of nine (9) credits are proposed to apply to the Third Round. The remaining units are proposed for the Fourth Round.

Fourth Round Obligation (2025-2035)

On January 27, 2025, pursuant to P.L.2024, c.2, the Town Council adopted Resolution #73-2025, committing to its fair share obligation for the Fourth Round (2025-2035) of a present need of obligation of **45 units** and prospective need obligation of **72 units**. Given that there were no challenges by interested parties to the adopted number, the Town of Newton’s Fourth Round obligation was established by default on March 1, 2025.

Table 19. Fourth Round Credits

Summary of Fourth Round Fair Share Plan Town of Newton, Sussex County				
Project Name	Type	Units	Bonuses	Total Credits
Fourth Round				
Redevelopment Plans				
Paterson Avenue	Family Rental	14	7*	21
Hicks Avenue	Family Rental	7	3*	10
Merriam Gateway	Family Rental	9	4*	13*
Total Redevelopment		30	0	44
Inclusionary Zoning				
SD-9	Family Rental	17*	0	8
	Family For-Sale	54*		54
Total Inclusionary		71*	0	62
100% Affordable				
Newton Town Centre	Senior Rental	50*		20
Total 100% Affordable		50*	0	20
Group Homes				
CCI Foundation Inc**	Group Home	4	4*	8
Total Group Homes		4	4	8
Fourth Round Fair Share Plan Total				134
Fourth Round Obligation				72
Maximum Senior – 30% (20 units)				20
Minimum Family Housing – 50% (36 units)				93
Minimum Rental – 25% (18 units)				59
Minimum Family Rental – 50% of Rental (9 units)				39
Maximum Bonus Credits – 25% (18 units)				18
*9 units applied to 3 rd Round from SD-9 / 15 units applied to 3 rd Round for NTC and 30 carry over				
Carryover to 5th Round – 30 units senior and 62 inclusionary units				92
Rehabilitation				
Municipal Rehabilitation Program	Proposed Rehabilitations	45	0	45
Fourth Round Rehabilitation/Present Need Total				45

*Bonus credits applied include 0.5 bonus credit per unit for redevelopment and 1 bonus credit per unit for group homes.

**Group home is completed.

Inclusionary Zoning – SD-9 District

The SD-9 zone is a 52-acre site along High Street at the western edge of Town that is zoned for 12 du/acre for 85% of the zone and 6 du/acre for 15% of the zone. The zone permits a variety of residential housing types including multi-family and townhouses as well as mixed-use buildings. The Town’s 2008 Master Plan recommended increasing the allowed density and set-aside requirements in this District to encourage affordable housing on Lots 1 and 1.06, Block 101 and Lot 1, Block 102. The zoning on this site provides for a total of 354 units. A 20 percent set aside nets 71 affordable units. A concept plan showing the potential to develop 354 units on the site is attached to this plan following the SD-9 ordinance. Of those 71 affordable units, 17 units would meet the density required to provide for the realistic opportunity for family rental units and the remaining 54 units would be family for-sale units. A total of 63 credits are proposed to apply to the Town’s Fourth Round obligation.

Table 20. SD-9 Site Suitability Analysis

Site Suitability Criteria	Complies? (Y/N)	Notes
Clear title/free of encumbrances	Y	Private ownership; clear title
Compatibility with Surrounding Land Uses	Y	Surrounded by a hospital, medical offices and residential uses
Approvable as a residential development by all agencies with jurisdiction	Y	Limited slopes, wetlands and environmental constraints
Available Infrastructure – water, sewer, utilities, roads	Y	Located on NJSH Route 94; available public water and sewer

Redevelopment Areas

Newton has declared several parts of Town as areas in need of redevelopment. Three (3) of these areas, known as Paterson Avenue, Hicks Avenue and Merriam Gateway, have redevelopment plans adopted by the Town Council that include a residential component with an affordable housing set-aside. Affordable units in the redevelopment zones may not be age-restricted and must be provided as 50 percent for low income and 50 percent for moderate income. The Redevelopment Plans represent additional credits above the Town’s obligation for the Fourth Round that may occur as redevelopment.

Paterson Avenue Redevelopment Area

The Paterson Avenue Redevelopment Area is a 12.57-acre parcel located at Block 1201.02, Lots 2 and 2.01. The Redevelopment Plan calls for the construction of 71 dwellings units on this existing light industrial site, of which 14 units must be affordable. The Newton Town Council designated the tract as an Area in Need of Redevelopment on December 10, 2007 and adopted a Redevelopment Plan on October 8, 2008. An amendment was adopted in July 20, 2011 to expand permitted uses on the site.

Table 21. Paterson Ave. Site Suitability Analysis

Site Suitability Criteria	Complies? (Y/N)	Notes
Clear title/free of encumbrances	Y	Private ownership; clear title
Compatibility with Surrounding Land Uses	Y	Surrounded by residential uses
Approvable as a residential development by all agencies with jurisdiction	Y	Limited slopes, no environmental constraints
Available Infrastructure – water, sewer, utilities, roads	Y	Located on Paterson Ave. Sewer and water available

Hicks Avenue Redevelopment Area

The Hicks Avenue Redevelopment Area is a 13-acre site located at Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41 and 42. The Redevelopment Plan calls for a set-aside of seven (7) affordable units. The Newton Town Council designated the tract as an Area in Need of Redevelopment on December 10, 2007, and adopted a Redevelopment Plan on December 22, 2008. An amendment to the Redevelopment Plan was adopted in July 2014.

Table 22. Hicks Ave. Site Suitability Analysis

Site Suitability Criteria	Complies? (Y/N)	Notes
Clear title/free of encumbrances	Y	Private ownership; clear title
Compatibility with Surrounding Land Uses	Y	Surrounded by residential uses
Approvable as a residential development by all agencies with jurisdiction	Y	Limited slopes, some wetlands and environmental constraints
Available Infrastructure – water, sewer, utilities, roads	Y	Located on Sparta Ave/Hicks Ave. Sewer and water available

Merriam Gateway Redevelopment Area

The Merriam Gateway Redevelopment Area is a 2.0-acre site located directly across Diller Avenue from the Historic Merriam Gateway apartments on Block 130, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14. The Town prepared a Redevelopment Plan for this site that includes 45 apartments and 17,494 square feet of commercial space. The site will generate nine (9) affordable family rental units. The Town adopted this Redevelopment Plan on October 1, 2010 and adopted amendments on August 15, 2012 to enlarge the Redevelopment Area and again on February 9, 2015 to increase the variety of permitted building types and uses.

Table 23. Merriam Gateway Site Suitability Analysis

Site Suitability Criteria	Complies? (Y/N)	Notes
Clear title/free of encumbrances	Y	Private ownership; clear title
Compatibility with Surrounding Land Uses	Y	Surrounded by residential and commercial uses
Approvable as a residential development by all agencies with jurisdiction	Y	Limited slopes, no environmental constraints
Available Infrastructure – water, sewer, utilities, roads	Y	Located on Sparta Ave. Sewer and water available

Municipally Sponsored/100 Percent Affordable

A municipality may elect to provide low- and moderate-income units through a municipally sponsored 100 percent affordable construction program. Newton partnered with Newton Town Centre Urban Renewal Associates, L.P. and RPM for the development of a mixed-use building at the corner of Spring Street and Union Place (Block 8.05, Lots 4, 7, 8 and 9) in Newton’s historic downtown area.

This development contains 65 age-restricted rental units for low- and moderate-income seniors, approximately 1,600 square feet of commercial space, and a community room to be utilized by residents of the development and available for use by senior groups within the Town. These 65 affordable units will apply only 15 credits to the Town’s Third Round fair share obligation due to the cap on affordable housing units provided through age-restricted developments.¹³ Of the remaining 50 units, 20 apply to the Fourth Round and 30 carry over to future rounds.

On June 10, 2013, the Newton Town Council authorized a PILOT agreement with the developers of this site via Ordinance #2013-20. The Newton Planning Board adopted a resolution, memorialized on January 21, 2015, granting final site plan approval, and on May 11, 2015, the Town Council adopted a resolution (#73-2015) to appropriate \$50,000 from the Affordable Housing Trust Fund for the development. Additionally, the Town provided the land for the development through a long-term lease with the developer. The project is completed and fully leased.

¹³ Newton’s Fair Share Obligation is 83 units. Of these, no more than 25 percent, or 20 units can be age-restricted. The Bristol Glen expansion is also age-restricted and created six (6) credits of affordable housing, five (5) applied to the Third Round. Therefore, Newton Town Centre can account for only 15 units of the Town’s Third Round affordable housing obligation.

CCI Group Home

The Town of Newton provide funding assistance for the construction of a 4-bedroom group home located on Madison Street, at Block 14.03, Lot 11.01. The group home was completed in 2020.

Rehabilitation Program

The Town of Newton proposes to address its rehabilitation obligation of 45 units through a combination of a municipal rehabilitation program. According to N.J.A.C. 5:93-5.2, the purpose of a rehabilitation program is to rehabilitate substandard housing units occupied by low- and moderate-income households. A substandard housing unit is defined as a unit with health and safety code violations that require the repair or replacement of a major system, including weatherization, a roof, plumbing, heating, electricity, sanitary plumbing (including septic systems) and/or a load bearing structural system. Upon rehabilitation, housing deficiencies must be corrected and the house must be brought up to code standard.

Newton has a municipal rehabilitation program in place that initially utilized a Small Cities Grant to fund the rehabilitation of 20 housing units. Those 20 rehabilitation units were completed and the grant was closed. The Town retained a revolving loan fund to provide for additional rehabilitation as loans are paid back into the fund.

Newton plans to rehabilitate additional housing units utilizing this revolving loan fund and other funding sources, such as the Town’s Affordable Housing Trust Fund, over the Fourth Round period.

Appendix A – Resolutions

ADDITIONAL TO BE PROVIDED

Resolution # 1-2025

**RESOLUTION ADOPTING MASTER PLAN
REEXAMINATION REPORT AND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. ("Amended FHA")); and

WHEREAS, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, the Amended FHA requires, among other things, that municipalities prepare and adopt a Housing Element & Fair Share Plan on or before June 30, 2025;

WHEREAS, the Planning Board of the Town of Newton, County of Sussex, State of New Jersey (the "Board"), has reexamined its Master Plan pursuant to N.J.S.A. 40:55D-89 et seq.; and

WHEREAS, as a result of that reexamination, and the passage of the Amended FHA, the Board has determined to adopt a Fourth Round Housing Element & Fair Share Plan for the Town of Newton; and

WHEREAS, J. Caldwell & Associates, LLC, the Town Planner has prepared a Master Plan Reexamination Report and Housing Element & Fair Share Plan which have been reviewed by the Board; and

WHEREAS, the Planning Board of the Town of Newton held a public hearing on the Housing Element & Fair Share Plan and related Reexamination Report on May 21, 2025, for which the required public notice was duly provided pursuant to N.J.S.A. 40:55D-13; and

WHEREAS, the Board has determined that the Housing Element & Fair Share Plan and is consistent with the goals and objectives of the municipal Master Plan and the implementation of same is in the public interest and promotes the general welfare; and

WHEREAS, by this Resolution, the Board hereby approves the 2025 Master Plan Reexamination Report and the Fourth Round Housing Element and Fair Share Plan.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Town of Newton, Sussex County, New Jersey, that the Board hereby adopts the 2025 Master Plan Reexamination Report for Newton, dated May 21, 2025, prepared by J. Caldwell & Associates, LLC and the Fourth Round Housing Element & Fair Share Plan for the Town of Newton, dated May 21, 2025, prepared by J. Caldwell & Associates, LLC, both of which are attached hereto and incorporated herein. The Board Secretary is hereby directed to send a copy of the Master Plan Reexamination Report and Housing Element & Fair Share Plan, and this Resolution, to the Sussex County Planning Board.


Barbara Vrahnos, Planning Board Chair

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town of Newton Board at a meeting held on May 21, 2025.


Glenn Kienz, Esq., Board Attorney



TOWN OF NEWTON

RESOLUTION #180-2024

June 24, 2024

"Authorize an Agreement with CGP&H, LLC for Administrative Agent Services Related to Affordable Housing Requirements for July 1, 2024 Through June 30, 2025"

WHEREAS, the Town of Newton anticipates the need for an Administrative Agent to advise on affordable housing requirements for new developments within the Town of Newton; and

WHEREAS, CGP&H, LLC has submitted a proposal for continued Administrative Agent services, which is acceptable to the Newton Governing Body; and

WHEREAS, the anticipated term of this contract is one (1) year, July 1, 2024 through June 30, 2025; and

WHEREAS, the Chief Financial Officer hereby certifies funds in the 2024 budget, NOT TO EXCEED \$10,300.00 will be encumbered as follows:

RESERVE FOR COMMERCIAL DEVELOPMENT

#35-297-56-001

"The maximum dollar value is based on a reasonable estimate of the goods or services required over the contract term, and the Town of Newton is not obligated to spend that amount."

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton hereby authorizes the execution of an agreement with CGP&H, LLC, for Administrative Agent services outlined in the proposal submitted by CGP&H, LLC.

CERTIFICATION

THIS IS TO CERTIFY 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 24, 2024.

Teresa A. Oswin, RMC
Municipal Clerk

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT by and between the Town of Newton (hereinafter referred to as "Town"), a Municipal Corporation of the State of New Jersey and CGP&H LLC, 1249 South River Road, Suite 301, Cranbury, NJ 08512 (hereinafter referred to as "CGP&H"); and

WHEREAS, both the Town and CGP&H desire to set forth the various duties, terms and responsibilities of the parties hereto;

WHEREAS, the Town Council hereby desires to approve of this Contract that was presented for the provision of said services.

WITNESSETH, that the parties hereto, for and in consideration of the mutual agreements herein contained, promise and agree as follows:

1. The term of the Agreement shall become effective as of the 1st day of July, 2024 for a period of twelve (12) months terminating at the close of business on the 30th day of June, 2025. The Agreement may be terminated by either party, by giving one (1) month advanced written notice to the other.
2. CGP&H shall furnish all equipment and materials and shall perform the services set forth in Schedule A, Scope of Services and Compensation. Compensation will be provided as in this Agreement and as awarded in accordance with Compensation Schedule in strict accordance with the contract as the word "contract" is hereinafter defined and in accordance with all other terms and provisions.
3. The "contract" shall consist of the following:
 - a. This Agreement and all Schedules annexed thereto.
 - b. Resolution of appointment made by the Mayor and Town Council.
 - c. All other terms required by law to be inserted in this contract, whether actually inserted or not.
 - d. The Affirmative Action Requirements annexed hereto, applicable to this

contract, as Schedule B.

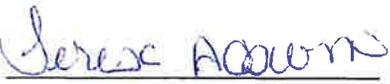
4. CGP&H hereby represents to the Town that CGP&H is qualified to fulfill the position set forth herein with applicable requirements. CGP&H further represents that CGP&H is familiar with all applicable statutes, laws, regulations, procedures and requirements in connection with this appointment.
5. CGP&H hereby agrees to perform the services set forth under the Scope of Services and Compensation, Schedule A, for the Town of Newton during the period set forth herein above.
6. CGP&H shall not assign this contract or any of its rights or monies due hereunder without the previous written consent of the Town of Newton as evidenced by a duly adopted Resolution.
7. CGP&H represents that they currently have professional liability insurance in a minimum amount of \$1,000,000 per occurrence and \$2,000,000 aggregate, and that they shall supply a certificate to the Town showing said coverage. CGP&H further covenants and agrees to protect, keep and hold the Town of Newton harmless against any and all actions, claims or demands for damages, which may be caused by the negligent error, act or omission of CGP&H or by the improper performance of the contract.
8. Payment to CGP&H shall be made in strict accordance with the terms of this contract. It is understood and agreed that in the event CGP&H is required to perform services that are not contemplated and are not within the subject matter of this contract and are extraordinary and are of a kind which would not ordinarily be performed in the normal course of providing services, that CGP&H shall be paid additional sums of money based upon change orders duly approved by Resolution of the Town of Newton Council.

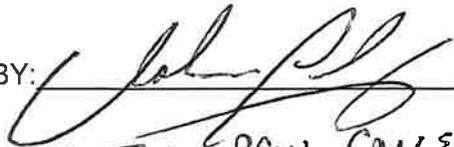
AND IT IS FURTHER UNDERSTOOD AND AGREED that the covenants, conditions and agreements herein contained are binding of the parties hereto, their successors, assigns and legal representatives.

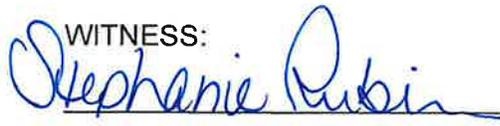
IN WITNESS WHEREOF, the parties hereto have caused their presents to be signed by the respective authorized officers and the proper corporate and/or municipal seals affixed hereto, the date and year first written above.

WITNESS:

TOWN OF NEWTON

BY: 
NAME: Teresa A. Oswin
TITLE: Municipal Clerk

BY: 
NAME: JOHN PAUL CAUCE
TITLE: MAYOR
DATE: 6-24-2024

WITNESS:

NAME: Stephanie Rubin

CGP&H, LLC

NAME: John Burton, MPA

TITLE: Office Operations Coordinator

TITLE: Chief Operating Officer

DATE: 6/26/2024

SCHEDULE A: SCOPE OF SERVICES AND COMPENSATION

CGP&H will provide municipality with professional services for the purposes described in this proposal. CGP&H will only bill for services performed, and therefore, the actual amount billed may be considerably less than the budgets presented below depending on the breadth of services requested by municipality.

SUMMARY OF ALL FEES	
ADMINISTRATIVE AGENT GENERAL SERVICES	\$10,300
TOTAL CONTRACT NOT-TO-EXCEED	\$10,300

The fee tables on the following pages delineate the fee structure for each fee category above. CGP&H may invoice above an individual fee category budget amount or individual fee line item budget amount without additional authorization, however CGP&H will not perform professional services or bill for services that would exceed the total contract not-to-exceed amount without prior authorization from the municipality. While \$10,000 is CGP&H's minimum not-to-exceed for our smaller projects, we do not necessarily anticipate that we will reach the not-to-exceed amount.

See the following pages for a detailed breakdown of all fees.

ADMINISTRATIVE AGENT GENERAL SERVICES paid by Municipality	
1. Municipal Services	Not-to-exceed \$10,000 billed hourly at a rate of \$165 per hour for senior staff which include planners and department supervisors
2. Applicant Services	Monthly flat fee of \$0 per month for a total of \$0 per year. <i>This line item is not anticipated to be required and therefore will not be implemented without additional written authorization and change order.</i>
3. Administrative Agent Resale Fee	\$2,000 flat fee payable by Municipality for each sale unit when home gets listed for sale. <i>A fee of 3% of the resale price will be paid from the seller at the closing to CGP&H.</i>
4. Subordination Requests	\$175 flat fee to process refinancing requests. This fee is paid by the homeowner.
5. Direct Costs	Reimbursement for expenses. Not to exceed \$300 per contract year.
TOTAL PAID BY MUNICIPALITY	Not-to-exceed \$10,300 including up to 0 units listed for sale.

1. **Municipal Services:** This may include, but is not limited to:
- Implementing Affirmative Marketing Plan postings and other compliance requirements
 - Creation/Updates to the Administrative Agent Operating Manual and Affirmative Marketing Plan, when required
 - Distressed Properties follow up activities
 - Responding to initial private developer inquiries
 - Advising Municipality on affordable housing requirements for new developments
 - Foreclosure prevention activities
 - CTM entry of trust fund or unit information
 - Enforcing affordability controls, including annual mailings to homeowners
 - Program setup for Accessory Apartment program
 - Program setup for Affordability Assistance Programs
 - Trust Fund Monitoring and Unit Monitoring
 - Assisting with Spending Plan revisions
 - Extension of Controls
 - Releasing controls at end of control period
 - Calculating annual tax assessments for affordable homeowners
 - Midpoint Review
 - Group home research to document creditworthiness

If the municipality requires additional services above this line item's budgetary cap, CGP&H will request permission to proceed before invoicing further.

CGP&H will strive to comply with all aspects of S2527 affirmative marketing legislation. However, CGP&H cannot ensure that other administrative agents administering affordable housing units in the Municipality are meeting the regulations until further direction is provided by the State of New Jersey.

2. **Applicant Services:** *This line item is not anticipated to be required and therefore will not be implemented without additional written authorization and change order.*

This may include, but is not limited to:

- Affordable Housing Waitlist Management for existing Sales and Rental units
- Responding to general affordable housing inquiries from pre-applicants, applicants, and existing affordable housing owners
- Unit Administration
- Management of general inquiries
- Responding to existing homeowners' inquiries (intent to sell requests, etc.)
- Processing requests for loan subordinations/approval of equity loans and refinancing
- Answering Affordability Assistance Questions
- Advising on annual increases for Market to Affordable, Accessory Apartment, and other units

3. **Administrative Agent Resale Fee:** This includes but is not limited to:

- Facilitation of the resale of any affordable sales unit that is put up for sale by current owner
- Certifying a buying household(s) as eligible
- Sending potential purchasers to the unit
- Facilitating an agreement between buyer and seller
- Preparing and filing closing documents.

The flat fee that is paid by the Municipality will be billed once a notice of intent to sell is signed by the seller. In the event that the seller cancels the sale during the sale process, and the unit does not go to closing, this flat fee is still applicable and will not be returned or cancelled.

4. **Subordination Requests:** includes the cost of processing mortgage Subordination Requests during the affordability control period.

5. **Direct Costs:** this includes, but is not limited to:

- Reimbursement for direct costs for large scale printing jobs; postage; affirmative marketing mailing, mailings to affordable housing homeowners; poster production; expedited mailings or messenger services, etc.

SCHEDULE B

N.J.S.A. 10-5-31 et seq., (N.J.A.C. 17-27)

MANDATORY AFFIRMATIVE ACTION LANGUAGE

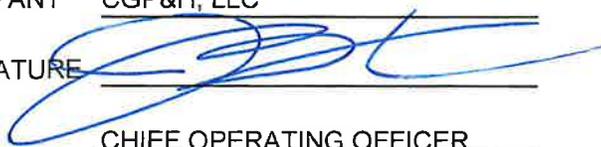
GOODS PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

- a. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.
- b. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.
- c. The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to **N.J.S.A. 10:5-31 et seq.** as amended and supplemented from time to time and the American with Disabilities Act.
- e. The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C 17:-5.2. or a binding determination of the applicable county employment goals determined by the Division pursuant to N.J.A.C.17:27-5.2.

- f. The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
- g. The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal Law and applicable Federal Court decisions.
- h. In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions
- i. The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:
 - Letter of Federal Affirmative Action Plan Approval
 - Certificate of Employee Information Report
 - Employee Information Report Form AA302
- j. The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance and EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance and EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C.17:27.**

COMPANY CGP&H, LLC

SIGNATURE 

TITLE CHIEF OPERATING OFFICER

DATE 6/26/2024

Certification 41169

CERTIFICATE OF EMPLOYEE INFORMATION REPORT RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of **15-Dec-2021 to 15-Dec-2028**

CGP&H, LLC
1249 SOUTH RIVER ROAD
CRANBURY NJ 08512



Elizabeth Maher Muoio
ELIZABETH MAHER MUOIO
State Treasurer

Appendix B – Ordinances

§ 320-29. Affordable housing.

A. Applicability.

- (1) The inclusionary housing provisions of this chapter apply to all development proposed to be undertaken on inclusionary sites zoned to provide for an affordable housing component.
- (2) In addition to the criteria outlined herein for affordable units, at least 50% of all affordable units in each development shall be affordable to low-income households.

B. Administration. Newton has contracted with the State of New Jersey's Affordable Housing Management Service for administration of affordability controls and other matters related to the marketing, tenancy, sale and monitoring of compliance with various requirements associated with low- and moderate-income housing provisions of this chapter. The Affordable Housing Management Service shall be operational within 90 days for issuance of any certificate of occupancy for a development containing low- and moderate-income housing. Depending on the needs found in Newton, the following services are provided:

- (1) Assisting with marketing of Newton's affordable housing units.
- (2) Establishing a screening process for potential home buyers or tenants based on income eligibility.
- (3) Maintaining eligibility lists.
- (4) Referring eligible home buyers and renters to available units.
- (5) Determining maximum resale prices or rents.
- (6) Establishing procedures to ensure that affordable housing units continue to be occupied by and affordable to low- and moderate-income households for the restricted time frame.
- (7) Providing housing counseling services to potential home buyers.
- (8) Assisting households through settlement procedures.

C. Program fee requirements.

- (1) The Affordable Housing Management Service shall require of applicants seeking final approval for development projects with low- and moderate-income dwelling units an initial registration fee at the time of issuance of a certificate of occupancy.
- (2) Upon resale or rental of such units, a renewal fee shall be assessed, payable at the time of issuance of the certificate of occupancy in the case of a resale, or at the time of execution of a rental agreement in the case of a rental unit.
 - (a) The following fee schedule is currently in effect:

- [1] Initial contract fee (sales and rentals) per new unit, to be charged to developer: \$300.

- [2] Resale occupancy, to be charged to seller at closing: \$150.
- (b) The fee schedule will be reassessed annually and revised as needed. The resale fee in effect at the time of each sales transaction closing shall prevail at the next resale.
- (3) Rental occupancies will be charged to the property owner/landlord at the rate of 2% of the individual unit's annual rent at the time of vacancy.
 - (a) Monthly rent of $\$325 \times 12 \times 2\% =$ fee of \$78.
 - (b) Monthly rate of $\$400 \times 12 \times 2\% =$ fee of \$96.
- (4) Projects receiving funding from the NJDCA Neighborhood Preservation Balanced Housing Program will be charged internally for initial occupancy. All subsequent resales and rentals will be charged as noted above.
- (5) Initial contract fees for sales and rentals will be billed and collected on signing of the agreement with Newton. Newton shall have an option of paying for its entire unit inventory at the prevailing fee at the time of initial contract or of negotiating an installment plan. If payment is delayed, Newton or the developer will be charged the initial contract fee in effect at the time of payment. Subsequent reoccupancy fees will be billed and collected at the time of sale or lease agreement (rental).

D. Affordability criteria.

- (1) In order to ensure that both low- and moderate-income units are affordable by a range of households within each household size, the average price of low- and moderate-income units within an inclusionary development shall be, as best as is practicable, affordable to households at 57.5% of the median income.
- (2) The following range of affordability for purchased housing shall be required for every 20 low- and moderate-income units:
 - (a) Low:
 - [1] One at 40% to 42.5%.
 - [2] Three at 42.6% to 47.5%.
 - [3] Six at 47.6% to 50%.
 - (b) Moderate:
 - [1] One at 50.1% to 57.5%.
 - [2] One at 57.6% to 64.7%.
 - [3] One at 64.8% to 68.5%.
 - [4] One at 68.6% to 72.5%.
 - [5] Two at 72.6% to 77.5%.

[6] Four at 77.6% to 80%.

- (3) For-sale dwellings. Monthly cost of shelter, to include mortgage (principal and interest), taxes, insurance and homeowner's or condo association fees, shall not exceed 28% of gross household Section 8 income limits as defined and adjusted from time to time for varied low- or moderate-income household sizes by the United States Department of Housing and Urban Development. Homeowner's or condo association fees for low- and moderate-income units can be increased by an annual percentage not to exceed the CPI housing component only for the region in which the Town of Newton is located.
- (4) For-rental dwellings. Monthly cost of shelter, to include contract rent and utilities (gas, electric, oil, water and sewer), shall not exceed 30% of gross household Section 8 income limits as defined and adjusted from time to time for varied low- or moderate-income household sizes by the United States Department of Housing and Urban Development.
- (5) For purposes of relating affordability to household size, households of the following size shall be assumed to occupy units of the following size, and sale or rental price shall not be affected regardless of the size of the household actually occupying the unit:

Number of Bedrooms	Number of Occupants
0	1
1	2
2	3
3	5
4	7

E. Residency preference: affirmative marketing area.

- (1) For rehabilitated housing units, eligible persons who reside in the municipality shall have preference over those who do not reside in the municipality.
- (2) For newly constructed units, there shall be an occupancy preference to low- and moderate-income households that reside or work in the Counties of Sussex, Bergen, Hudson and Passaic.
- (3) For housing unit resales and rental/re rentals, affirmative marketing area and occupancy preference shall be expanded to include eligible persons who live or work in Essex, Morris, Union and Warren Counties.

F. Distribution and location criteria.

- (1) To the extent reasonably attainable, the low- and moderate-income units shall be situated generally so as not to be in less desirable locations than other units in the development and shall be no less accessible to the common open space and public facilities, if provided, than the other units.

- (2) At a minimum, 35% of the low- and moderate-income units shall be two-bedroom units, 15% shall be three-bedroom units, and no more than 20% may be efficiency units.
- (3) No more than 25% of the Town's total fair share obligation after credits and adjustments may be age-restricted for the elderly. The Planning Board shall monitor applicant requests for any age-restricted low- or moderate-income units to ensure any preliminary approval granted does not cause the Town to exceed the total twenty-five-percent cap on such units.

G. Building schedule.

- (1) The low- and moderate-income units shall obtain certificates of occupancy in tandem with the market rate units according to the following schedule:

Percentage of Market Housing Unit Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
Up to 25%	0% (none required)
25% + 1 unit	10%
50%	50%
75%	75%
90%	100%
100%	—

- (2) If the number of low- and moderate-income units to be provided includes a fraction, the number shall be rounded up. If the number of market-rate-income units permitted includes a fraction, the number shall be rounded down.

H. Affordability requirement for residential conversions.

- (1) In those development applications involving the conversion of a nonresidential structure into a residential use containing more than 25% dwelling units, an inclusionary set-aside requirement of 10% of the total dwelling units to be created from such conversion shall be affordable to low- and moderate-income families according to the guidelines contained herein.
- (2) Development applications seeking a market-rate residential use variance for other than single-family detached dwellings and containing either a gross density of four or more units per gross acre or more than 25 units shall be granted only with a minimum ten-percent set-aside for low- and moderate-income housing. If, however, the use variance grant results in a gross density of six or more units per acre, then the low- and moderate-income housing set-aside requirement shall be increased to 20% of the total units approved.

§ 166-48. Purpose.

- A. In *Holmdel Builders' Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.
- C. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38.¹ Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

§ 166-49. Basic requirements.

- A. This article shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- B. The Town of Newton shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and 5:96-5.3.

§ 166-50. Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT — A development included in the housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or THE COUNCIL — The New Jersey Council on Affordable Housing established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE — Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as

1. Editor's Note: See N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7.

determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

§ 166-51. Residential development fees.

A. Imposed fees.

- (1) Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

- (1) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (3) Within the redevelopment zones and Special District 9 residential developers shall be exempt from paying a development fee.
- (4) One- and two-family owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

§ 166-52. Nonresidential development fees.

A. Imposed fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types

of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (1) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
- (2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption Form. Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46 shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Town of Newton as a lien against the real property of the owner.

§ 166-53. Collection procedures.

- A.** Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official

responsible for the issuance of a building permit.

- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Town of Newton fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees.
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Town of Newton. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the

Town of Newton. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 166-54. Affordable housing trust fund.

- A. It is hereby reaffirmed the Town of Newton has established a separate, interest-bearing housing trust fund to be maintained by the municipal housing liaison for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount.
 - (1) Payments in lieu of on-site construction of affordable units;
 - (2) Developer contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with Newton's affordable housing program.
- C. Newton has provided COAH with written authorization, in the form of a three-party escrow agreement between the municipality, Lakeland Bank Corp., and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

§ 166-55. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Town of Newton's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; rehabilitation; new construction of affordable housing units and related costs; accessory apartment; market-to-affordable, or regional housing partnership programs; conversion of existing nonresidential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the

housing element and fair share plan; or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 5:97-8.9 and specified in the approved spending plan.

- B. Funds shall not be expended to reimburse the Town of Newton for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal fair share plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal fair share plan to make them affordable to households earning 30% or less of median income.
 - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Town of Newton may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 166-56. Monitoring.

The Town of Newton shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Newton's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

§ 166-57. Ongoing collection of fees.

The ability for the Town of Newton to impose, collect and expend development fees shall expire with its substantive certification unless the Town of Newton has filed an adopted housing element and fair share plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Town of Newton fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Town of Newton shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Town of Newton retroactively impose a development fee on such a development. The Town of Newton shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

**HICKS AVENUE
REDEVELOPMENT PLAN
AMENDMENT
TOWN OF NEWTON
SUSSEX COUNTY, NEW JERSEY**



JULY 2014

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

HICKS AVENUE 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 Hicks Avenue Redevelopment Plan (the “Plan”) governs the Town of Newton Redevelopment Area (the “Area”) located on the northeastern corner of Sparta Avenue and Hicks Avenue. Notice was sent to property owners within the Area on November 21, 2007, pursuant to *DeRose v. Town of Harrison*. The Area was recommended to be designated as an Area in Need of Redevelopment by the Town of Newton Planning Board on December 6, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). The Area was designated an Area in Need of Redevelopment by the Town Council on December 10, 2007. The Plan for the Area, which established superseding zoning, was adopted by the Town Council on December 22, 2008.

The Plan Area includes eight (8) tax lots in Block 24.02 (former Block 1309), including portions of the adjacent street rights-of-way of Sparta Avenue, Hicks Avenue and Smith Street. The Town of Newton has updated tax lot numbers since the adoption of the original Hicks Avenue Redevelopment Plan. The new lot and block numbers for the parcels located in the Plan Area are: Block 24.02, Lots 1, 2, 3, 4, 5, 6, 7 and 8 (former Block 1309, Lots 1.01, 1, 2, 41, 9, 6, 8 and 42, respectively). The Plan Area comprises approximately 13.65 acres.

The purpose of the plan amendment is to provide for an updated design concept for the Redevelopment Area. The original plan contemplated townhouses with rear access garages, a mixed-use building and an apartment building. This plan amendment continues to propose townhouses; however with garage access in the front yard. The mixed-use/apartment building area along Sparta Avenue will be permitted to contain a free-standing commercial building. Additionally, this Plan Amendment will permit certain single family residential uses that exist in the area to remain as permitted uses. The mandatory stormwater recapture and use for irrigation or other non-potable uses are to be revised to be optional as well. The prior development concepts will remain permitted, simply allowing for additional design options for potential redevelopers.

AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan (the “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 amendments are to provide for changing market demands and an increase in the amount of available water in the Town, reducing the need for grey water conservation methods.

It has been more than five years since the Redevelopment Plan was adopted. There is insufficient market demand for the types of units proposed in the original plan because the cost of providing rear entry garages is increased because of the need to provide a rear access lane as well as the neighborhood street. The rear entry garages also minimize the size of rear yards, where the development community has requested the ability to provide larger rear yards. Additionally, the area has sufficient residential proposed to not necessarily need the retail uses to be mixed-use, providing for the ability to allow a stand-alone commercial use or commercial building with multiple commercial uses. This Plan Amendment provides for a greater variety of building types, while maintaining the spirit of the original plan, both in terms of the layout and architectural design.

The requirement for mandatory re-use of stormwater on the site may also be cost prohibitive for potential redevelopers. The original need for this water recycling program was due to a limited amount of available water in the Town’s water allocation. The Town has undertaken a leak detection program and has recovered more than 20 percent of water previously lost to leaks in the system. This has lessened the need for mandatory water recycling, providing for the potential for this provision to be optional in the Plan.

The Plan Amendment is generally consistent with the stated goals of the Plan. For example, the first goal in the Plan is to “eliminate the incongruous land uses within the Area and between the designated Area and surrounding environs, eliminating blighting influences.” This Plan Amendment Continues this goal by providing for a greater likelihood of redevelopment occurring. This Plan Amendment is also generally consistent with the Master Plan of the Town of Newton. For example, one of the general goals from the Master Plan is “to promote a desirable visual environment through creative development techniques and good civic design and arrangement.” The Plan Amendment encourages good design, building arrangement and provides for high quality residential and commercial uses in a currently abandoned industrial area. For these reasons, the Plan Amendment is generally consistent with the stated goals of the Plan, the goals of the Town of Newton Master Plan and State Development and Redevelopment Plan. One goal from the Redevelopment Plan must be amended slightly to permit the option of a stormwater recapture system on the site, rather than a mandatory system.

Based upon the foregoing, the following amendments are made to the Hicks Avenue Redevelopment Plan. If there is a conflict between any of the amended provisions below and existing provisions in the Plan, the amended provisions shall govern. With the exception of the foregoing, all other provisions of the Plan not specifically modified by this Plan Amendment shall remain unmodified.

HICKS AVENUE REDEVELOPMENT PLAN AMENDMENT

At Section 1.2, Local Context Map, on page 7, the last paragraph shall include the following:

The Redevelopment Plan also permits a neighborhood center concept that includes a combination of townhouses, single family residential on existing lots and free-standing commercial uses or a commercial building with multiple commercial spaces. Development layouts, site and circulation plans and building graphics within the Plan are conceptual in nature and subject to final engineering and architectural design by an applicant, subject to approval by the Planning Board.

At Section 1.7, Goals of the Plan, on page 12, Goal 18 shall be replaced with the following:

18. To encourage environmental sustainability through the optional creation of a 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 structures.

At Section 1.7 Goals of the Plan, on page 12, Redevelopment Objectives, under Section 1, the following sentence shall be added:

1. A Redeveloper is not required to assemble all parcels in the Area prior to undertaking a redevelopment project.

At Section 1.9, Illustrative Site Plan, the second and third paragraphs on page 14 and first paragraph on page 15 shall be deleted and replaced with the following:

The Illustrative Site Plan provides one option for redevelopment of the Area. This Redevelopment Plan permits a density of up to 20 residential units per buildable acre. The total number of units ultimately constructed will depend on the amount of land allocated for residential uses and the total acreage of land proposed to be redeveloped by an applicant. The Plan provides one alternative that shows townhouses with rear access drives, a mixed-use building and a multi-family residential building and an alternative plan permitted by this Redevelopment Plan is for townhouses with garage access in front of the buildings, single family residential remaining or constructed on individual lots and free-standing commercial buildings with one or more commercial uses.

At Section 2.2 Environmental Conditions, page 19, the final paragraph under the heading “Site Contamination” shall be deleted and replaced with the following:

Prior to any construction on the 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, or will be remediated during construction pursuant to an NJDEP approved site remediation plan.

At Section 2.4 Circulation & Utilities, page 21, the third to the last paragraph entitled “Stormwater” shall be deleted and replaced with the following:

The stormwater management on this development site will be in accordance with the Residential Site Improvement Standards and Newton’s Stormwater Control Ordinance.

At Section 3.0 Definitions, page 24 and 25, the definitions for Design Professional, Density and Potable Water Conservation Program should be deleted and replaced with the following:

Design Professional – A practicing Licensed Professional Planner or Architect that has experience with redevelopment plans in general and form-based zoning.

Density – The number of dwelling units permitted per buildable acre within the Redevelopment Area. Buildable land is exclusive of constraints from wetlands and wetland buffers. Where a Redeveloper is able to obtain an NJDEP permit to build within regulated areas, those areas shall be deemed buildable for purposes of density.

Potable Water Conservation Program – An optional program prepared by the developer by which stormwater is recaptured, stored and used for non-potable use, such as landscape irrigation, car washing and flushing toilets.

At Section 4.1 Land Use Regulations, Permitted Uses, Section 1, page 28, Residential Uses should be deleted and replaced with the following:

1. Residential: Includes premises available for long-term human habitation; excludes all boarding houses and rooming houses. Residential uses are limited to attached townhouses, paired villas (duplexes), multi-family flats, residential above mixed-use commercial and single-family dwellings.

At Section 4.1 Land Use Regulations, Permitted Uses, page 28, delete and replace paragraph for as follows and add paragraph 5, Commercial Uses as follows:

4. Open Spaces, Park and Playgrounds: Public or private open space and/or recreational areas that may include passive and/or active recreational facilities such as pedestrian walkways, bike paths, pedestrian-scaled lighting, benches, picnic areas, playground equipment and/or trash receptacles (wild-life proof).
5. Commercial: Free-standing commercial structures with one or more commercial uses. Permitted commercial uses include all Commercial Retail Service Uses and Business/Office/Professional Uses permitted in the T-4 Neighborhood Services Zone of the Newton Form-Based Code. The Accessory Uses in the T-4 Neighborhood Services Zone are also permitted within the Redevelopment Area as appropriate, with commercial accessory uses in the commercial area and residential accessory uses in the residential area.

At Section 4.1 Land Use Plan, page 29, delete the entire section and replace with the following:

The Land Use Plan for the area includes a 200-foot deep section along Sparta Avenue that permits commercial, mixed-use and residential uses. This area is shown in lavender below. The remainder of the Area, shown in yellow, is slated for residential development. Parking areas and access for the mixed-use/commercial zone of the Area may be located in the residential zone. The boundary between the two zones may be flexed 50 feet in either direction to facilitate a variety of layouts. (The areas flexed need not be the entire length of the boundary).



At Section 5.2 Mobility Regulations, page 33, the first and second paragraphs shall be deleted and replaced with the following:

This section provides a conceptual circulation and parking plan for the development. The development must meet New Jersey Site Residential Improvement Standards for the residential portion of the development and is subject to Planning Board approval for the commercial/mixed-use portion of the development.

Section 5.4 Thoroughfare Overview, page 36, the following discussion shall be added at the end of the page:

An alternate street layout may be designed to minimize pavement and impervious surfaces throughout the development. This layout would apply to the interior of the development. Streetscapes and sidewalks along Sparta Avenue, Hicks Avenue and Smith Street would remain as shown. The alternate street layout would permit a redeveloper to propose an internal residential street with a 24 foot-wide pavement width and four (4) foot sidewalk on one side of the street. All parking would be off-street parking including parking for both commercial and residential units. Residential units must have off-street guest parking provided along with the minimum parking required by New Jersey Residential Site Improvement Standards.

At Section 5.7 Pedestrian Circulation Plan, page 45, the following shall be added to the end of the page:

Examples of possible modifications to the pedestrian plan include: sidewalks on one side of the street within the development, six (6) foot sidewalks around the commercial building and a combined pedestrian walkway and rail trail bike path along Sparta Avenue in lieu of a sidewalk along Sparta Avenue.

At Section 6.2 Bulk & Setback Regulations, page 49, the bulk standards shall be deleted and replaced with the following:

Density: The density of the Area must not exceed 20 dwelling units per buildable acre of development area.

Lot Sizes: Lot sizes may vary depending on the building type and layout of the redevelopment. Lot sizes will be a function of building size plus required setbacks. Alternatively, the Area, or a portion thereof, may be redeveloped as one lot with multiple structures and uses. In this case, setbacks will be measured from exterior lot lines. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan and may be reconstructed within the same footprint on the existing lot. Future additions or redevelopment of those lots shall follow the bulk standards set forth herein.

Setbacks: Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet.

Front yard setback: (measured from the building wall to ROW or edge of pavement)

- Residential: 12' min. (garage in rear/ off-street parking) / 26' min. (garage in front)
- Multi-family: 15' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

Side yard setback:

- Residential: 6' min. to property line
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 15' min.
- Commercial: 15' min.

Rear yard setback:

- Residential: 8' min.
- Residential: 22' min. between buildings
- Multi-family: 10' min.
- Mixed-use: 10' min.
- Commercial: 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.

- Front yard encroachment: 6 feet max.
- Rear yard encroachment: 6 feet max.
- Side yard encroachment: 4 feet max.

Driveways/Aprons: Driveways and Access Drives may be constructed of concrete, pavers, asphalt or similar materials, as approved by the Planning Board. All driveway aprons shall be constructed of concrete.

At Section 6.3 Minimum and Maximum Height Regulations, page 50, this section shall be deleted and replaced with the following:

Maximum and minimum height requirements are expressed as a combination of stories and height in feet as follows:

- Residential: 3 stories and 40 feet max.
- Multi-family: 3 stories and 40 feet max.
- Mixed-use: 3 stories and 40 feet max.; 2 story minimum
- Commercial: 3 stories and 40 feet max.

At Section 6.4 Building Mass, page 51, the third paragraph shall be deleted and replaced with the following paragraph:

The development is an inclusionary zone and affordable units must be provided to meet the applicable NJ Council on Affordable Housing (COAH) regulations regarding inclusionary zones at the time of site plan approval. All COAH units must meet all COAH regulations.

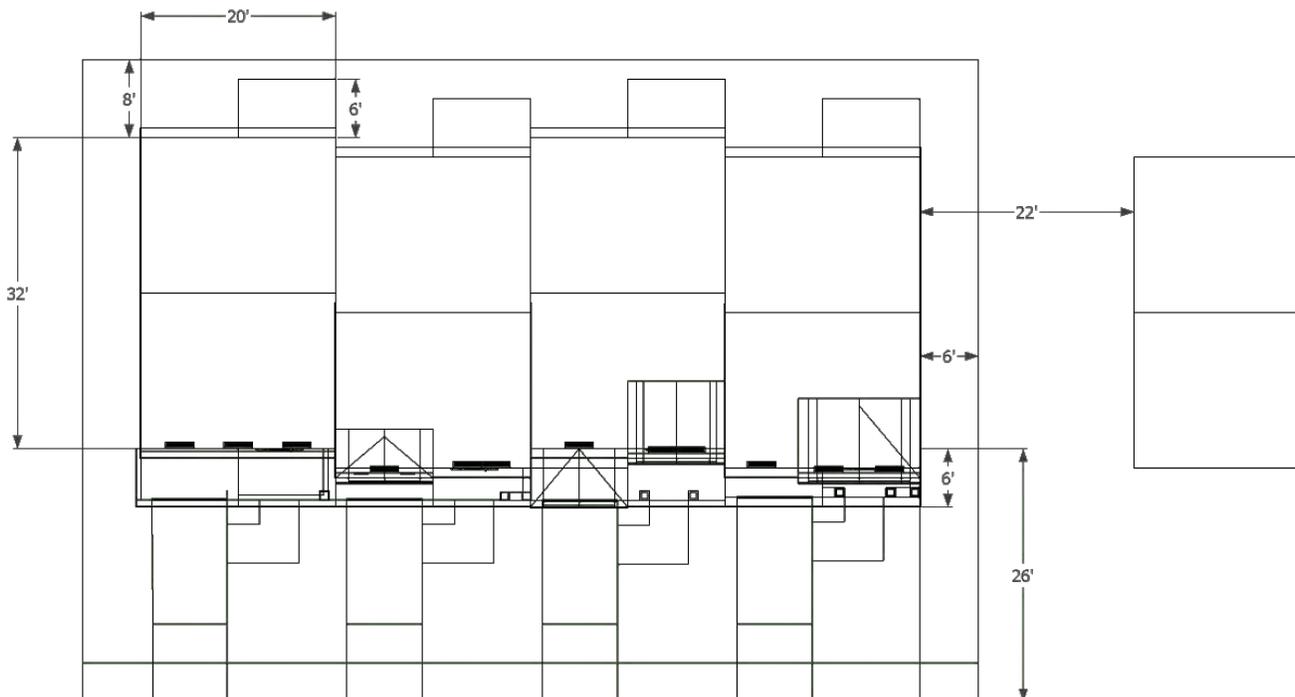
At Section 6.6 Building Typologies, page 55, add the following:

Townhouse E: 20x32 (garage in front)

Regulation	Feet
Front Yard Setback	26 min.
Side Yard Setback	6 min. / 22 between buildings
Rear Yard Setback	8 min. / 22 between buildings
Front & Rear Encroachment	6 min.
Side Encroachment	4 min.
Primary Building Footprint	20 x 32*
Accessory Structure Footprint	N/A
Lot Width	Varies
Lot Depth	Varies
Building Height	40 / 3 floors

*Building footprint size may vary provided that other bulk standards can be met

Townhouse E: 20 x 32





Architectural Style and Colors are Illustrative and May Change Subject to Planning Board Approval

The Multi-Family and Mixed-Use building typologies shall also be changed to encompass commercial use buildings by changing the titles to Multi-Family/Commercial and Mixed-Use/Commercial

At Section 6.7.1 Architectural Style: Townhouse, page 57, the following photos shall be added:



At Section 6.8 Façade Regulations, page 60, delete and replace Item 1 and delete Item 13 as shown below.

1. To create individuality within a proposed residential development, there must be a minimum of three distinct façade designs for single family or townhouse building types, when multiple units are proposed. The three or more façade designs should be alternated within each building to provide for individuality of units and break-up long buildings. Façade colors, materials and accents should be alternated throughout the development.
- ~~13. Ground level retail/commercial facades fronting along Sparta Avenue and/or Hicks Avenue must be of at least 60% void area (windows and other openings).~~

At Section 6.10 Building Entrance, Balcony, and Porch Regulations, page 62, delete Items 2 and 5 shown below:

- ~~2. Every unit shall have a usable front porch and/or a second floor balcony. Porch steps must match the materials used in the porch.~~
- ~~5. The finished floor of the ground level of buildings shall be raised a minimum of 2 feet and a maximum of 3 feet above the grade of the front plain of each primary structure. Porches and stairs shall connect the building to walkway.~~

At Section 6.11 Building Signage and Lighting Standards, page 64, delete the second paragraph and add the following:

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

At Section 6.12 Building Parking Standards, page 64, the second paragraph shall be replaced with the following:

6. Garages: Garages may be built to accommodate one or two cars and may be built with a second floor or loft above.

At Section 6.13 Green Building Standards, page 66, delete Item 4 and replace with the following:

Stormwater Detention and Reuse: In order to mitigate the impact of stormwater on the existing infrastructure and limited potable water resources, new development is encouraged to create a Potable Water Conservation Program using stormwater detention, collection and re-use for non-potable uses such as irrigation, washing cars and flushing toilets, thereby reducing demands on potable water.

At Section 7.2 General Requirements, page 71, delete Item 4 and Item 7 and replace with the following:

4. All yard spaces shall be landscaped with trees, shrubs, perennials and ground cover.
7. All landscaped areas must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character.

At Section 7.3 Streetscape Requirements, page 73, delete Item 4 and replace with the following:

4. If a planter strip is provided between the sidewalk and the curb, it shall be a minimum of 1'6" wide and shall contain plantings or textured pavers. Alternatively, sidewalks may be installed flush with the curb and street trees planted on the yard side of the sidewalks.

At Section 7.3 Streetscape Requirements, page 73, delete Item 5 shown below:

- ~~5. The area between the curb and ROW edge together must equal a combined minimum width of eight (8) feet. The remaining width of two (2) feet will be between the sidewalk and ROW edge, in effect lengthening the front yards of properties. Street trees are to be planted within this area. Street trees may also be planted in bumpouts.~~

At Section 7.3 Streetscape Requirements, page 73, add Item 11 as follows:

11. Where rear residential yards abut an exterior street, an evergreen buffer shall be planted along the street side of the units, in a staggered pattern to provide year-round buffering for the residences. The buffer width, design and tree species shall be subject to Planning Board approval.

At Section 7.4 Yard Landscape Requirements, page 74, Items 2 and 9 shall be deleted and replaced as follows:

2. Every building shall have direct access from the access drive, driveway or sidewalk to the primary pedestrian ingress and egress of a building by way of a walkway. Materials of the walkway shall compliment the color and design of the building and the sidewalks.
9. Yards must have a minimum number of landscape features:
 - Two (2) canopy trees per building (in addition to street trees); and
 - Foundation shrubs: five (5) per building (or unit for townhouses) along the front façade.

At Section 7.5 Signage Requirements, page 75, the section shall be deleted and replaced with the following:

All proposed signs within the redevelopment area shall conform to the sign regulations of the Town's Form-Based Code for the T-4 Neighborhood Services Zone.

At Section 8.2 General Utilities Requirements, page 83, delete Item 3 and Item 7 and replace with the following:

3. Stormwater Management in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-6 and the Town of Newton Stormwater Control Ordinance, Chapter 258 of the Code of the Town of Newton.

7. Snow Removal: Adequate facilities shall be provided for the removal of snow from the common areas.

Section 8.3 Stormwater Management, page 84, the following paragraph shall be deleted as shown below:

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

At Section 9.2 Plan Consistency Review, page 88, the following shall be added to the final paragraph:

The Plan Amendment is determined to not be in conflict with the Master Plans of Andover Township, Fredon Township or Hampton Township.

At Section 9.3 Redevelopment Plan Implementation, page 90, Item 5 shall be deleted and replaced with the following:

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. Pre-existing residential uses on individual lots shall be deemed to be conforming as they exist at the time of the adoption of this Plan Amendment and be re-constructed within the same building footprint on the existing lot. Future additions or redevelopment of those lots must conform to the standards of this Redevelopment Plan. Except as previously noted, 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 has been “destroyed”.

At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Phasing”, Items A and B shall be deleted and replaced with the following:

Phasing Plan: Any applicant seeking to develop properties located within this Redevelopment Plan that is planning on phasing the development must submit a Phasing Plan for review and approval by the Newton Planning Board.

At Section 9.4 Schedule and Duration of the Plan, page 91, under the title “Certificates of Completion and Compliance”, shall be deleted and replaced with the following:

Upon the inspection of the verification the Redevelopment Entity that the redevelopment of a parcel has been completed pursuant to the Redevelopment Agreement, a Certificate of Completion and Compliance shall be issued to the Redeveloper as such parcel shall be deemed no longer in need of redevelopment.

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.

At Section 9.5 Affordable Housing, page 92, paragraph 2 titled Affordable Housing shall be deleted and replaced with the following:

Affordable Housing

The development is an inclusionary zone and affordable units must be provided to meet the applicable NJ Council on Affordable Housing (COAH) regulations regarding inclusionary zones at the time of site plan approval. All COAH units must meet all COAH regulations.

(Paragraphs 3, 4 and 5 under Affordable Housing shall remain).



Hicks Avenue Redevelopment Plan

Town of Newton, New Jersey



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SECTION 1.0

Description of the Plan

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

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

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

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

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



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

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

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

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



Redevelopment Area



1.3 BLOCK AND LOT MAP

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

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

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

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

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



Block and Lot Map

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

Statutory Requirements

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

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

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

B. This Redevelopment Plan will also contain:

1. Standards for the redevelopment of the properties as

mixed-use, commercial or residential uses.

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

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

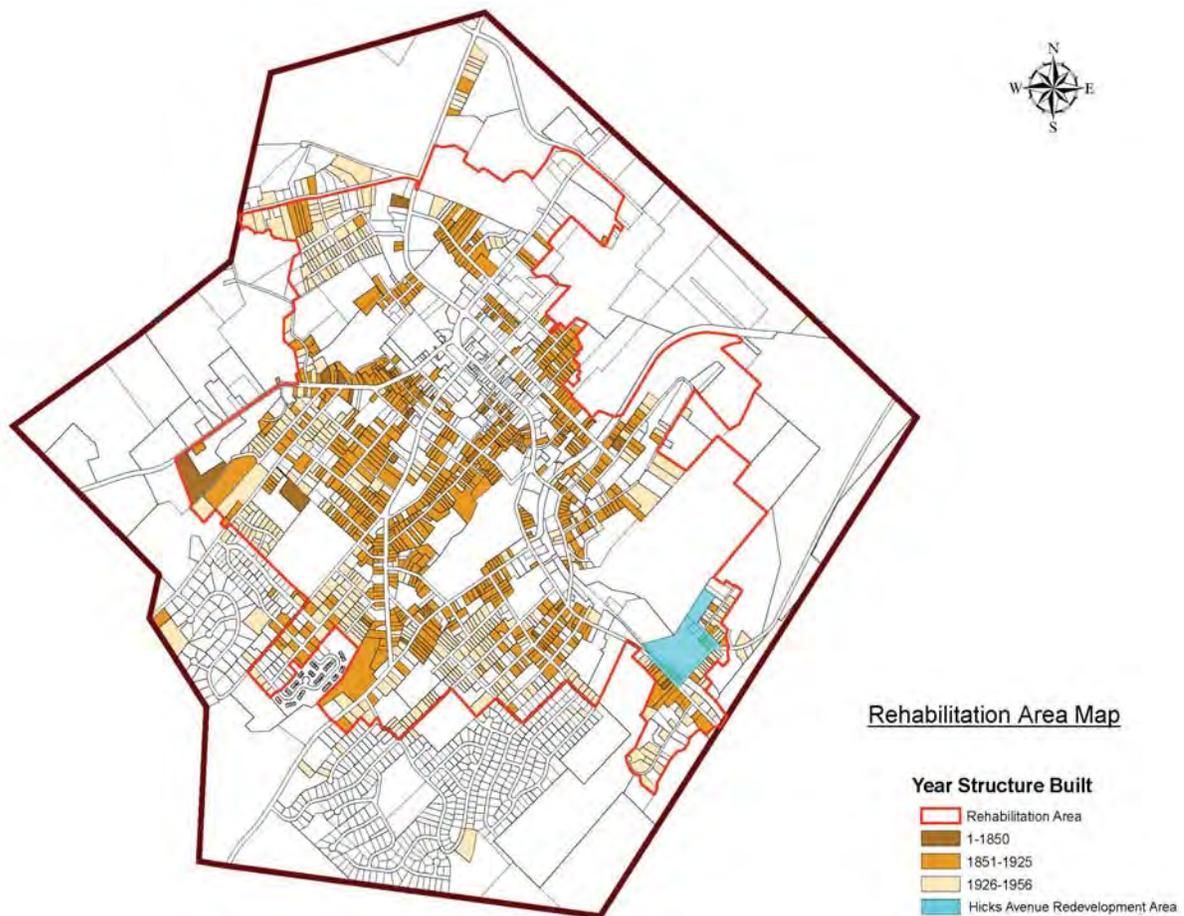
The basic elements of this Plan, including the design of the streets and circulation networks, the general massing of the buildings, and the location of major open space features, are illustrated in a form-based code. This type of code assures the Town that they can expect redevelopment which fits into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

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

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

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

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



Redevelopment Goals

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

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

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

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

Redevelopment Objectives

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

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



Conceptual Axonometric View from Western Corner



Conceptual Axonometric View from Eastern Corner

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



Conceptual Axonometric View from Sparta Avenue

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

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

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

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

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



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

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

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

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

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

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



Redevelopment Area







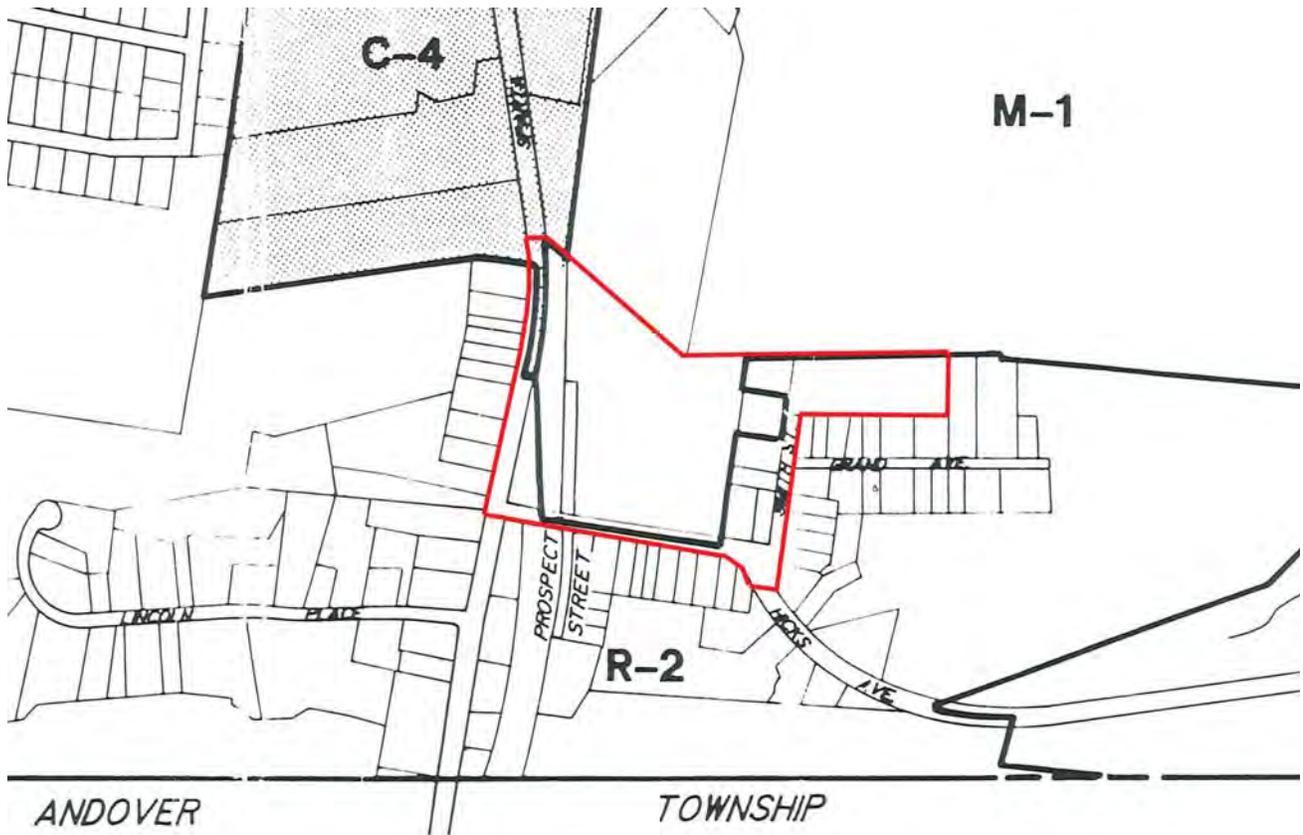
SECTION 2.0

Existing Conditions

2.1 EXISTING ZONING

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

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



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

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

Site Contamination

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

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

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

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

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

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

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

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

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

Wetlands, Steep Slopes, Tree Cover

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

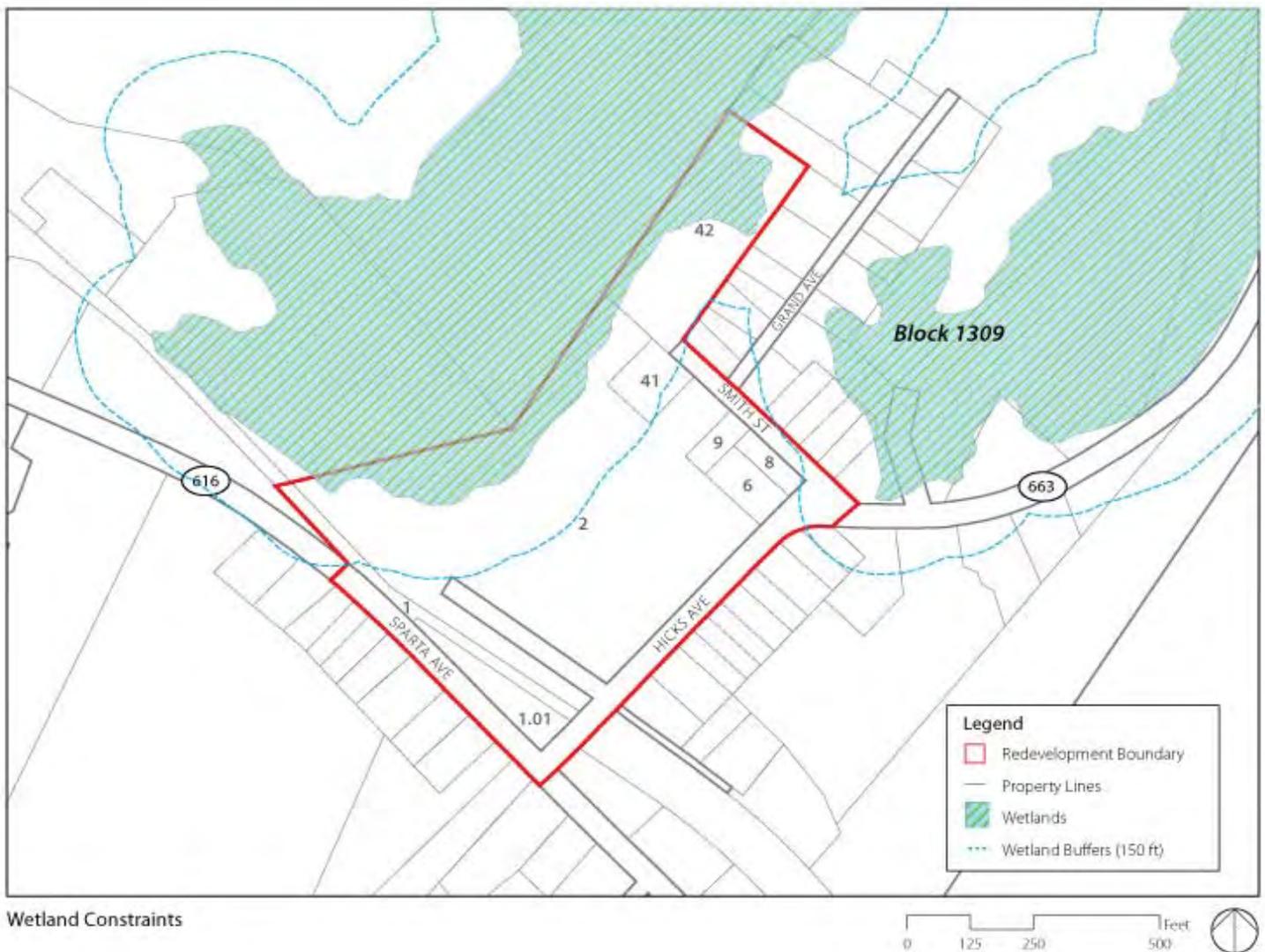
Tree cover is primarily located along and below the steep slope running across the northern edge of the Area.

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

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

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

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



Circulation

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

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

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

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

Utilities

Sewer

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

Water

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

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

Stormwater

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

Electricity and Natural Gas

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

Telecommunications - Voice and Data Transmission

Newton is currently served by Embarq.





SECTION 3.0

Terms in this Redevelopment Plan shall be defined as follows:

Area – Shall mean the Hicks Avenue Redevelopment Area.

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

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

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

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

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

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

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

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

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

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

general and form-based zoning.

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

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

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

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

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

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

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

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

standard roof.

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

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

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

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

Mullion - The large vertical member between two adjoining windows.

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

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

Plan – Shall mean this Hicks Avenue Redevelopment Plan.

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

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

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

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

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

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

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

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

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

Soffit - The underside of the roof overhang.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



SECTION 4.0

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

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

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

Permitted Uses

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

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

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

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

Accessory Structures

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

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

Interim Uses

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

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

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

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

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

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

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

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







SECTION 5.0

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

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

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

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

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

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

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

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

Thoroughfares

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

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

be of a paving material which differentiates it from the street surface.

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

Pedestrian Realm

1. Sidewalk areas must be provided along all streets and shall be properly sized for the safe and convenient movement of pedestrians through and around the Area, taking into consideration such factors as: the volume of traffic on the street, the width of the roadway, and the adjoining land uses. The total combined width of the of the ROW from the curb to the ROW edge shall be a minimum of eight (8) feet. The minimum unimpeded sidewalk width shall be four (4) feet, with the optimum width of 4' 6", and a minimum buffer area between the curb and sidewalk of 1' 6" along the streets. The remaining width, of at least 2' 6" shall be located either between the sidewalk and ROW edge (in effect extending the front yards and semi-public edge), or between the curb and sidewalk. Sidewalks are not required along either side of residential lanes. The thoroughfare diagrams illustrate and provide the particular dimensions for the sidewalk and semi-public edges of each thoroughfare type (See Thoroughfare Sections on pages 35 through 39).
2. Sidewalk areas must be attractively landscaped and durably paved in conformance with any minimum municipal standards and shall be provided with adequate lighting. Decorative paving materials and pedestrian scale lighting is required. (See Landscape Requirements)
3. Traffic signage shall be consolidated and affixed onto lampposts to the maximum extent practical so as to reduce the number of poles, obstructions and visual clutter in the streetscape and pedestrian movement.
4. All signal and light posts must be a consistent dark color.

5. All sidewalks and intersections must be ADA compliant.
6. Crosswalks are required at each intersection.
7. Crosswalks must be a different texture, pattern and surface from roadways and sidewalks.
8. The paving must be a continuous texture along all streets and sidewalks within the Area. Crosswalks may be of a different texture than sidewalks.
9. Sidewalks may not be asphalt.
10. The buffer area between the curb and sidewalk should be of a different paving material and texture than sidewalks, preferably a textured material such as pavers or brick.

Disposal Requirements

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

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

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

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

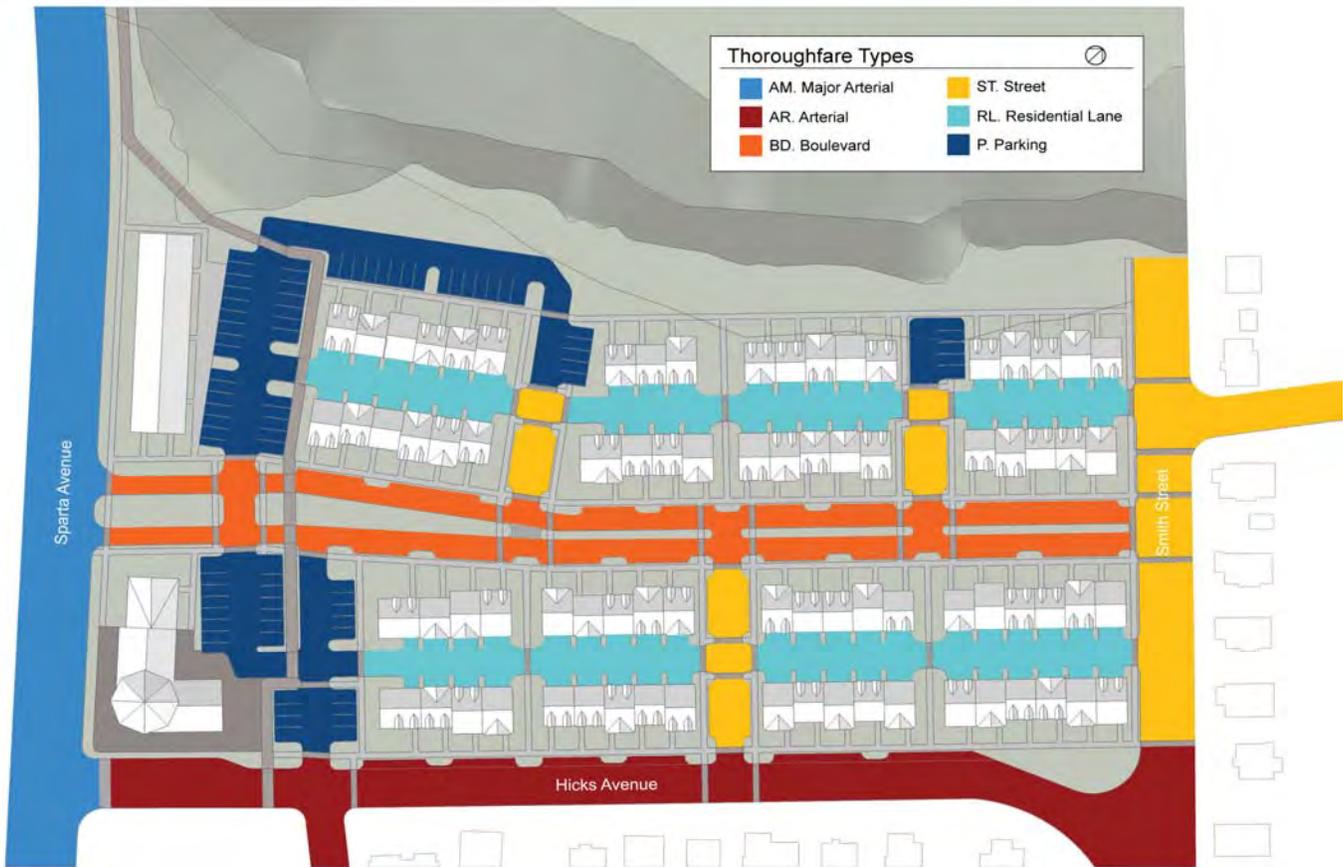
The thoroughfare labels refer to specific street designs included in the Thoroughfare Standards. The following labels are used for the thoroughfares:
 Boulevards - BD

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Arterial - Major (AM 50:30)

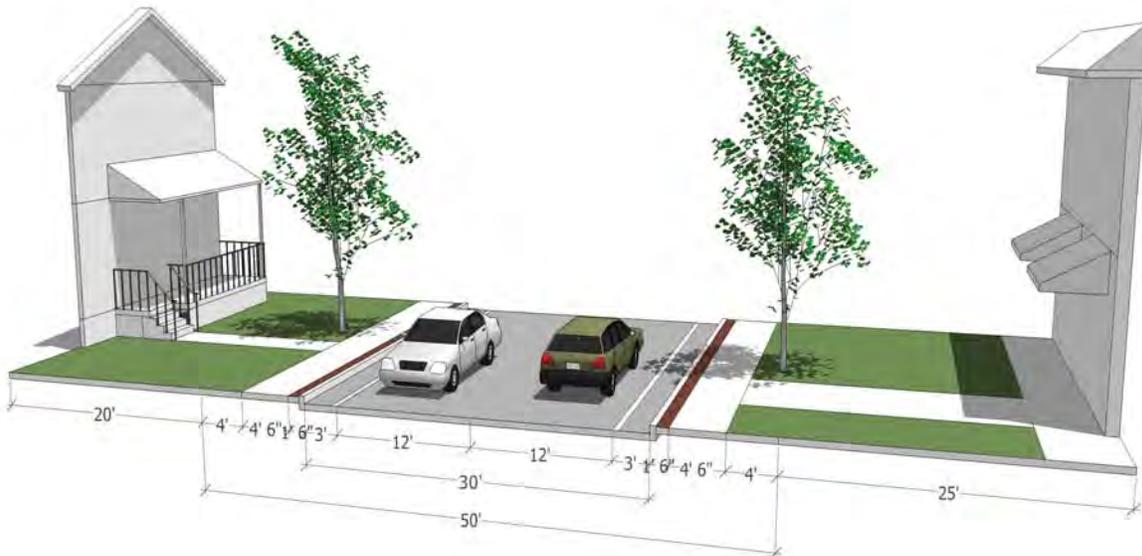
A Major Arterial is designed for higher volume traffic with surrounding residential uses. The major arterial within the Area (Sparta Avenue) is a heavily travelled County Route. Sparta Avenue through the Area is currently lined with residential uses. Depending on the final configuration of the Area's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

The standards for a Major Arterial are illustrated graphically below:

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



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



Arterial (AR 44:28)

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

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



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

The standards for an Arterial are illustrated graphically below:

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



Boulevard (BD 55:38)

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

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

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

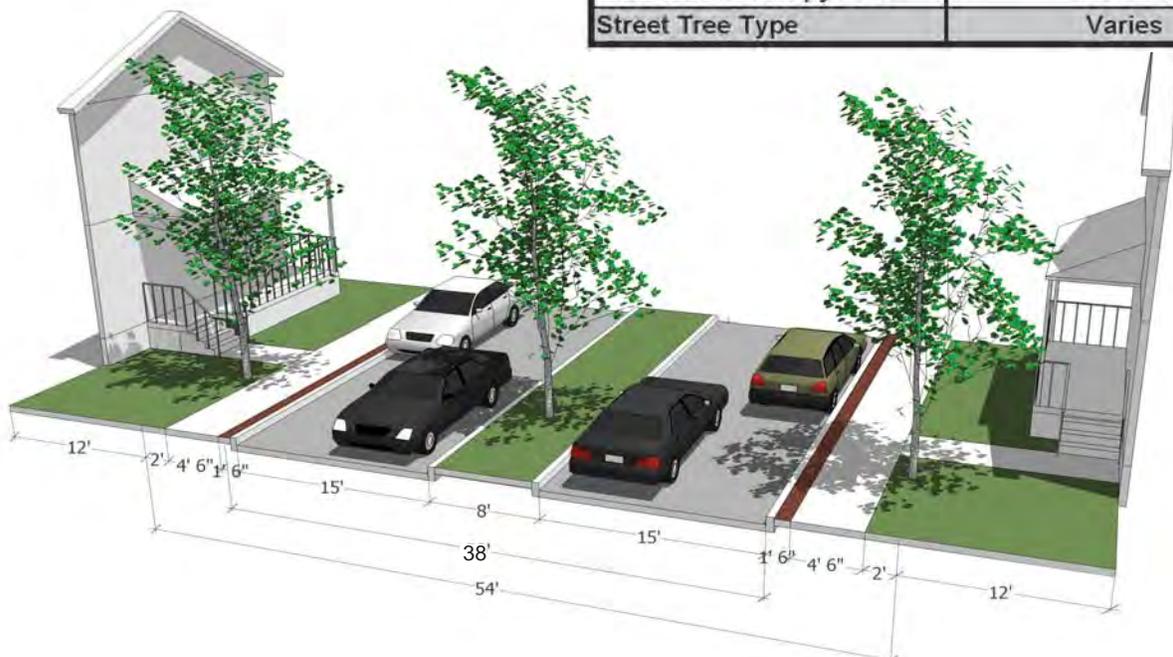
be a minimum of 8 feet, with a sidewalk of a minimum of 4 feet. The narrow strip between the curb and sidewalk must be a minimum of 1'6" and should be a permeable, textured pavement (pavers or brick) to mitigate the negative effects of winter snow plowing, which typically causes grass die-off of the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

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

The Boulevard standards are illustrated graphically below:



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



Streets (ST 44:28)

5.5 THOROUGHFARE SECTIONS

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

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

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

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

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



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



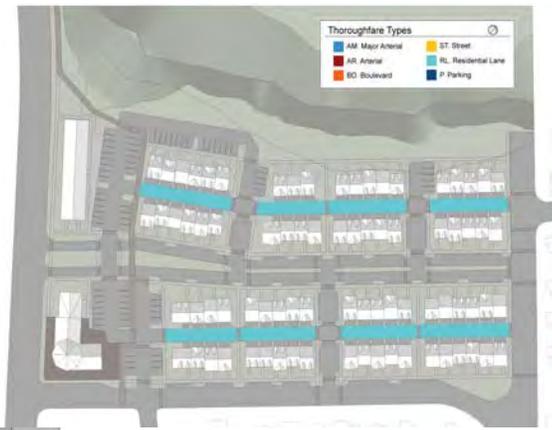
Residential Lane (RL 20:18)

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

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

The standards for Residential Lanes are illustrated graphically below:

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



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

5.6 VEHICULAR CIRCULATION PLAN

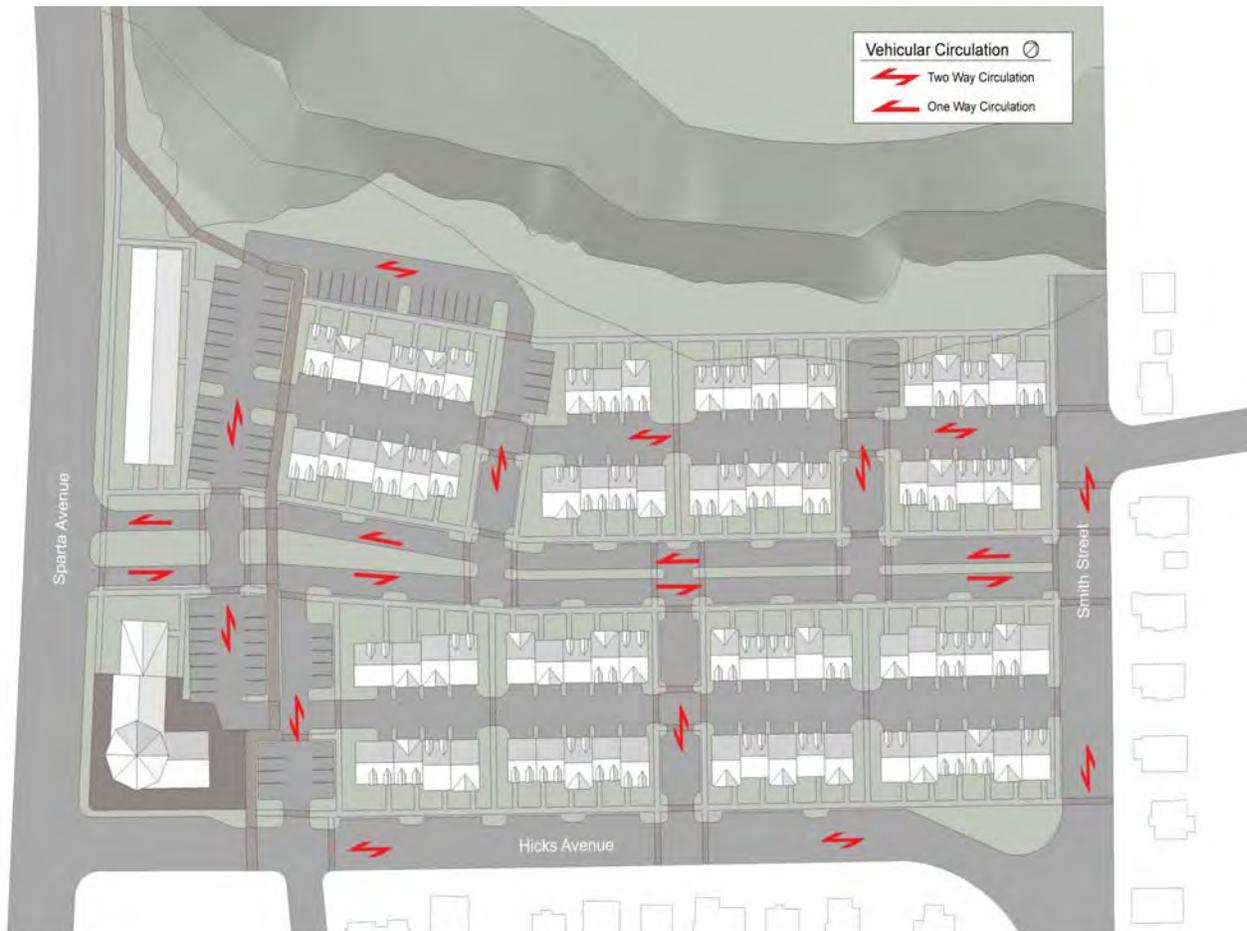
Vehicular circulation and the directional flow of traffic within the Plan is illustrated on the Vehicular Circulation Plan below. The configuration of the street network is designed to disperse vehicular traffic throughout the Area while limiting access points into the Area, and to provide ease of pedestrian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

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

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

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

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



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

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

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

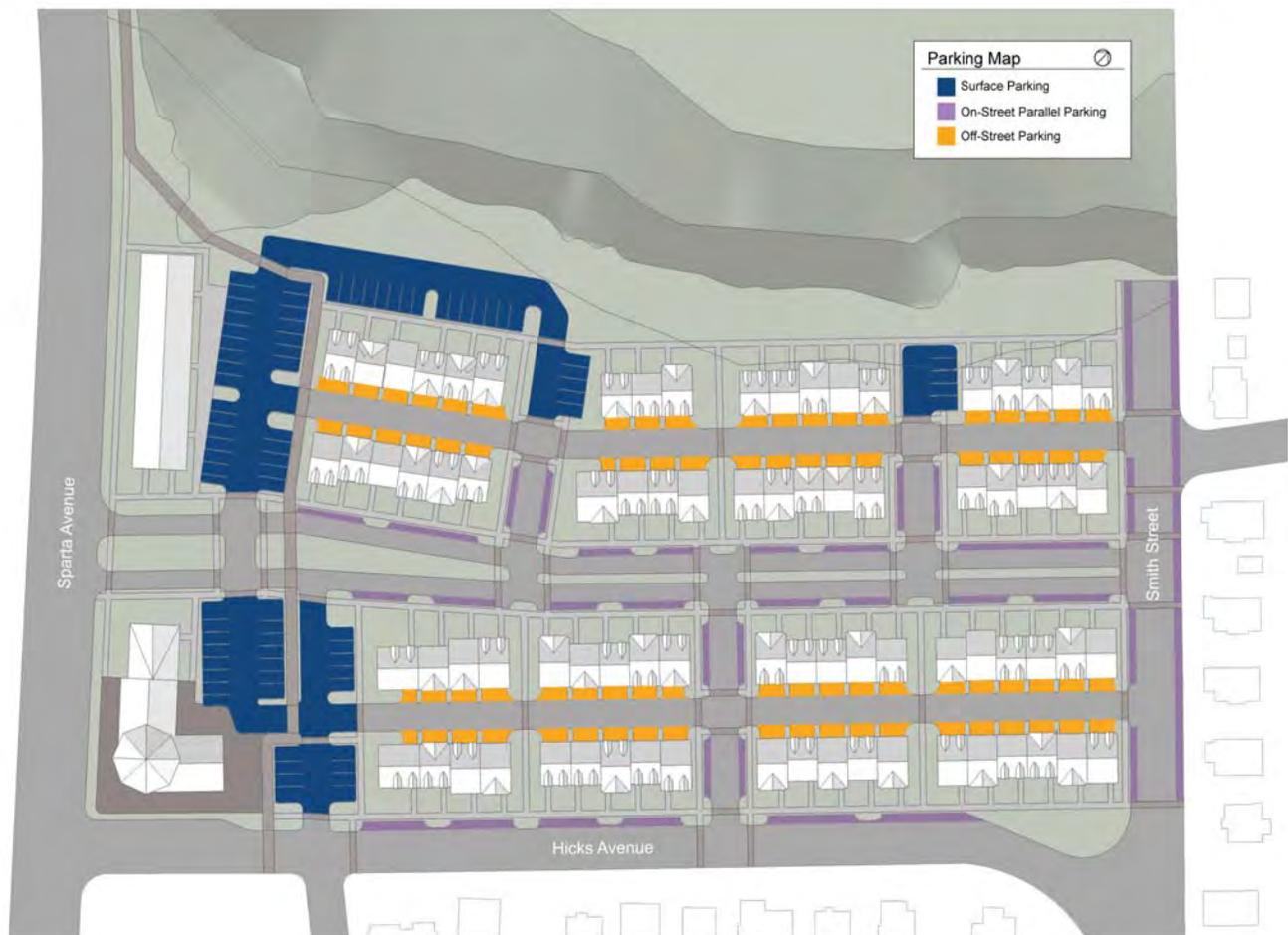
Shared Parking

In order to promote more efficient use of parking facilities, a parking space may be counted towards the parking requirement for two or more different uses, provided that:

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

Surface Parking

1. Surface parking areas shall be located to the rear of lots and buildings and screened from visual access from the street or sidewalks. No parking is allowed in the front yards of structures facing a public street.
2. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct views of parked



vehicles from the street right-of-way and sidewalks, avoid spill-over light, glare, noise or exhaust fumes onto adjacent properties. Parking lots exposed to view from any adjacent street shall be screened by a minimum of a three and a half (3.5) foot decorative wall or landscape feature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

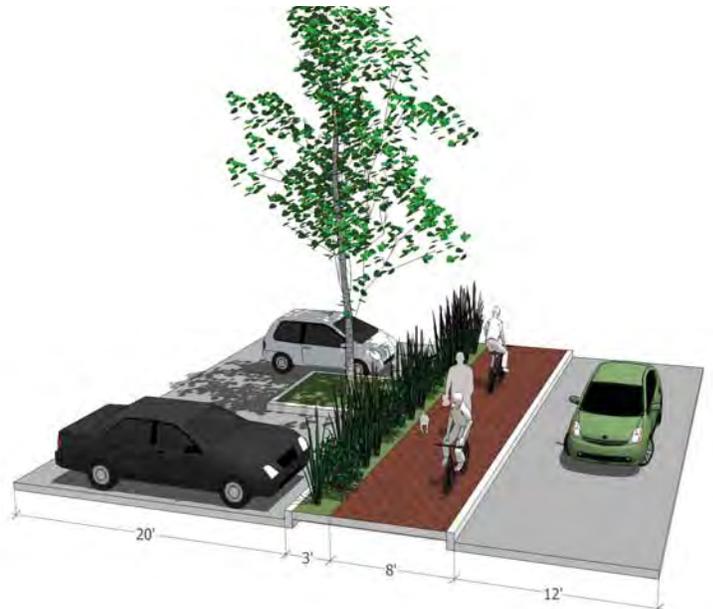
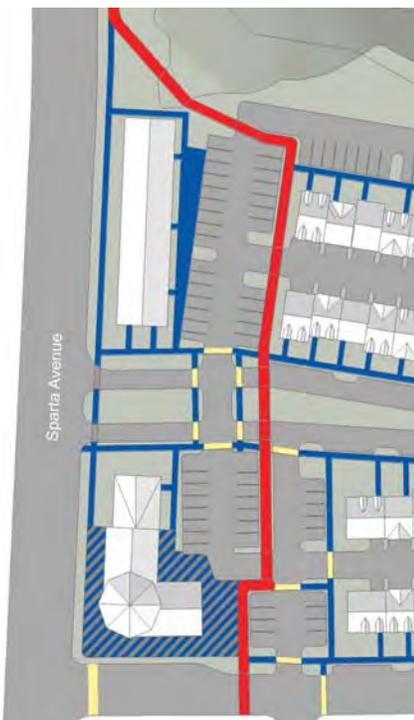
A primary feature of the Plan is the extension through the Area of the Sussex Branch Rail Trail. The Sussex Branch Trail is a rail trail extending over twenty miles from Byram Township to Branchville, which follows the former right-of-way of the Sussex Branch railroad. Abandoned as a rail line in 1969,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

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

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

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

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





SECTION 6.0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Front yard setback:		
Residential -	12' (building to ROW)	
Multi-Family -	15' minimum	
Mixed-Use -	15' (building to curb)	
Side yard setback (where applicable):		
Residential -	6' (bldg to property line)	
	22' (bldg to bldg min)	
Multi-Family -	10' minimum	
Mixed-Use -	15' (building to curb)	
Rear yard setback:		
Residential -	Townhouse A & B	10'
	Townhouse C	20'
	Townhouse D	8'
	Duplex	8'
Multi-Family -	6' minimum	
Mixed-Use -	8' min (building to curb)	

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

Residential:

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

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

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

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

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

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

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

Mixed-Use: (irregular "L" shaped corner building)
120 feet of frontage along Sparta Avenue
80 feet of frontage along Hicks Avenue
40 feet deep (along both frontages)
6,400 square feet of total area for building envelope

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

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

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

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

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

Residential

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

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

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

the context and scale of residences in the surrounding neighborhood.

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

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

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

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

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

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

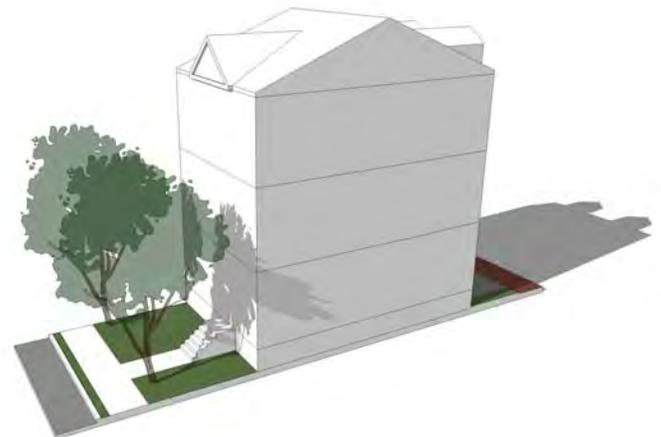
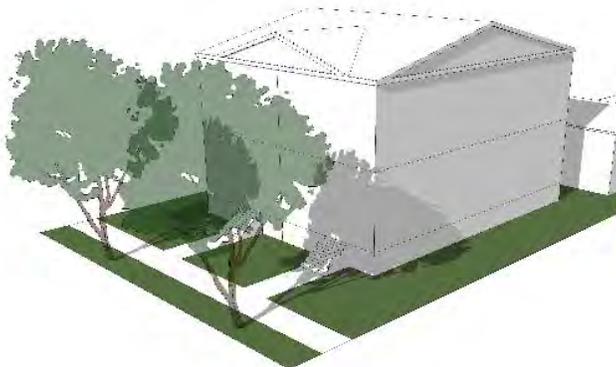
Typically the ground floor along the front facade of residential buildings is raised above grade by two to three feet. The first floor is typically higher (taller) and the top floors are lower. The maximum number of stories is illustrated for each building type. The ground floor of commercial mixed-use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

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

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

dards set forth in this Section.

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



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

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

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

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

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

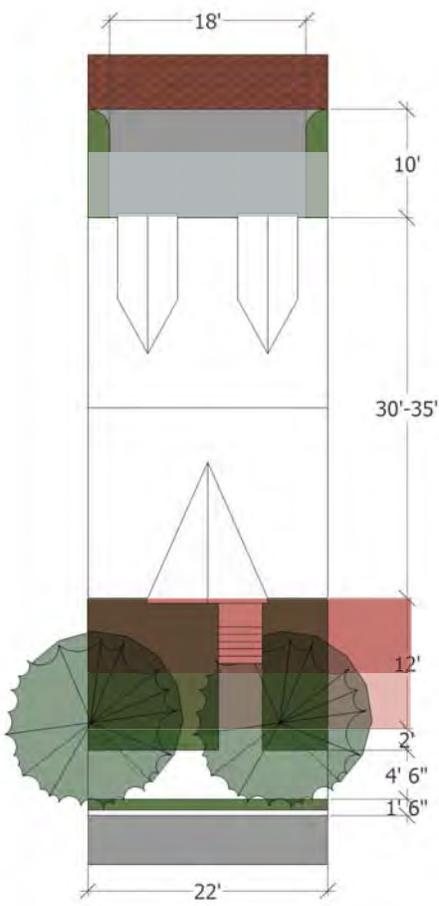
The graphics found on the following pages represent conceptual building layouts and illustrate the permitted maximum building footprints for each of the building typologies and include the locations and sizes of garages, corresponding setbacks for structures, and the corresponding lot dimensions for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

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



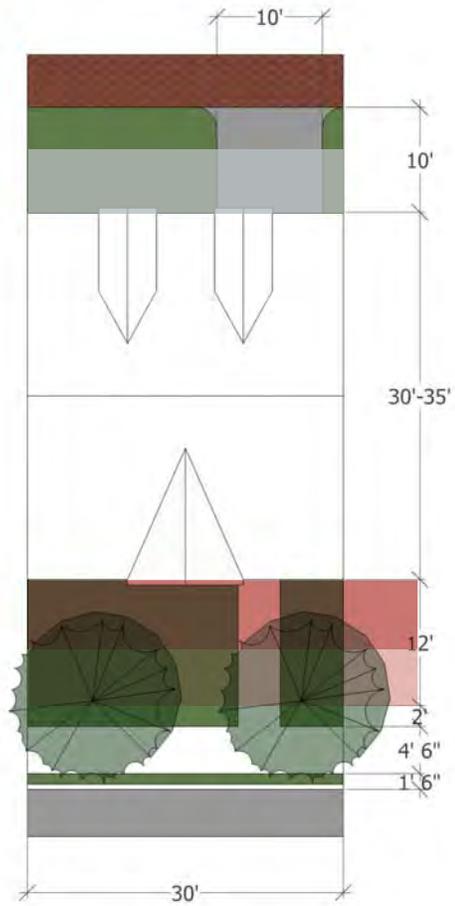
Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	n/a
Rear Yard Setback	8 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	22x35 (770 sf) max
Accessory Structure Footprint	n/a
Lot Width	22
Lot Depth	57
Building Height	3.0 floors (40 ft) max

Townhouse A: 22x35



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

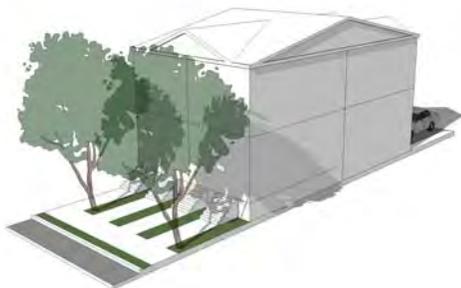
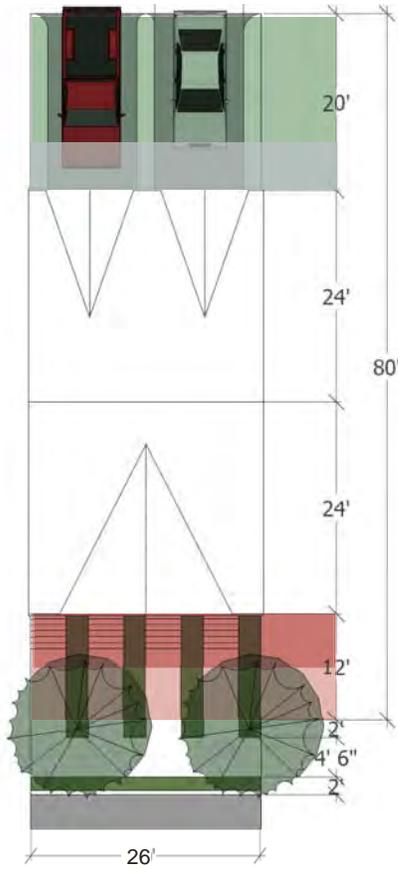
Townhouse B: 30x35 (ground level living space)



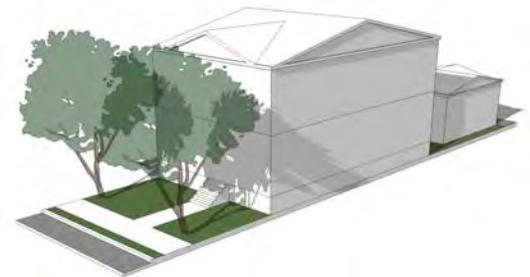
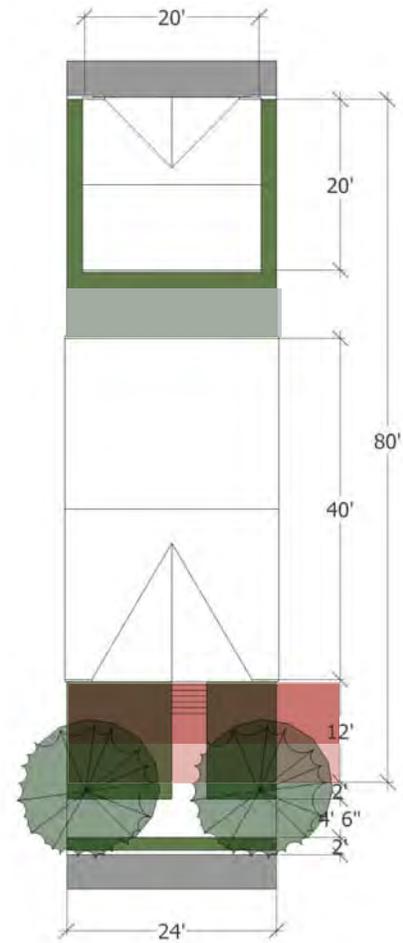
Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	n/a
Rear Yard Setback	20 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	26x48 (1000 sf) max
Accessory Structure Footprint	n/a
Lot Width	26
Lot Depth	80
Building Height	3.0 floors (40 ft) max

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

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

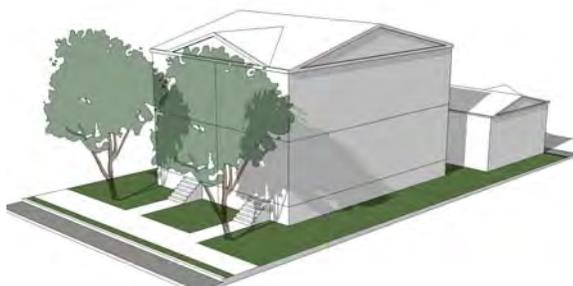
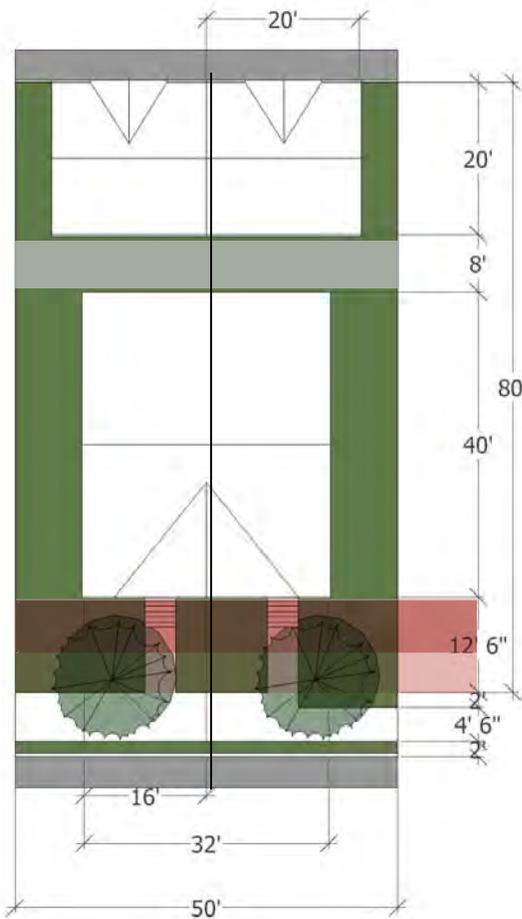


Townhouse D: 24x40 (Detached Garage)



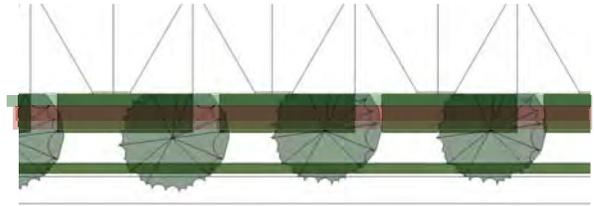
Regulation	Feet
Front Yard Setback	12 min.
Side Yard Setback	9 one side
Rear Yard Setback	8 min
Front Encroachment	6 max
Rear Encroachment	6 max
Primary Bldg Footprint	16x40 (640 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	25
Lot Depth	80
Building Height	3.0 floors (40 ft) max

Duplex: 16x40 (Detached Garage)



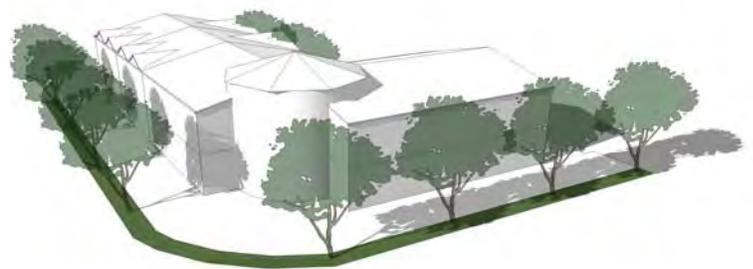
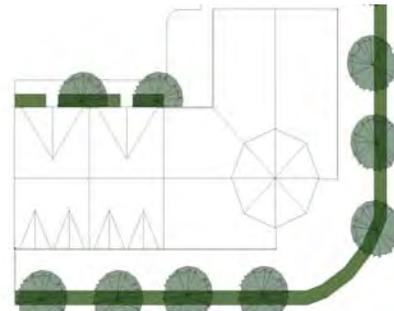
Multi-family

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



Mixed-Use

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



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



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

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



6.7.1 ARCHITECTURAL STYLE: MULTI-FAMILY



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

6.7.1 ARCHITECTURAL STYLE: MIXED-USE BUILDING



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

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

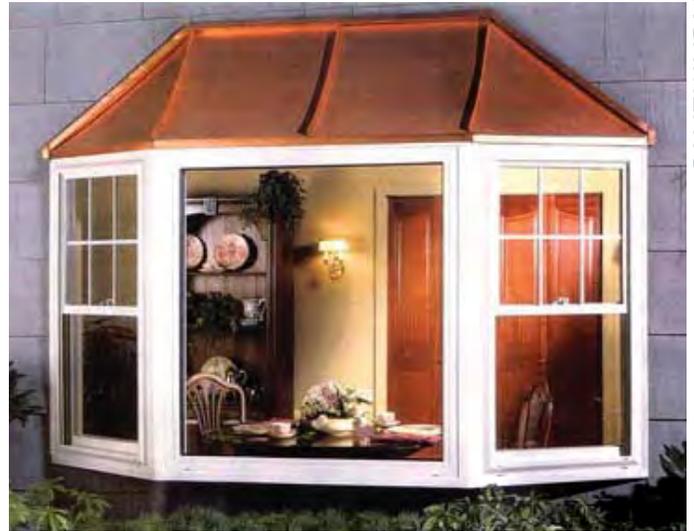


1. To create individuality with each of the buildings, a more organic look to the development and to avoid standardization and similarity, there must be a minimum of three distinct building facade designs within each building type used in the plan, for instance 'Townhouse A', 'Townhouse 'B' and 'Duplexes'.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

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

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

6.10.1 PERMISSIBLE ENCROACHMENTS



6.11 BUILDING SIGNAGE AND LIGHTING STANDARDS

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

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

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

6.12 BUILDING PARKING STANDARDS

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

6.12.1 PARKING STYLES



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

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

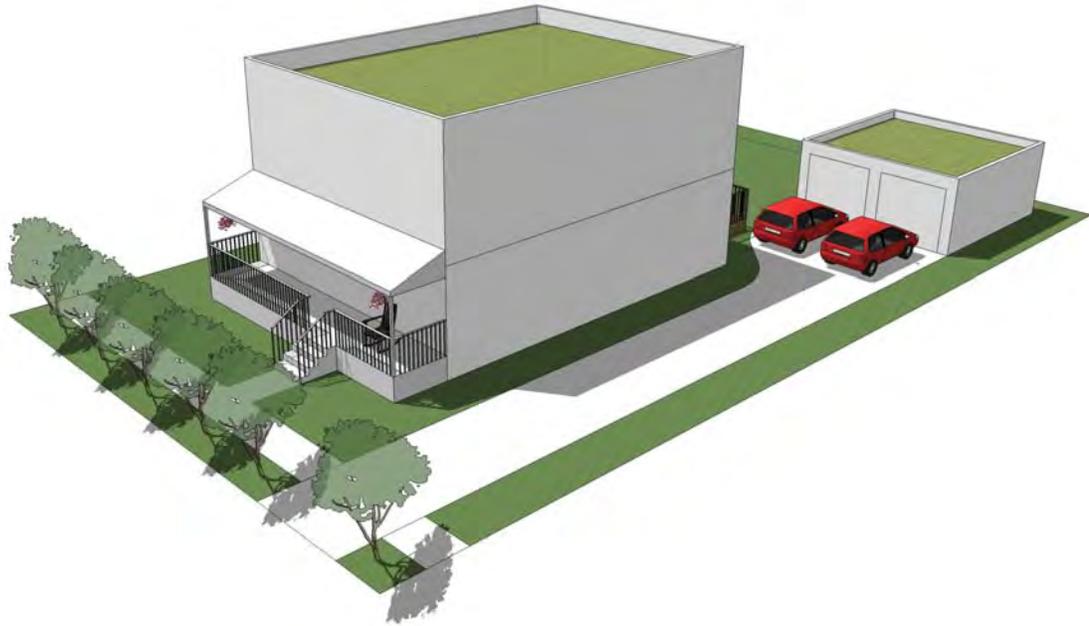
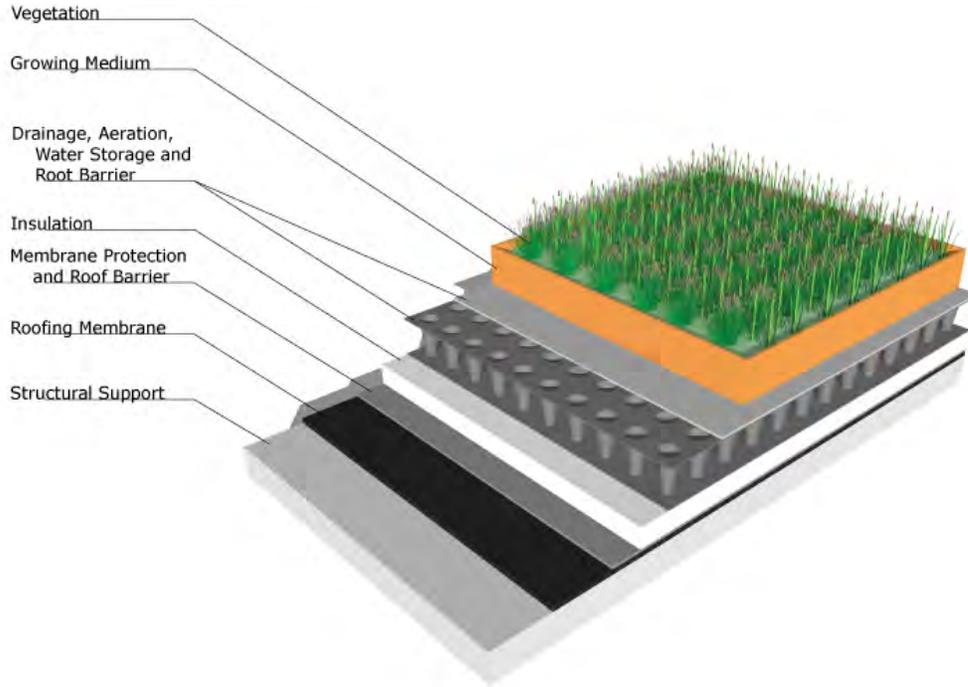
6. Green Roofs: In order to mitigate storm water runoff and detention requirements, green roofs are recommended on all structures and highly recommended on garages. A green roof can be flat with a minimum pitch for drainage with an accented cornice and/or parapet or may be pitched at a 2:1 ratio.

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

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

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

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





SECTION 7.0

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

An overall concept Landscape Plan is shown below:



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

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

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

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

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

Hardscape Requirements for Streetscape

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



Lighting Requirements for Streetscape

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

Planting Requirements for Streetscape

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

7.4 YARD LANDSCAPE REQUIREMENTS

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





Public Signage

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

Freestanding Signage

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

Identification Signage

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

Construction Signage

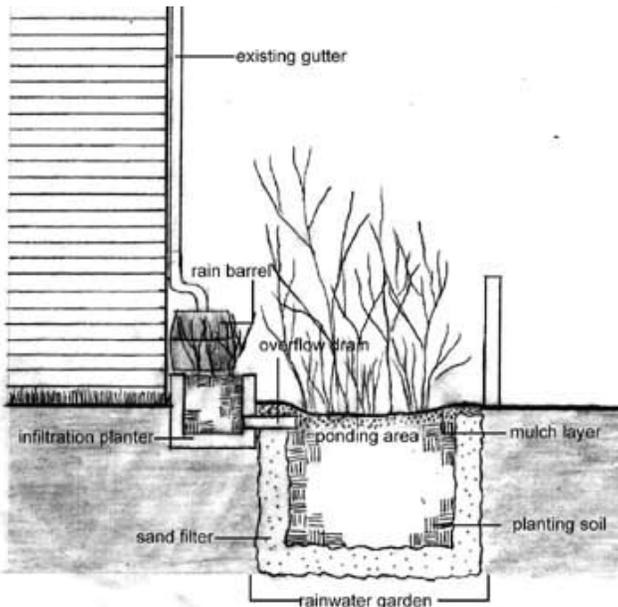
During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, and/or public agency officials (as applicable and appropriate). Construction signage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

Prohibited Signage

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

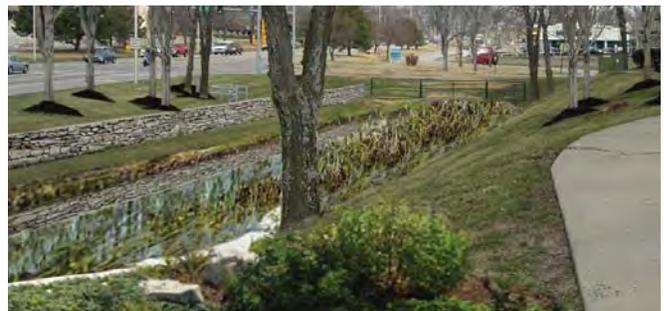
Soil Handling and Soil Compaction

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



Suggested Planting Guidelines

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



Shade and Flowering Trees

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

1. Green Ash



2. River Birch



3. American Hornbeam



4. Red Maple



5. Hackberry



6. Serviceberry



7. Eastern Red Bud



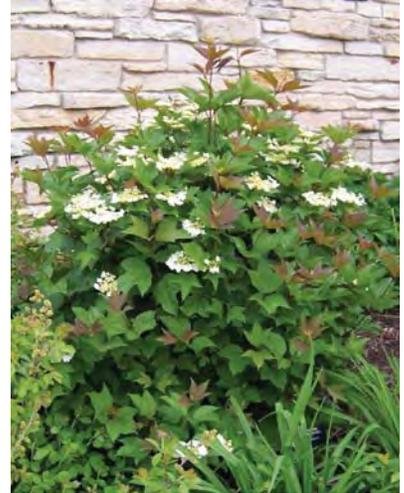
8. Flowering Dogwood



Shrubs and Grasses

(see pictures on following pages)

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



9. Cranberry Bush



10. Maple Leaf Viburnum



11. Possumhaw Viburnum



12. Black Haw



13. American Holly



14. Blue Joint Grass



17. Steeplebush



15. Little Blue Stem Grass



16. Switch Grass



18. Wintergreen



19. Winter Berry



19. Winter Berry (Winter)



20. Black Chokeberry Flower



20. Black Chokeberry (Fall)





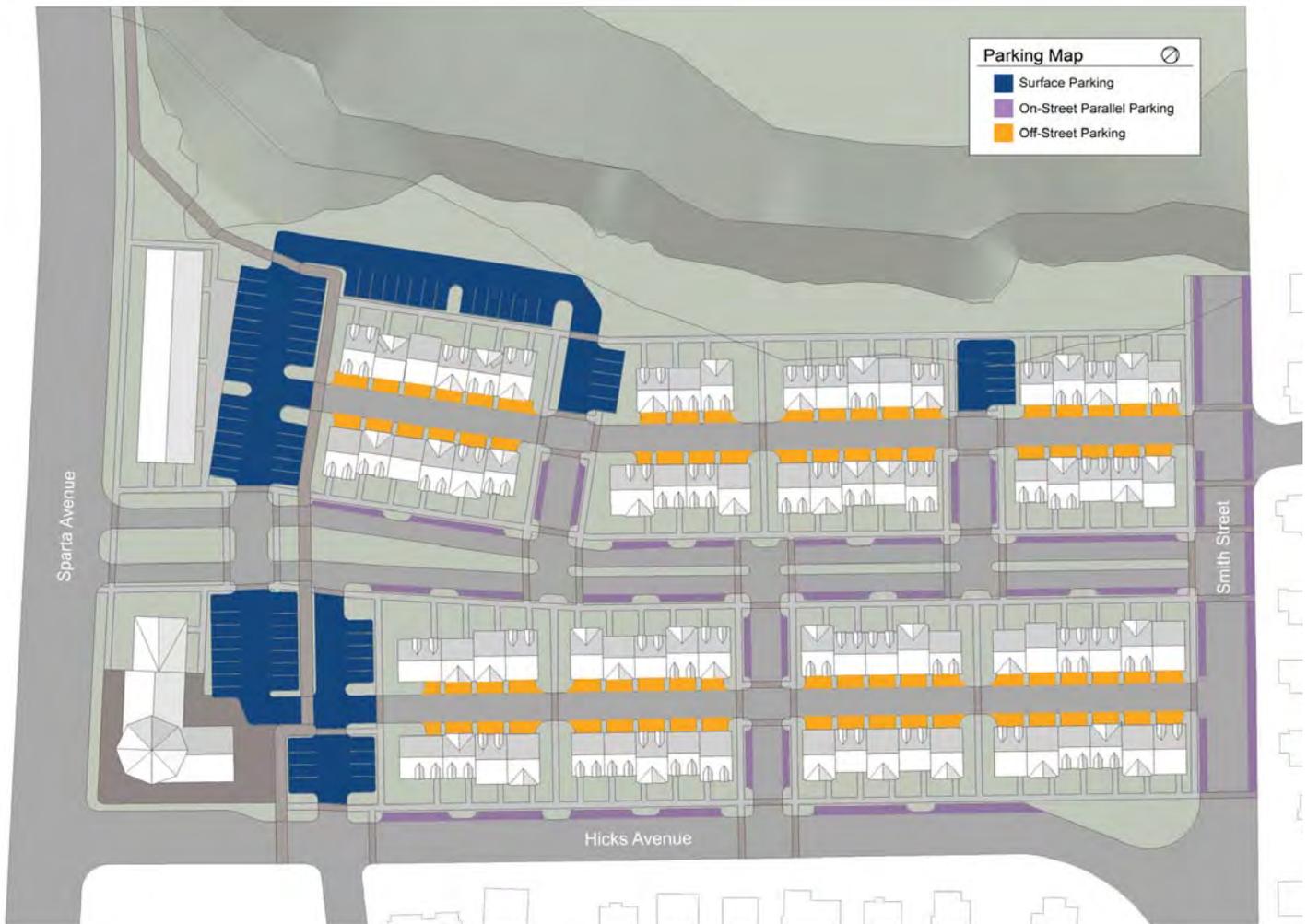
SECTION 8.0

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

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

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

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



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

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

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

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

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

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

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

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

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



SECTION 9.0

Validity of the Plan

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

Zoning Map Revisions

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

Parcelization

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

Amendment to the Hicks Avenue Redevelopment Plan

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

As development occurs within the Area, development

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

Variations in Site Plan Design

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

Deviations

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

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

No deviations may be granted which will result in permitting:

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

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

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

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

Plan Consistency Review

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

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

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

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

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

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

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

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

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

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

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

Relationship to Zoning Ordinance

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

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

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

Project Plan

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

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

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

Redevelopment Agreement

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

Acquisition Plan

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

Development Review Process

Preliminary Design Review

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

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

Planning Board Review

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

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

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

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

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

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

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

The above provisions are all subject to approval by ordinance

Schedule for Performance

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

Duration of the Plan

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

Phasing

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

A. Phasing Plan:

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

B. Additional Requirements:

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

Certificates of Completion and Compliance

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

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

Non-Discrimination Provision

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

Affordable Housing

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

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

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

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

Environmental Standards

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

Project Signs and Advertising

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



SECTION 10.0

Acknowledgements

Newton Mayor:

Joseph Ricciardo	Mayor
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Town Council:

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

Newton Planning Board:

Marge Lake McCabe	Chairperson
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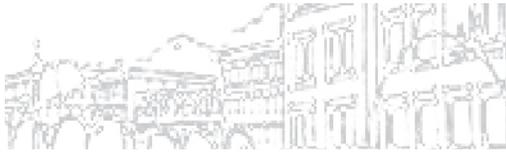
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Merriam Gateway Redevelopment Plan

Town of Newton, New Jersey



This document was signed and sealed on November 09, 2010 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Ross Sheasley, PP

RES*Design*, L.L.C.

Professional Planner #594000

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

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SECTION 1.0

Description of the Plan

This 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 Area is illustrated on the Local Context Map found on page 3.

The Plan Area is located along the Sparta Avenue corridor, centered at the intersection of Sparta and Diller Avenues, and encompasses an area of Newton which has historically been the manufacturing and industrial center of the Town. The current land-uses within the Area include a large, former factory which has been converted into a multi-family residential complex; single-family residential; duplex, multi-family residential; highway-oriented retail and service commercial; and surface parking facilities.

Sparta Avenue is a major arterial into Newton from Andover Township, with nearly 10,000 vehicle trips per day. At its intersection with Diller Avenue, roughly half of those vehicle trips continue on Sparta Avenue while the remainder continue on Diller Avenue. As a result of the proximity of this area of Newton to the intersection of Sparta and Diller Avenues, and its location towards the periphery of the Town, this area serves as a primary gateway into Newton. Due to the relevance of this area as a gateway into the Town, adjacent to the old Merriam Shoe Factory, this Plan is known as the Merriam Gateway Redevelopment Plan.

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

According to the State Plan, a neighborhood center is the central focus for a neighborhood, reflecting the neighborhood's physical character and density. The neighborhood center may be an employment center, may

offer neighborhood-oriented retail and services along with housing, civic uses and centrally located green space. The State Plan indicates that a neighborhood center is generally within a 10-minute walking distance from what is considered the neighborhood edge, in this case being about the intersection of Merriam Avenue with Paterson Avenue to the west and the intersection of Diller Avenue and Lower Spring Street to the north.

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

The Area is currently a mixture of light industrial, commercial and residential land uses. The Merriam Gateway complex, a dominant feature within the Plan Area, is an adaptive re-use of a former industrial factory, converted into residential units and commercial space. Other land uses within the Plan Area include a former gas station, several automotive service commercial businesses, single family and multi family housing, and highway-oriented retail

and service commercial businesses. Adjacent to the Plan Area is a large vacant industrial parcel known as 56 Sparta Avenue, which has been declared an Area in Need of Redevelopment, and a fuel distribution operation fronting on Diller Avenue known as "Able Oil".

The Area is 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". However, the former industrial uses and documented contamination found within the Area are in conflict with the surrounding residential and commercial development.

The boundary of the Area is shown with the red line on the Local Context Map below. This Redevelopment Plan calls for the Area, and adjacent street rights-of-way, to be developed as part of a "neighborhood center", with some combination of mixed-use development (ground floor commercial space with other uses on floors above),



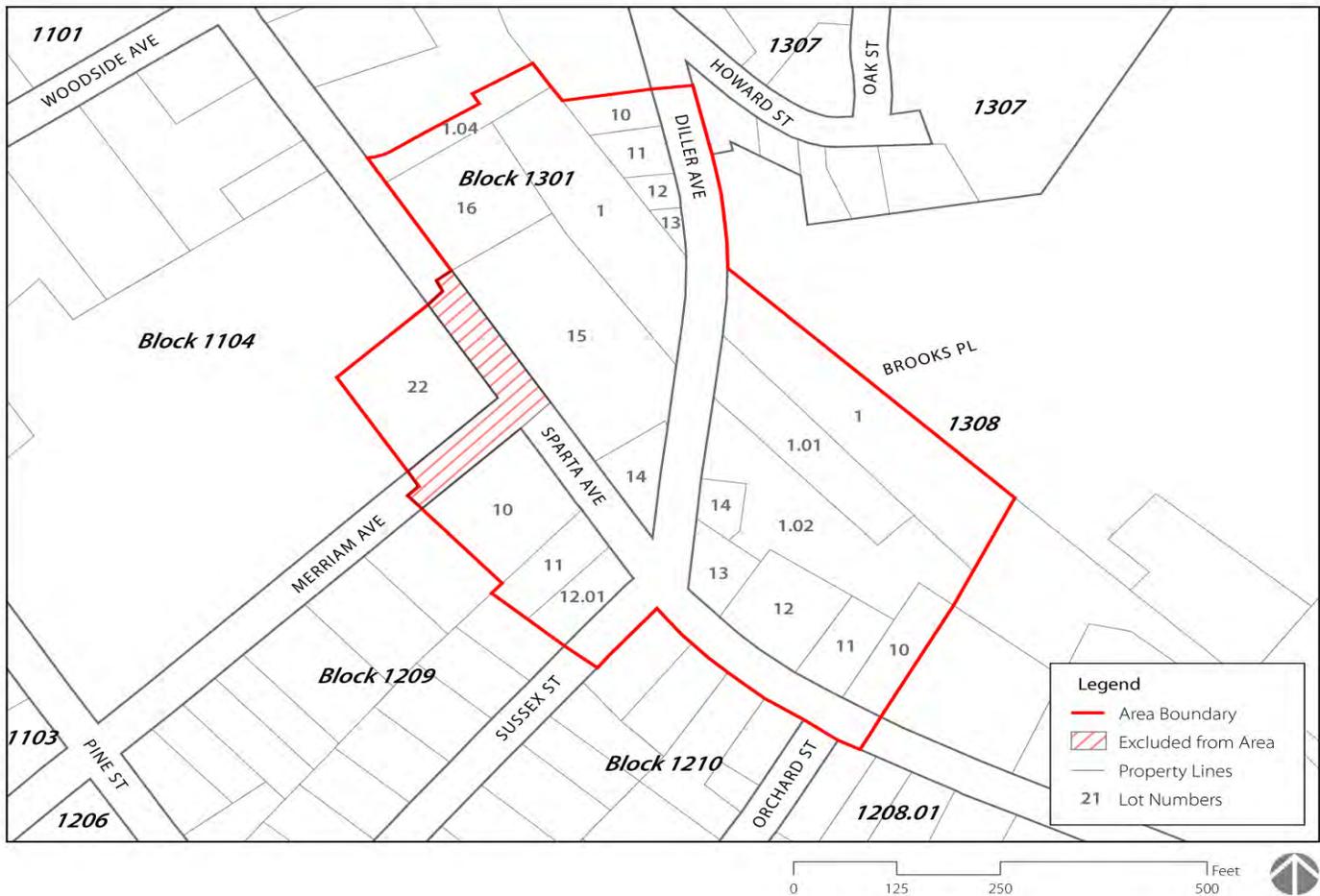
1.3 BLOCK AND LOT MAP

The Plan Area includes 21 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 parcels located in the Plan Area are: Block 1104, Lot 22; Block 1209, Lots 10, 11, 12.01; Block 1301, Lots 1, 1.04, 10, 11, 12, 13, 14, 15, 16; and Block 1308, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14. The Area measures approximately 10.18 acres, excluding street rights-of-way, and is irregularly configured, with frontage along Sparta, Diller and Merriam Avenues, Sussex Street and Railroad Place.

The Area is located approximately one half of a mile south of the Central Business District of Newton, and is surrounded by residential and commercial land uses. Residences fronting on Merriam Avenue, Sussex Street and Orchard Street abut the Area to the south, with residential properties fronting Diller Avenue abutting the

Area to the northeast. A vacant, former industrial parcel and commercial properties fronting on Sparta Avenue abut the Area to the west with additional commercial properties abutting the Area to the east. Commercial properties fronting onto Diller Avenue abut the Area to the north. In addition, undeveloped, environmentally constrained land abuts the Area to the northeast.

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



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

Statutory Requirements

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

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

1. The Plan's relationship to definite local objectives regarding land uses, population density, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. The proposed land uses and building requirements in the Area;
3. The plan for the temporary and permanent relocation of any displaced businesses and/or residences, if any;
4. The plan for replacement of affordable housing, if any, to be removed as a result of the implementation of this Plan;
5. Any significant relationship of the Plan to (a) the Master Plans of contiguous municipalities, (b) the Master Plan of the County in which the municipality is located, and (c) the State Plan; and
6. Its relationship to the development regulations of the municipality.

B. This Redevelopment Plan will also contain:

1. Standards for the rehabilitation of the properties as mixed-use and 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; and
5. A form-based code containing street, building and architectural regulations for the redevelopment of this Area.

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

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

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

The Newton Urban Design Plan is a community-oriented vision plan for the future of Newton which was adopted in early 2006. The Newton Urban Design Plan was generated through a community visioning process conducted in 2005 with a grant from the New Jersey Office of Smart Growth. The Urban Design Plan was based on results of a community-based Visual Preference Survey, community Demographic, Market and Policy Questionnaire, and Vision Translation Workshop.

Revitalization of the Town will occur through a combination of rehabilitation and redevelopment. To that end, a large portion of Newton comprises the Rehabilitation Area, while smaller focus areas have been designated as Areas in Need of Redevelopment. The Rehabilitation Area includes

much of the built-out areas of Town and includes buildings and or infrastructure which on average are at least 50 years old (see Rehabilitation Area Map below). Redevelopment and rehabilitation efforts are being concentrated in the Redevelopment Area focus areas and smaller Rehabilitation Area focus areas such as this Merriam Gateway Rehabilitation Area.

The entirety of Newton, and in particular the Rehabilitation Area, has the potential to be rehabilitated and redeveloped as a pedestrian-friendly, sustainable, and aesthetically pleasing series of streets and neighborhoods with a vibrant town center. This process will be guided by the Newton Urban Design Plan, which recommends the transformation of the entire length of the Sparta Avenue/Spring Street corridor, or the "spine" of the Town, into a pattern of more traditional vehicular and pedestrian-balanced neighborhoods and streets, allowing a diverse range of local and regional residential, commercial and office uses.



Rehabilitation Area Map

- Year Structure Built**
- Rehabilitation Area
 - 1-1850
 - 1851-1925
 - 1926-1956
 - Merriam Gateway Rehabilitation Area

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

Redevelopment Goals

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

1. To eliminate continuing blighting influences on the surrounding community.
2. To allow for more efficient use of land and to expand the Town's tax base.
3. To allow context appropriate commercial and/or residential activity. The Town is committed to retaining economic activity and jobs within the Town as well as fostering additional economic activity and job creation in Newton.
4. To establish a pattern of redevelopment along the Sparta Avenue corridor to achieve a typology, density and quality of development that further encourages the revitalization of the Central Business District and Sparta Avenue/Spring Street "spine" through the Town.
5. To create well-planned development which provides expanded opportunities for a mix of uses within the Town and region, that also has the potential for sound development which improves the overall quality-of-life.
6. To provide a system of streets, sidewalks, crosswalks and open spaces that encourages a safe, engaging and pedestrian-friendly experience.
7. To enhance the positive visual character and safety of the Area and surrounding neighborhood through building placement and design, landscaping and streetscape improvements.
8. To provide flexibility of building design, while incorporating modern technologies and reflecting the architectural design vocabulary (design characteristics) of the surrounding neighborhood and the Town of Newton, and respecting the historic character of Newton.
9. To encourage placement of buildings and construction techniques that will contribute to future sustainability and energy conservation and minimize the "carbon footprint".
10. To provide for an intensity of uses and quality streetscapes that would encourage walking and bicycling to and from the Area.
11. To increase the amount of green space within the Sparta Avenue - Spring Street corridor.
12. To provide vehicular circulation and parking options to minimize impacts on the existing roadways and adjacent land uses.
13. To create building forms and design that set a new standard for the overall aesthetic appearance of the Area and surrounding neighborhood.
14. To further environmental sustainability through creation of a mandatory Potable Water Conservation Program by which stormwater is recaptured, stored and used for landscape irrigation and non-potable uses within commercial, manufacturing and/or retail structures. Unless it can be demonstrated by the redeveloper to the Town's reasonable satisfaction that such a program is not feasible.

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

Redevelopment Objectives

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

1. Clearance of dilapidated and under-utilized structures where appropriate.
2. Improvement of streetscapes.
3. Construction of buildings and other improvements appropriate to the purposes of this Plan.
4. Improvement, revitalization and beautification of the Area.



SECTION 2.0

Existing Conditions

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

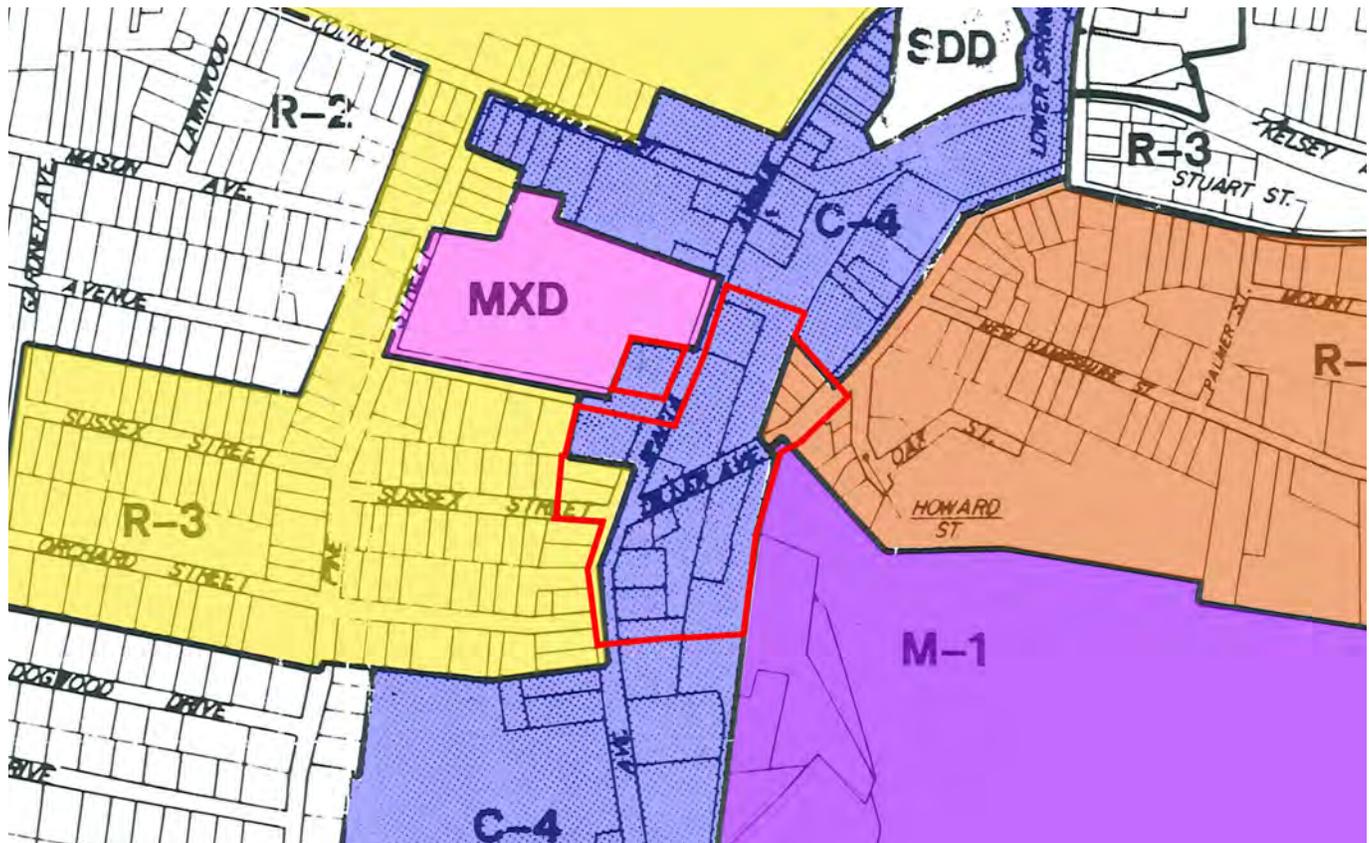
Under the 1996 Master Plan (See 1996 Zoning Map below), which was amended in 2003, several zoning districts were within the designated Area. The C-4 General Commercial District made up the bulk of the Area, with an R-3 Residential District governing two parcels on the west side of the area and extending west into the surrounding neighborhood, and an R-2 Residential district governing four parcels on the northeast corner of the Area and extending to the east. A MXD (Mixed-Use Development) District abutted the site to the northwest, while a M-1 Industrial District abutted the Area along its eastern edge.

Under the new land use designation in the 2008 Master Plan (See Transect Zoning Map on following page), the Area is located within the T-5 Zone (Town Core Support Area / Neighborhood Cores) the T-4 Zone (Neighborhood Services) and a portion of the SD-4 Zone (Industrial -

Manufacturing District). Transect zones surrounding the Area include the T-5 Zone extending north of the Area; the T-4 Zone (Neighborhood Services), extending northeast and south of the Area; the T-3 Zone (Neighborhood Residential), located on adjacent blocks to the east and west of the Area; the SD-4 Zone, located to the southeast of the Area; and the SD-5 Office-Manufacturing Zone located adjacent to the Area on the western edge.

The T-5 Zone allows a range of commercial uses including mixed-uses, retail and services, offices, hotels and mixed-use parking structures, as well as residential uses including townhouses, single-family detached dwelling units, duplexes, live/work units, residential flats over ground floor retail, multi-family flats (apartment buildings), and bed & breakfasts. The T-4 Zone allows a range of commercial uses similar to the T-5 Zone, including: mixed-use (up to 5 stories); retail and services; offices (up to 5 stories); houses of worship; day care centers; funeral homes; hospices; drive through services; and mixed-use parking facilities (up to 5 stories), as well as residential uses including, townhouses (up to three stories); small lot, single-family detached housing; live/work units; apartments over retail (up to four stories over; multi-family units; and bed & breakfasts.

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



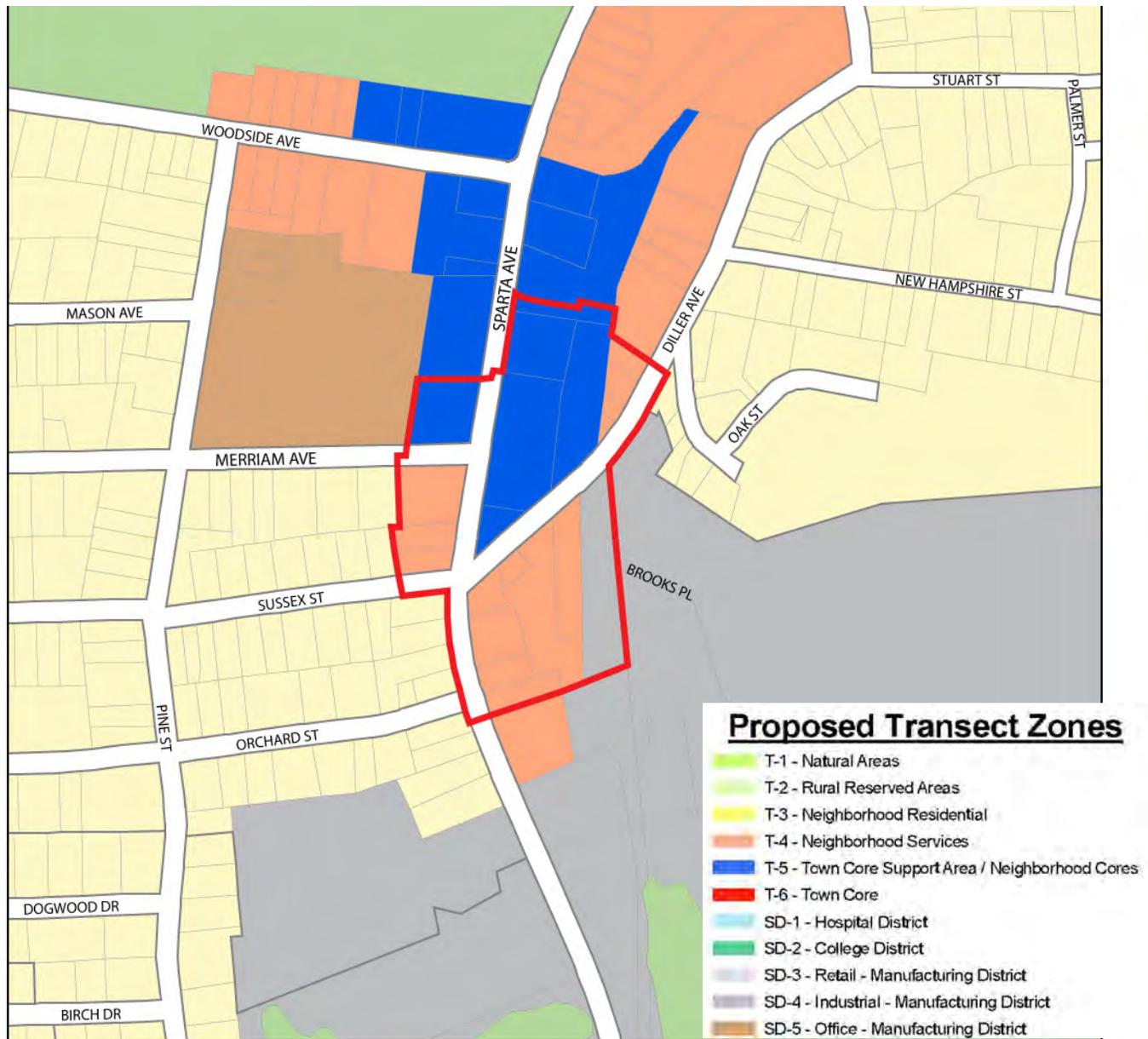
1. Uses Permitted. The following principal uses shall be permitted: mixed-use; professional offices; personal service establishments (e.g. tailor, barber shop or beauty salon, branch banks); restaurants, retail stores and shops (excluding drive-in or curbside establishments); multi-family residential buildings, single family residences, duplex residential units; and green space; provided it is part of and integrated with other principal uses.

2. Distribution of Uses. Permitted uses may be distributed throughout the Area, provided that mixed-use containing retail space shall be limited to the Sparta Avenue frontage and interior of Block 1308, oriented towards Sparta Avenue.

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

4. Minimum Tract Area. One quarter (0.25) of an acre, to be developed in accordance with a master site development plan.

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



In the Area of Newton that includes the Plan Area, a mix of land uses includes former industrial brownfields located adjacent to a range of retail commercial uses; food services; multi-family and single-family residential development. One former industrial facility was renovated in the mid-1990's and converted into a multi-family residential and commercial complex. A number of tax parcels within the Area are in a state of disrepair or otherwise in need of rehabilitation or redevelopment.

Former industrial and commercial facilities in the Plan Area included the industrial facility mentioned above, a shoe factory dating back to the late 19th century which is currently a multi-family apartment complex, automotive services, including a body works shop, tire store and gas station, as well as restaurants and personal services commercial establishments. In addition, industrial facilities located adjacent to the Plan Area included a fabric manufacturing facility, which was used in its later years for plastics manufacturing and is now vacant, and a fuel distribution facility which was severely damaged by fire in 2003.

Site Contamination

Due to the history of industrial and commercial uses around the Plan Area, a number of contamination issues could affect redevelopment activities within the Plan Area, while some issues have been previously remediated. Properties and businesses which have been previously listed in New Jersey Department of Environmental Protection (NJDEP) databases include:

Molecular Rearrangement, Inc., previously located at 69 Sparta Avenue (currently part of the Merriam Gateway Complex), was listed on the NJDEP RCRA database as a Large Quantity Generator (LQG) of hazardous materials. It was reportedly in compliance as of April 1986. It was also listed by NJDEP as a known State Hazardous Waste Site (SHWS), although the site has since been renovated into a multi-family residential complex.

Cono's Auto Body, currently located at 81 Sparta Avenue, was listed on the NJDEP RCRA database as a Small Quantity Generator of hazardous materials, although no violations have been documented on the site.

Dooley's Automotive Service, Inc., a gas station which was located at 74 Sparta Avenue, the site currently being utilized by Booton Tire, Inc. as a retail tire

establishment, was listed on the NJDEP BUST (Bureau of Underground Storage Tank) listing and the LUST (Leaking Underground Storage Tank) listing. It was noted, however, that all underground storage tanks have been removed from the property and the property had received a NFA letter from the NJDEP.

The former Newton Gas Station, currently the U-Save Convenience store at 65 Sparta Avenue, was listed on the NJDEP RCRA database as a LQG of hazardous materials. The site was also on the BUST and LUST listings. More recently, groundwater contamination was documented on the site during storage tank removal. It is presently unknown whether groundwater contamination from the parcel has had any impact on other parcels within the Area.

Newton Plastics, Inc., a former facility located at 56 Sparta Avenue, a parcel adjacent to the Area, is on the NJDEP SHWA listing and the NJDEP BUST listing, although the property has purportedly received a NFA letter from the NJDEP, thus indicating it has not impacted the Area with any contamination issues.

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

Wetlands, Steep Slopes, Tree Cover

No identified wetlands or steep slopes exist within the Plan Area. Adjacent to the northeastern edge of the Plan Area along the Diller Avenue right-of-way, however, the terrain rises steeply.

No significant tree cover is located within the Plan Area, although trees are scattered throughout the Plan Area on the various residential properties located on Blocks 1209, 1301, and 1308, as well as scattered at the periphery of other parcels within the Plan Area, most notably on Block 1301, Lot 16.

Constraints

Several physical constraints impact redevelopment within the Plan Area. The most significant constraint to development within Block 1308 is the presence of two utility easements which bisect the block from the intersection of Sparta and Diller Avenues in roughly an eastern direction. The irregular shape of the Plan Area,

Constraints (continued)

as well as size and configuration of a number of parcels within the Plan Area forms the other constraint impacting rehabilitation within the Plan Area.

Circulation

Primary vehicular access to the Plan Area is from Sparta Avenue, which approaches the Plan Area from the Central Business District (CBD) to the north and from Andover Township to the east, and Diller Avenue, which approaches the Plan Area from the north and acts like a bypass around the CBD. The Plan Area also includes Railroad Place and a section of Sussex Street, and has frontage along a section of Merriam Avenue.

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

Diller Avenue is a high volume arterial through the Plan Area. Much of the traffic on Diller Avenue is due to its common use as a bypass around the CBD for traffic traveling to destinations north from Andover, and traffic traveling to destinations east from points north of Newton. The signalized intersection of Diller Avenue with Sparta Avenue meters traffic somewhat. However, the geometry of the intersection, Diller Avenue approaches the intersection at roughly a 45 degree angle, and limited sightlines along Diller Avenue, makes ingress and egress into the Plan Area from Diller Avenue less than optimal.

As residential streets, Merriam Avenue and Sussex Street are considerably less traveled than either Sparta or Diller Avenues. While these streets serve primarily as residential streets, they are relatively low volume and have a secondary function as collector streets which distribute local traffic to Sparta Avenue, and Route 206 via Paterson Avenue.

Pedestrian accessibility to and within the Plan Area is marginal. Sidewalks in the Plan Area tend to be narrow and deteriorated, although sidewalks and curbs have recently been replaced along the western side of Sparta Avenue. Sidewalks on the eastern side of Sparta Avenue

are narrow, overgrown and deteriorated. There are no sidewalks along either side of Diller Avenue, forcing pedestrians to use paved parking areas to traverse through the Area. The sidewalks on Sussex Street are narrow and deteriorated and there are sidewalks only on the south side of Merriam Avenue and north side of Railroad Place. In general, crosswalks throughout the Plan Area are either non-existent or severely weathered.

Utilities

Sewer

The Plan Area has access to the municipal sewer system. The WasteWater 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. Any new sewer hookups require approval by the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any appropriate hookup fees.

Water

The Plan Area 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. Any new water hookups will require the approval of the Town's Engineer and the Town's Utility Advisory Board. The redeveloper(s) shall be responsible for any appropriate hookup fees.

Stormwater

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

Electricity and Natural Gas

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

Telecommunications - Voice and Data Transmission

Newton is currently served by Century Link.





SECTION 3.0

Terms in this Redevelopment Plan shall be defined as follows:

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

Area – Shall mean the district or neighborhood which generally surrounds and includes the area governed by this Plan (Plan Area).

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

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

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

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

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

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

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

Context – The particular combination of elements that create a specific habitat. Context includes building use, density, height and setback, and other elements of the

intended habitat, including those of the private lot and building, as well as those of the fronting public streetscape.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Landmarks - Architectural building features located at prominent locations in the streetscape or landscape (see Section 6.7: Visual Terminations & Landmark Features).

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

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

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

Mullion - The large vertical member between two adjoining windows.

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

Net Acre - That portion of an acre from which economic benefit can be derived directly. A net acre is usually a remaining area expressed in acres after the dedication of land for public use (streets, sidewalks, utilities, etc.), or the reservation of common areas, such as a condominium complex's tennis courts, swimming pools, clubhouses, etc., are established, on which housing or commercial structures may be built.

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

Plan – Shall mean this Merriam Gateway Redevelopment Plan.

Plan Area - Shall mean the area of the Rehabilitation Area which is governed by this Redevelopment Plan.

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

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

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

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

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

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

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

Setback – An area extending the full width of the lot between the property lines, street right-of-way or any proposed future right-of-way and the required yard within which no buildings or parts of buildings may be erected.

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

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

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

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

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

Soffit - The underside of the roof overhang.

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

Stepback - The horizontal distance, at a given building story above the ground floor, that the building facade is stepped inward beyond the vertical plane of the ground floor facade. Stepbacks are used in order to allow buildings to have appropriate height while reducing the apparent bulk and obstruction of natural light onto the pedestrian realm. Stepbacks also provide outside space for uses on upper floors, for instance, outside patio space for residential units on upper floors.

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

Stormwater Management Plan - Plan to mitigate the affects of stormwater runoff created by site development. Stormwater management should include both site-wide and parcel specific management practices to mitigate runoff. Management practices may include detention and retention facilities, infiltration facilities, as well as capture and re-use of stormwater (see Potable Water Conservation Program and Redevelopment Goal #14 on page 12).

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

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

Streetscape - A design term referring to all the elements that constitute the physical makeup of a street and

that, as a group, define its character, including building frontage, street paving, textured strip, street furniture, landscaping and planting edge, including trees and other plantings, awnings and marquees, signs, and lighting.

Streetwall – The elevations of buildings that when seen from the street or sidewalks form a wall, or container, that defines a space (i.e. “semi-public space”). The portion of a building fronting, or visible from the street.

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

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

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

Total Buildable Area - The total area which comprises the shape and orientation of the ground floor of a developed building space.

Total Building Area - The total area which comprises the shape and orientation of the ground floor of a developed building space.

Townscape - The landscaping system established in a town.

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

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

View Shed - The landscape visible from any point as one travels through an area.

Visual Termination - Locations in the view shed where the line of sight terminates for either pedestrians and/or vehicular traffic.

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





SECTION 4.0

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

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

1. Existing uses that are nonconforming with the current zoning provisions will remain nonconforming unless they are expressly permitted in this Redevelopment Plan.
2. Existing principal or accessory uses of properties, permitted by the use provisions of the Land Use Regulations in effect for the Plan 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 nonconforming 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

The permitted uses for the Plan Area are illustrated in the Land Use Plan. The uses indicated on these diagrams are defined as follows:

1. **Mixed-Use Commercial:** Ground floor commercial, retail or services, with commercial, office and/or services located on floors above. Bulk shall be limited as per the Building Regulating Plan found further in this Plan. Appropriate commercial uses include: general office, research & development, retail, personal services, restaurants, cafes, galleries, convenience groceries and delicatessens (excluding 'drive-through' retail establishments).
2. **Residential:** Includes premises available for long-term human habitation by means of ownership or rental; excludes all boarding houses and rooming houses. Residential uses allowed include single-family dwellings, duplexes, residential over retail/services, multi-family buildings, and live/work units.
3. **Mixed-use Parking:** Ground floor commercial, retail or services, with vehicular parking located

on floors above. Bulk shall be limited as per the Building Regulating Plan found further in this Plan. Appropriate ground floor uses include: retail, personal services, restaurants, cafes, galleries, convenience groceries and delicatessens (excluding 'drive-through' retail establishments).

4. **Open Spaces, Parks, Plazas and Playgrounds:** Open spaces which may be utilized by development in the Plan Area and/or the public. These may include passive recreational facilities and pedestrian amenities including pedestrian-scaled lighting, benches, trash receptacles (wild-life proof), sidewalks, paths and playground equipment.

Accessory Structures

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

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

Interim Uses

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

Interim uses are restricted to:

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

The Land Use Plan below represents a conceptual layout of the permitted land uses within the Plan Area. The intent of this development plan is to create a gateway into Newton as part of a new neighborhood center. The design of these structures should reflect the historic context of the surrounding area and the nature of the Town.

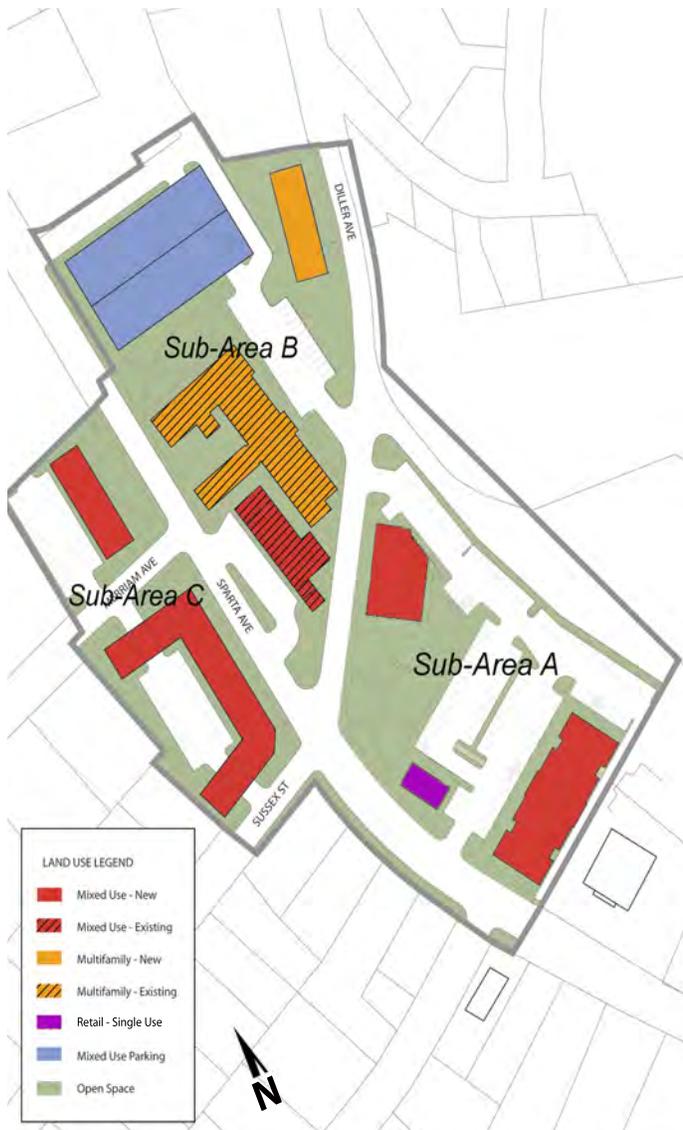
The Plan Area has a size of approximately 10.18 acres, excluding street rights-of-way. For the purpose of clarity within the Land Use Plan and Building Regulations of this Plan, the Plan Area is divided into three smaller sub-areas, Sub-Areas A, B and C (see map below). The parcels within Block 1308 comprise Sub-Area A, the parcels within Block 1301 comprise Sub-Area B, and the parcels within Blocks 1104 and 1209 comprise Sub-Area C. The regulations governing each sub-area will be further explained in Section 6 - Building Regulations.

The predominant land uses permitted by this Plan are mixed-use commercial development, indicated on the Land Use Plan in red, and multi-family residential development. Mixed-use buildings typically have ground floor retail or services with other uses, such as residential and or office space, located on the floors above. The mixed-use component allowed in this Plan forms one component of the new neighborhood center in the environs surrounding this Plan Area. Ground floor retail located in these mixed-use buildings is oriented towards Sparta Avenue, Diller Avenue, and or the open space located at the corner of Sparta and Diller Avenues. A smaller retail pad site is indicated on the Land Use Plan in purple, adjacent to Sparta Avenue and the green space at the corner of Sparta Avenue and Diller Avenues. The design of the mixed-use and retail pad site structures is to emulate the bulk, aesthetic qualities and building materials found in the Merriam Gateway residential and commercial complex located in Sub-Area B in the Plan Area (indicated on the Land Use Plan in orange cross-hatch and red cross-hatch).

Multi-family residential uses are indicated in orange and orange cross-hatch on the Land Use Plan. The orange crosshatch is the Merriam Gateway Apartments, a historic industrial facility converted into apartments. New multi-family development is proposed to be located "behind" the Merriam Gateway Apartments fronting on Diller Avenue, and behind mixed-use development fronting Sparta Avenue. The design of multi-family structures in this Area must also emulate the bulk, aesthetic qualities and building materials found in the Merriam Gateway residential and commercial complex.

A mixed-use parking facility is indicated on the Land Use Plan in blue. A mixed-use parking structure typically has ground floor retail or services with vehicular parking located on the floors above. The ground floor retail located in this facility must be oriented towards Sparta Avenue. The design of this structure is to emulate the bulk, aesthetic qualities and building materials found in the Merriam Gateway residential and commercial complex. As an alternative to the parking structure, the Sparta Avenue frontage may be a mixed-use liner building, with the parking structure located behind.

Green space throughout the Plan Area, both public and private, is indicated in green on the Plan. A



predominant feature of the Plan Area will be a corner green located at the intersection of Sparta and Diller Avenues (see map on preceding page: the corner green will be located in Sub-Area A to the right of Diller Avenue and the Sparta Avenue and Diller Avenue intersection), and an extension of green space down the west side of Sparta Avenue (see map on preceding page: the extension of green space is located in Sub-Area C along the left side of Sparta Avenue above Merriam Avenue). In addition, the existing surface parking on the northwest side of the Merriam Gateway Apartments would be converted to green space with replacement parking made available by construction of the mixed-use parking facility between Railroad Avenue and the Merriam Gateway Apartments (see map on preceding page: the green space is located in Sub-Area B between the blue-shaded building (the mixed use parking structure) and the irregularly-shaped red shaded building below (the Merriam Apartments)).

The configuration illustrated on the Land Use Map is conceptual and intended to represent possible land use and building configurations and allowable building footprints. A final site plan showing the precise configurations of the Plan Area, parcels, building types and buildings must be approved by the Planning Board of Newton.



SECTION 5.0

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

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

Improvements made to streets within the Merriam Gateway Area, including Sparta Avenue, Diller Avenue, Sussex Street and Railroad Place, are expected to be a public/private venture. These improvements could include sidewalks, crosswalks, street trees, street lights, curbs and paving, as well as improvements to municipal infrastructure.

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

Streets form the integral public spaces for the Plan Area, functioning as the circulation for vehicles, bicycles, and pedestrians. The street network serves as the support system around the Plan Area. Streets should be functional, beautiful, and safe. Streets include not only the cartway and curb, but also the landscaping, streetscaping, sidewalks, and street edge. Because the perceived wealth and health of a community is

determined through the visual and spatial characteristics of the street network and streetscape, streets play a key factor in marketing the “curb” appeal.

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

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

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

Thoroughfares

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

1. The street configurations and locations shall be designed to meet the projected vehicular traffic, pedestrian volume and circulation needs of the Plan Area. Where necessary, streets should visually terminate in specific locations in order to provide physical and visual access to public places.
2. Each thoroughfare type shall be dimensioned and specified as to right-of-way width, pavement width, sidewalk width, traffic lanes, parking lanes, planting treatment and other factors that may apply to both the functional and aesthetic character of the specific street, as specified in the attached thoroughfare sections.
3. All streets shall be open to the public in order to provide access to and through the Plan Area as appropriate. All streets shall be improved to finished specifications prior to the occupation of the buildings.
4. Pedestrian spaces must have continuous paving that extends across all streets and intersections and be of a paving material which differentiates it from the street surface.
5. Wherever appropriate, all streets shall provide on-street, curbside parking available to the public.
6. On-street parking spaces shall not be attached to any specific use or fulfill any specific parking requirement, but shall be used for additional parking needs.
7. The street improvements identified in this section include all infrastructure, paving base and surfaces, sidewalks, street trees, street lights, and curbs to meet Town and County standards.

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

Pedestrian Realm

The pedestrian realm is typically considered the area between the curb and right-of-way (ROW) edge/ property line, where pedestrians are most likely to be found.

1. Sidewalk areas must be provided along all streets, unless constrained by insufficient ROW widths or other physical constraints, and shall be properly sized for the safe and convenient movement of pedestrians through and around the Plan Area, taking into consideration such factors as: the volume of traffic on the adjacent street, the width of the roadway, and the adjoining land uses. The total combined width from the curb to the ROW edge shall be a minimum of ten (10) feet. The minimum unimpeded width of sidewalks located along Diller Avenue, Sussex Street, and Sparta Avenue east of the Diller Avenue intersection shall be 4' 6", and a minimum buffer area between the curb and sidewalk of 2' 6" along the streets. The remaining width, of at least three (3) feet, shall be located either between the sidewalk and ROW edge (in effect extending the front yards and semi-public edge), or between the curb and sidewalk. The total unimpeded width of sidewalks fronting mixed-use commercial buildings located on Sparta Avenue west of the Diller Avenue intersection, Railroad Place, Merriam Avenue, Sussex Street, and on internal lanes shall be a minimum of 10'. The thoroughfare diagrams illustrate and provide the particular dimensions for the sidewalk and semi-public edges of each thoroughfare type (See Thoroughfare Sections on pages 31 through 35).
2. Sidewalk areas must be attractively landscaped and durably paved in conformance with any minimum municipal standards and shall be provided with adequate lighting. Decorative paving materials and pedestrian scale lighting is required (See Landscape Requirements)
3. Traffic signage shall be consolidated and affixed onto lamp posts to the maximum extent practical so as to reduce the number of poles, obstructions and visual clutter in the streetscape and pedestrian movement. All traffic signage must be in accordance with current MUTCD (Manual

- on Uniform Traffic Control Devices) guidelines.
4. All signal and light posts must be a consistent dark color.
 5. All sidewalks and intersections must be ADA compliant.
 6. Crosswalks are required at each intersection and curb-cut.
 7. Crosswalks must be a different texture, pattern and surface from roadways and sidewalks.
 8. The paving must be a continuous texture along all streets and sidewalks within the Plan Area. Crosswalks may be of a different texture than sidewalks.
 9. Sidewalks shall not be asphalt.
 10. The buffer area between the curb and sidewalk shall be of a different paving material and texture than sidewalks; the paving material shall be a textured material such as pavers, brick, and/or synthetic brick.

Disposal Requirements

In order for the Plan to be successful it is necessary to restrict the locations of garbage and recycling facilities. Because the Plan focuses on the pedestrian realm and activity on the street, exposed disposal facilities would lessen value. For those reasons there are four (4) stipulations:

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

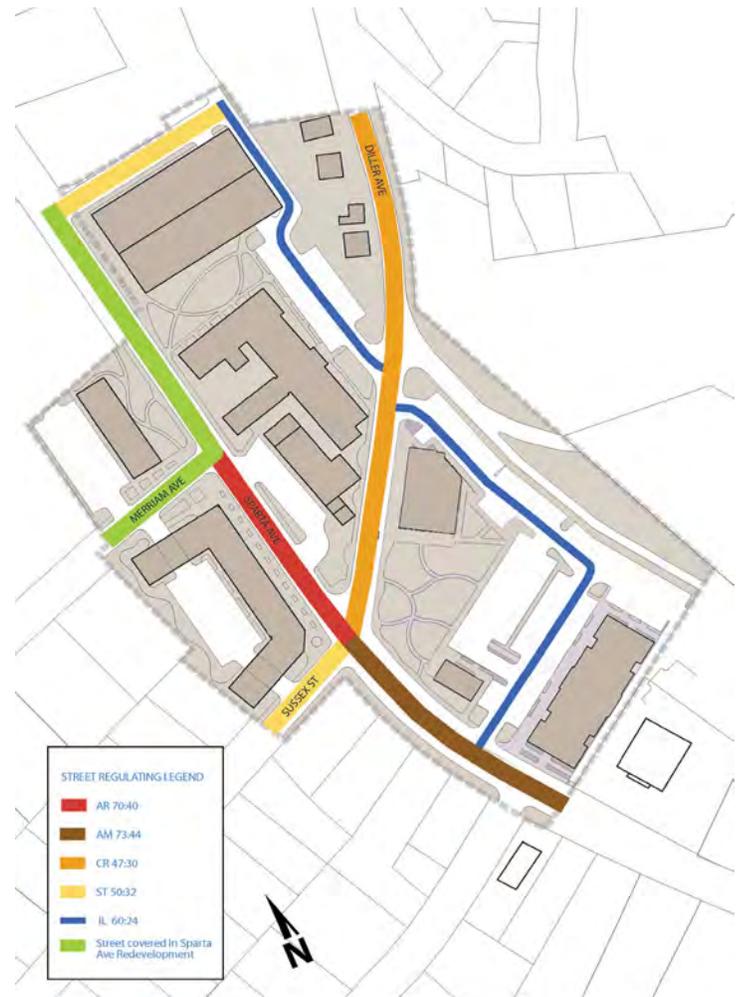
The proposed Thoroughfare Regulating Plan calls for a network of existing streets which service the Plan Area. Traffic traveling to, from and through the Plan Area will continue to use the existing street network with a number of recommended improvements. The existing street network provides several points of entry into the Plan Area, providing both pedestrians and drivers several routes through the Plan Area. The Thoroughfare Regulating Plan for the Plan Area primarily addresses the streetscape edges and aims to facilitate the most efficient pedestrian and vehicular access to and throughout the Plan Area.

The Thoroughfare Plan exhibits a hierarchical, interconnected network. The street typologies correspond with the function and form of each thoroughfare. The thoroughfare categories within the Plan includes two variations of an Arterial, a Collector, a Street, and an Internal Lane. The thoroughfare labels refer to specific street designs included in the Thoroughfare Standards. The following labels are used for the thoroughfares:

- Arterial - Urban (adjacent to T-5) - AR 70:40
- Arterial - Major (adjacent to T-4) - AM 73:44
- Collector - CR 47:30
- Street - ST 50:32
- Internal Lanes - IL 60:24

The labels indicate the right-of-way width and cartway width. For example, ST: 50:32 is a "Street" with a 50 foot right-of-way and a 32 foot cartway width from curb to curb. The various types of thoroughfares and their locations are indicated on the Thoroughfare Regulating Plan to the right. The street areas indicated in green on the Plan are governed by the Sparta Avenue Redevelopment Plan although they are within the boundaries of this Plan.

Sparta Avenue is the major thoroughfare serving the Plan Area and is treated as two street types within the Plan. It is treated more as an "urban" arterial (adjacent to the T-4 and T-5 Transect Zones) to the west of Diller Avenue, indicated in red on the Thoroughfare Plan, and more as a major arterial (adjacent to the T-3 and T-4 Transect Zones) to the east of Diller Avenue, indicated in brown on the Thoroughfare Plan. Diller Avenue also serves as a significant thoroughfare through the Plan Area, although it is less heavily utilized than Sparta Avenue. Diller Avenue is also constrained by the proximity of existing development to the west and a steep slope adjacent to the Area just to the east. Diller



Avenue is treated as a secondary arterial, or collector street, in this Plan, indicated in orange on the Thoroughfare Plan. Additional access to the Area will be by Merriam Avenue (although it is not governed by this Plan), Sussex Street and Railroad Avenue, treated as local streets and indicated in yellow on the Thoroughfare Plan. Internal Lanes in the Plan Area will serve primarily as access to interior development within a Block and internal parking areas.

Because of the existing volume of traffic and new traffic generated by the Plan Area's development, improvements are anticipated for the intersections of Sparta Avenue with Diller Avenue and Railroad Avenue, as well as other points of ingress/egress into various sections of the Plan Area.

The streetscapes of the various street types are discussed in the Landscape Section of this Redevelopment Plan.

There are five (5) thoroughfare types in the Merriam Gateway Redevelopment Plan. The thoroughfares serving the proposed Plan Area have a recommended range of lanes, turning movements, and parking arrangements. Each typology is illustrated and codified in the Thoroughfare Sections. The specific design and geometries of the improvements should be designed by the developer(s) and must be approved by the Town's Engineer. The developer(s) must work with the County Engineer to determine the most appropriate ingress and egress into the various sections of the Plan Area.

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

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

- Arterial - Urban - AR 70:40
- Arterial - Major - AM 73:44
- Collector - CR 47:30
- Street - ST 50:32
- Internal Lanes - IL 60:24

The Major Arterial and Urban Arterial will serve as the primary connection of the Plan Area to the surrounding street network. The primary arterial through the Plan Area is Sparta Avenue, treated as an Urban Arterial to the west of Diller Avenue and as a Major Arterial to the east of the Diller Avenue. Because it serves as a primary linkage and forms the "spine" of the neighborhood center, as designated in the 2008 Master Plan and Newton Urban Design Plan, it must also accommodate pedestrians while facilitating traffic flow. Where Sparta Avenue is treated as an Urban Arterial it can accommodate on-street parallel parking, however where it is treated as a Major Arterial it will not accommodate parallel parking. While the County has impending plans to improve the Sparta and Diller Avenue intersection, it is likely that with redevelopment within the Plan Area and its impact on traffic movements, all intersections within the Plan Area will require improvements. The scope of the

improvements necessary must be coordinated with the Town's Engineer and, because Sparta Avenue is a County Road, the County Engineer, and should be reflected in the final Plan submitted by a designated Redeveloper(s). The Collector serves as a secondary connection of the Plan Area to the surrounding street network. This secondary arterial through the Plan Area is Diller Avenue, treated as a Collector through the Plan Area. Diller Avenue functions as a bypass around the downtown for traffic heading east and north of the Town. Because it tends to have heavy traffic volumes throughout the day and is constrained in width, it will not accommodate parallel parking.

Streets provide access into the Plan Area as well as connect the Plan Area to the surrounding street network. The two streets within the Plan Area are Sussex Street and Railroad Place. Because the streets are lower volume thoroughfares and lack the visibility of Sparta Avenue, they are not primary commercial streets. Streets governed in this Plan are to be traditional, bi-directional, two-lane streets with on-street, parallel parking allowed. Because they are lower-volume, and a residential street in the case of Sussex Street, they are pedestrian-oriented in design, with the street edge buffered with landscaping, decorative lampposts, and street trees to enhance pedestrian circulation.

Internal Lanes are allowed to provide pedestrian and vehicular access to various land uses and development inside the Plan Area. Off-street parking facilities including parking stalls and parking structures, and municipal services, such as waste disposal and recycling pick-up, could also be accessed from an internal lane. Internal lanes must have the characteristics of traditional streets and streetscapes, including sidewalks, street lighting and street trees, to lessen the emphasis on the vehicle.

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

Arterial - Urban (AR 70:40)

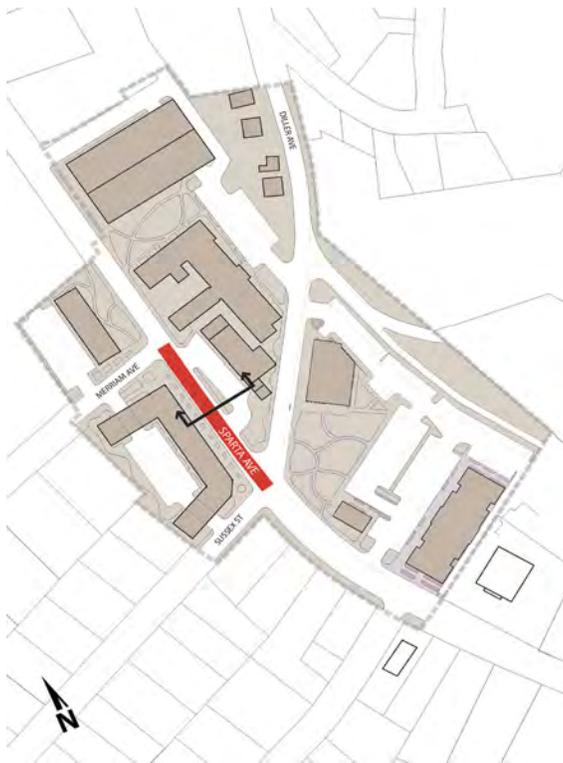
The Urban Arterial is designed for higher traffic volumes with surrounding mixed-use development in a higher development density setting. The Urban Arterial in the Plan Area (Sparta Avenue) is a heavily travelled County Route, lined with a mixture of land uses including multi-family apartments and mixed-use development.

Depending on the final configuration of development in the Plan Area, the urban arterial will include one travel

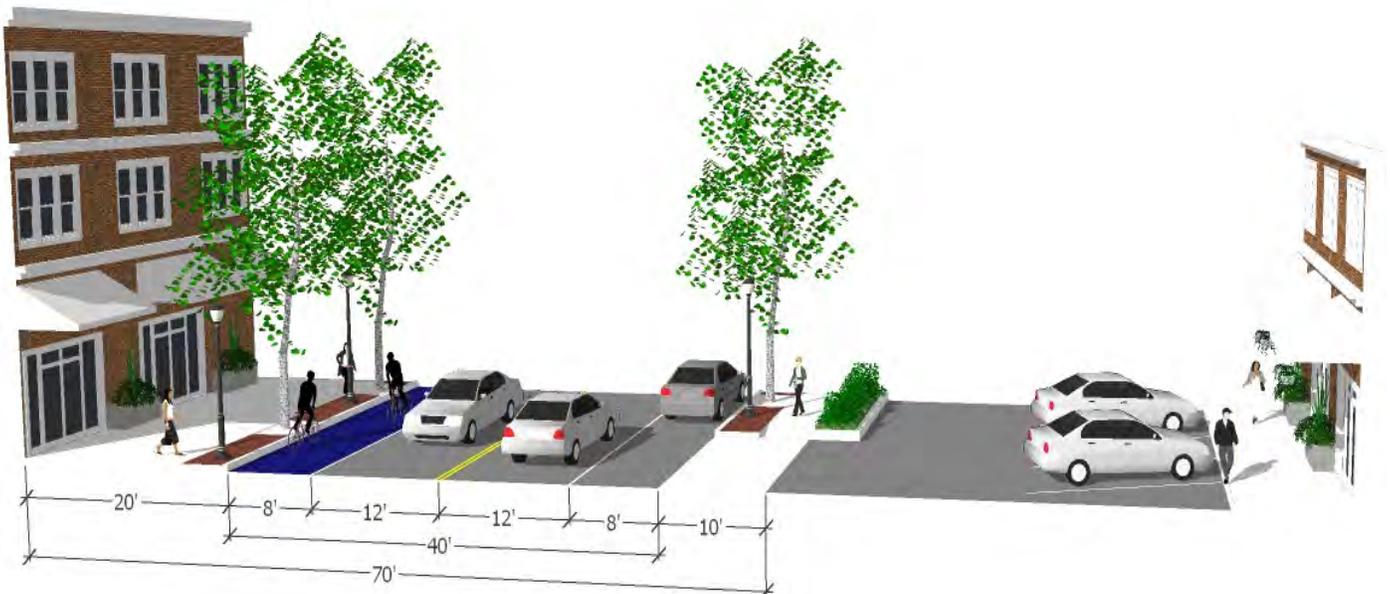
lane in each direction, with parallel parking on each side. A center turn lane or median along this section of Sparta Avenue is also possible if parallel parking is only provided on one side of the street.

The Urban Arterial, which is the western section of Sparta Avenue, is indicated with the red line on the Thoroughfare Map below.

The standards for an Urban Arterial are illustrated graphically below:



AR 70:40	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	30 MPH
Cartway Width	40 Feet
Lane Width	12 Feet
Curb Radius	10 Feet
On-Street Parking	One side - 8' Width
Sidewalk (commercial frontage)	10' (minimum width)
Sidewalk (neighborhood frontage)	4' 6" (minimum)
Textured Strip Width	2' 6" (minimum)
Bike Path/Lane	Two sides - 4' (min width)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet (Maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



Arterial - Major (AM 73:44)

The Major Arterial is designed for higher volume traffic with surrounding single-family residential development, open space and possible mixed-use development. The Major Arterial (Sparta Avenue) within the Plan Area is currently a heavily travelled County Route, lined with a mixture of land uses including single-family and multi-family residential, and pad commercial retail. Depending on the final configuration of redevelopment in the Area, the major arterial will include one travel lane in each direction, a right turn lane onto Diller Avenue and shoulders on both

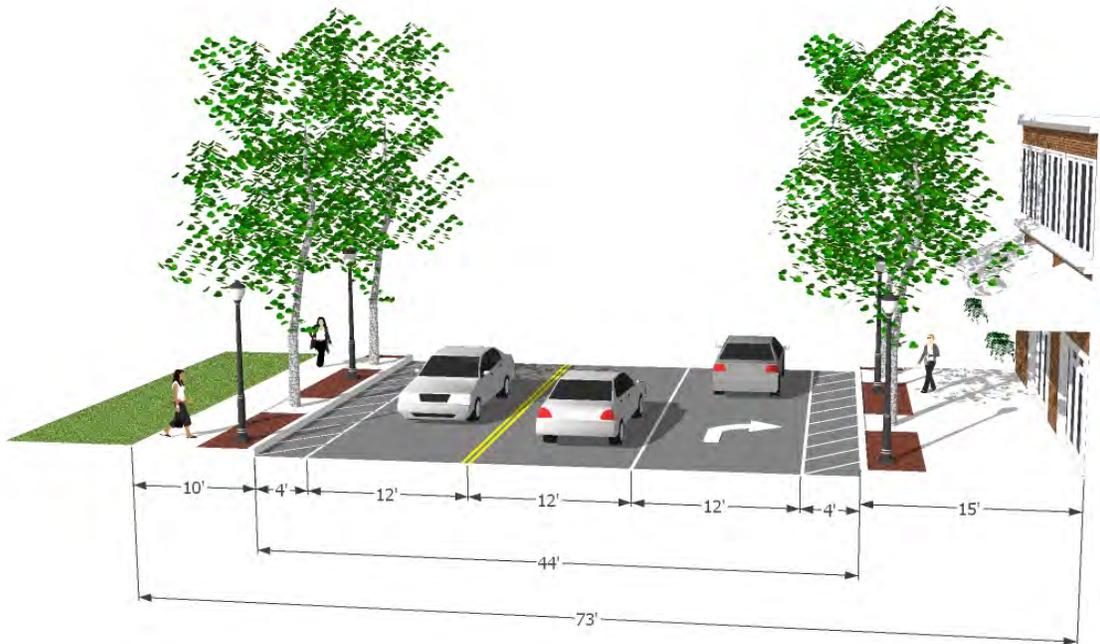
sides of the street. Adjacent land uses will include single-family residential on the west side with a combination of open space and mixed-use development on the east side.

The Major Arterial, which is the eastern section of Sparta Avenue, is indicated on the Thoroughfare Map with the brown color.

The standards for a Major Arterial are illustrated graphically below:



AM 73:44	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	30 MPH
Cartway Width	44 Feet
Lane Width	12 Feet
Curb Radius	10 Feet
On-Street Parking	N/A
Shoulder Width	4' (Minimum)
Sidewalk Width	4' 6" (Minimum)
Textured Strip Width	2' 6" (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet (Maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



Collector (CR 47:30)

The Collector, like the Major Arterial, is designed for higher volume traffic, with surrounding land uses including single-family residential development, multi-family apartments and possible mixed-use development. The Collector within the Plan Area (Diller Avenue) is currently a heavily travelled bypass route around the downtown, lined with a combination of land uses including single-family and multi-family residential, and pad commercial and mixed-use retail. Within the Area this thoroughfare is constrained by existing development to the west and a steep slope to the east.

Depending on the final configuration of development in the Plan Area, the collector will include one travel lane in

each direction, shoulders on both sides of the street, and textured strips planted with street trees between the curb and right-of-way edge. Adjacent land uses will include single-family residential on the northwest edge, multi-family residential development on the west side with a combination of open space and mixed-use development on the east side.

The Collector is indicated on the Thoroughfare Map with the orange color.

The standards for the Collector are illustrated graphically below:



CR 47:30	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	25 MPH
Cartway Width	30 Feet
Travel Lane Width	11 Feet
Curb Radius	10 Feet
On-Street Parking	N/A
Shoulder Width	4 Feet each side
Textured Strip Width	2' 6" (Minimum)
Sidewalk Width	4' 6" (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet (Maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies



Street (ST 50:32)

Streets are designed for moderate to low volume uses and serve to connect the Plan Area to the surrounding neighborhoods, as well as provide access into various sections of the Plan Area.

The street typology illustrated in this Plan differs from a typical street by the configuration of the area between the curb and right-of-way boundary, or pedestrian realm. The width of this pedestrian realm along streets in the Area

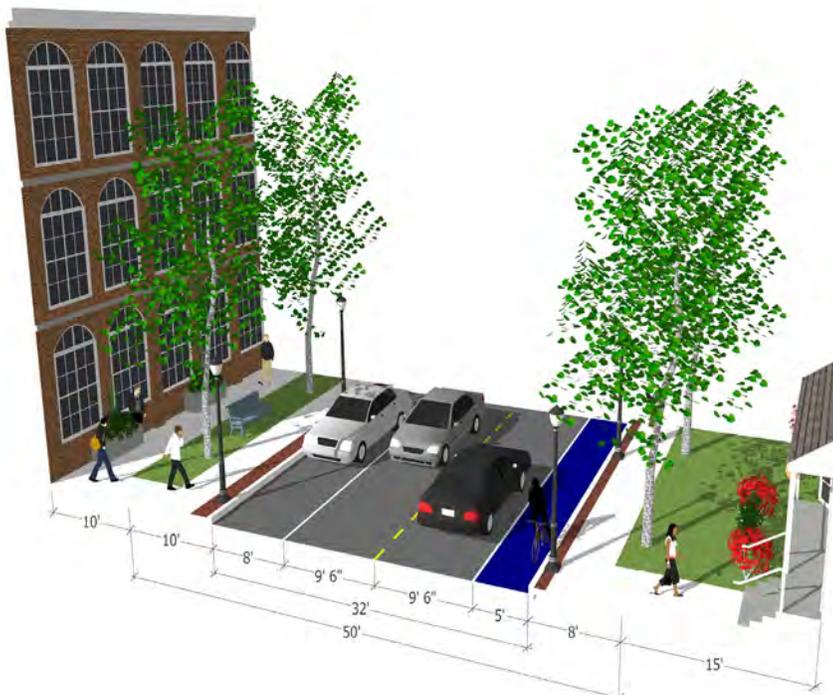
must be a minimum of 10 feet, with a minimum sidewalk width of 4' 6". The narrow strip between the curb and sidewalk must be a minimum of 2' in width and should be a permeable, textured pavement (pavers, brick and/or synthetic brick). This treatment will mitigate the negative effects of winter snow plowing, which typically causes grass die-off of the area along the curb.

The remaining 3' 6" feet of the ROW will be between the sidewalk and ROW edge/property line. This area is where street trees are to be planted and will serve to 'extend' the semi-public edge within the Area. Streets will be one travel lane in each direction with on-street parallel parking on one side and a bike lane on the other side.

Streets located in the Area, which include Sussex Street and Railroad Place, are indicated on the Thoroughfare Map with the yellow color.

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

ST 50:32	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	15 MPH
Cartway Width	32 Feet
Lane Width (w/ dedicated bike lane)	8'6"
Lane Width (shared bike lane)	12 Feet
Curb Radius	10 Feet
On-Street Parking	One Side -adjacent to Area
Parking Width (w/ dedicated bike lane)	7' (Minimum)
Parking Width (shared bike lane)	8' (Minimum)
Textured Strip Width	2' (Minimum)
Sidewalk Width	4' 6" (Minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (Maximum)
Street Tree Spacing	25 Feet (Maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies
Bike Lane (dedicated)	Two sides - 4' Width Min
Bike Lane (shared w/ travel lane)	12' Shared Width



Internal Lane (IL 60:24)

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

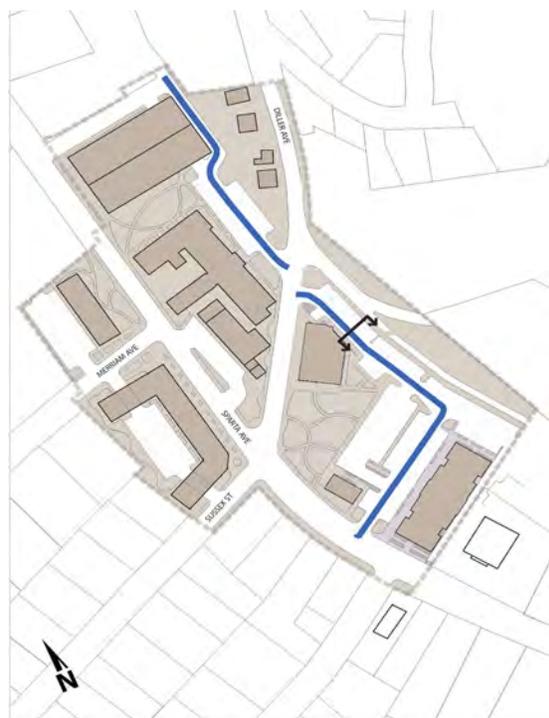
Off-street surface parking and structured parking facilities may be accessed from an internal lane. In addition, off-street surface parking may be incorporated into the internal lane to provide adjacent parking to retail and residential uses within the interior of the block.

Internal lanes must have the features of traditional streetscapes to lessen the emphasis on the vehicle. Internal Lanes must have a landscaped pedestrian realm including sidewalks, street and pedestrian-scaled lighting, street trees and landscaping. Sidewalks must be located on both sides of an internal lane and crosswalks must be provided at intersections and across the lane where appropriate to connect sidewalks.

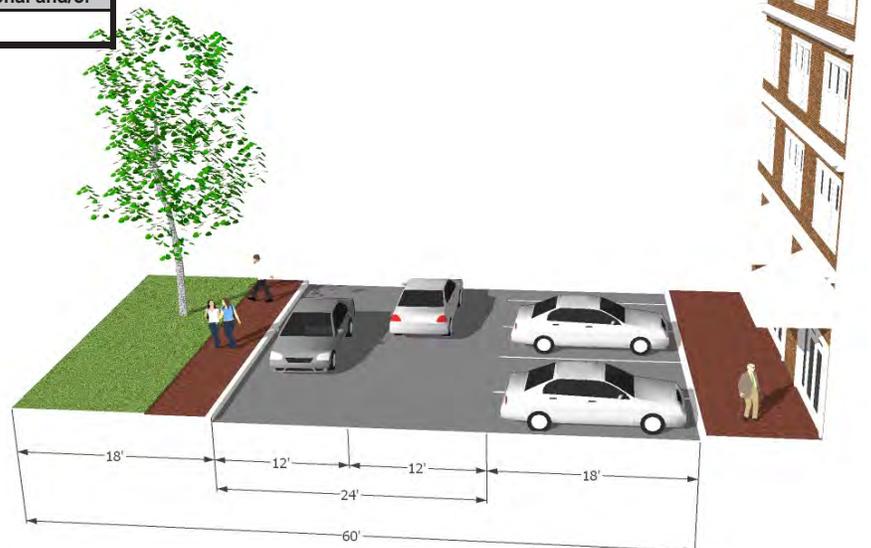
Depending on the final configuration of redevelopment in the Area, internal lanes will include one travel lane in each direction, sidewalks on both sides of the lane, and textured strips planted with street trees between the curb and right-of-way edge. Adjacent land uses will include some combination of mixed-use development, multi-family residential development and green space.

Suggested locations of internal lanes are indicated on the Thoroughfare Map below in the blue color.

The standards for an Internal Lane are illustrated graphically below:



IL 60:24	
Travel Lanes	2
Travel Direction	Bi-Directional
Design Speed	10 MPH
Travel Lane Width	12 Feet
Curb Radius	10 Feet
Textured Strip Width	2' (minimum)
Sidewalk (commercial frontage)	10' (minimum width)
Sidewalk (neighborhood frontage)	4' 6" (minimum)
Lighting Height	12 - 14 Feet
Light Type	Pole Mounted
Light Spacing	40 Feet (maximum)
Street Tree Spacing	36 Feet (maximum)
Street Tree Canopy Size	25 Feet
Street Tree Type	Varies
Parking	Perpendicular, Diagonal and/or Parallel



Vehicular circulation and the directional flow of traffic throughout the Plan Area is illustrated on the Vehicular Circulation Plan below. The configuration of the street network is designed to disperse vehicular traffic around the Plan Area while limiting access points into certain sections of the Plan Area, and to provide ease of pedestrian access through the Plan Area. Traffic from east of the Plan Area will likely arrive via Sparta Avenue and disperse via Sparta Avenue and Diller Avenue. Traffic from the North will likely arrive via both Sparta Avenue and Diller Avenue where it concentrates at their intersection. Traffic from the south and west will likely arrive via Merriam Avenue, Sussex Street and Sparta Avenue, via Paterson Avenue and Woodside Avenue.

Given the traffic volumes found on Sparta Avenue, direct vehicular access to development is directed away from Sparta Avenue where possible onto Diller Avenue, Merriam Avenue, Sussex Street and Railroad Avenue. In addition, turning movements will be limited at various points of ingress and egress into sections of the Plan Area. Appropriate turning movements at the various ingress and egress points are to be determined by the Town Engineer and County Engineering Department, as appropriate.

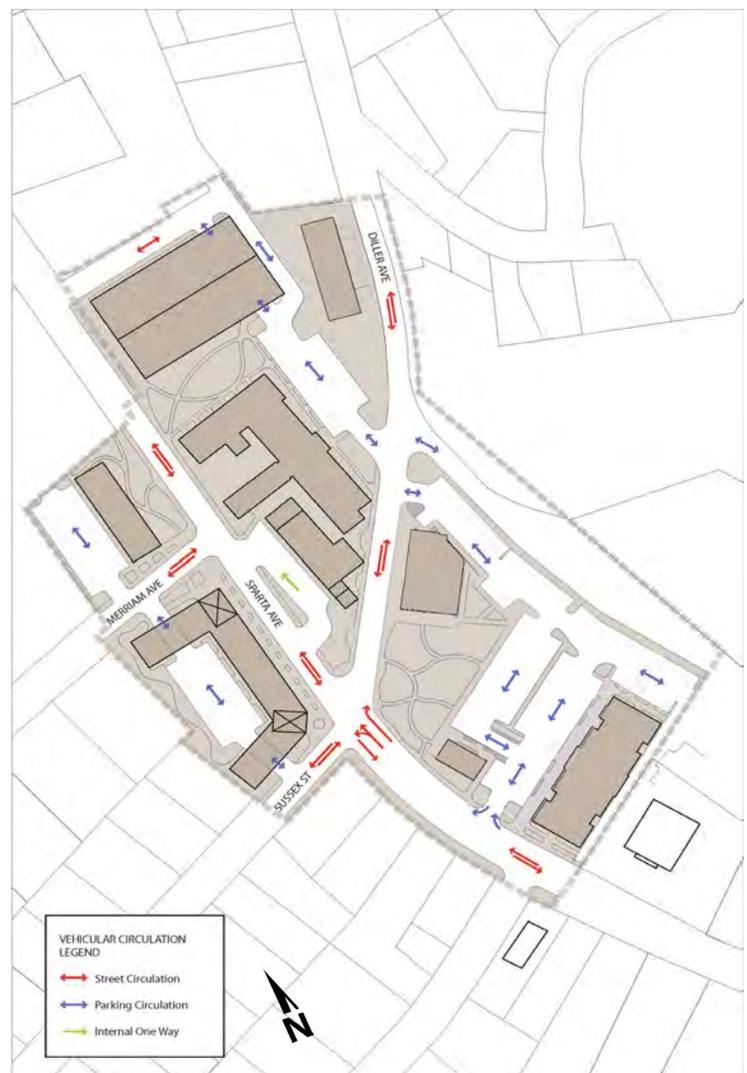
Because of traffic volumes on Sparta Avenue and congestion at the intersection of Sparta and Diller Avenues, primary vehicular ingress and egress from the section of the Plan Area to the east of Diller Avenue will be from Diller Avenue. Vehicular access from Sparta Avenue into this portion of the Plan Area will be limited to right turn in- right turn out traffic patterns. Vehicular ingress and egress from development to the west of Sparta Avenue will be from Merriam Avenue and Sussex Street. Traffic generated by this development will disperse between Merriam Avenue and Sussex Street to Sparta Avenue to the northeast and disperse to points south and west via Pine Street.

Vehicular ingress and egress from existing multi-family development (Merriam Gateway Apartments) and new development to the west of Diller will be from Diller Avenue and Railroad Avenue. Traffic generated by this development will likely disperse between Diller Avenue and Sparta Avenue, depending on the trip origin or destination.

Because of projected increases in traffic volume, the intersections of Sparta Avenue with Diller Avenue/ Sussex

Street, Merriam Avenue and Railroad Avenue will become more congested with various turning movements. Whether this requires signalization of and/or additional turning lanes at these intersections is a matter to be determined by the Town Engineer and the County Engineering Department, as appropriate.

Internal circulation is anticipated to be bi-directional in most instances and is indicated on the Vehicular Circulation Plan below with the blue color. One-way internal circulation is indicated on the Vehicular Circulation Plan below in the green color and includes an existing parking area fronting the Merriam Gateway Plaza with access from Sparta Avenue. Ingress and egress into internal lanes (which include parking areas) is to be determined by the Town Engineer and the County Engineering Department, as appropriate.



Provisions must be made for both on-street and off street parking. The Plan allows for off-street surface parking, on-street curb edge parking, and structured parking. Calculations for parking are based on an average parking area of 300 square feet per parking space. The final parking calculations and layout of parking areas within the various sections of the Plan Area will be done as part of the site plan approval process and may vary given consideration of alternatives to surface parking, including structured parking and shared parking.

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

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



parking studies must be approved by the Town Engineer and the Planning Board.

4. Residential: One and one half (1.5) spaces per dwelling unit.

Shared Parking

In order to promote more efficient use of parking facilities, a parking space may be counted towards the parking requirement for two or more different uses, provided that:

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

Surface Parking

1. Surface parking areas shall be located to the rear of any building having a primary street frontage, with the exception of the existing parking area of the Merriam Gateway Plaza fronting on Sparta Avenue. Surface parking areas must be screened from visual access by the street or sidewalk (See Page 39 for a design standards for surface parking areas).

2. Surface parking may front buildings which have their primary facade facing away from the street and fronting on an internal lane. In this instance, the surface parking must be integrated into the streetscape of the internal lane. In such an instance, said parking configuration must conform to the standards of the Internal Lane (see Section 5.5 Thoroughfare Sections - Internal Lane)

3. Parking lot layout, landscaping, buffering, and screening shall be provided to minimize direct views of parked vehicles from the street right-of-way and sidewalks, and to avoid spill-over light, glare, noise or exhaust fumes onto adjacent properties. Parking lots exposed to view from any adjacent street shall be screened by a minimum of a three and a half (3.5) foot decorative wall or landscape feature, subject to any necessary site easements.

4. Interiors of surface lots shall be landscaped with trees with minimum caliper size of three (3) inches. One tree shall be planted for every five (5) parking spaces and may be planted in tree wells with a diamond configuration to allow for the use of adjacent parking spaces. Appropriate growth areas for roots shall be provided. Their absorption

shall be integrated into the surface drainage system of the Area.

5. Surface parking shall be screened from adjacent lots via wood board-on-board privacy fencing, or other fencing as deemed appropriate by the Planning Board, at least six (6) feet in height and not exceeding eight (8) feet in height, or a row of plantings that forms a vegetative wall at least six (6) feet in height which provides an impervious view from adjacent lots throughout the year, or a low masonry planter of two (2) to four (4) feet with shrubs providing an impervious screen up to at least six (6) feet. Other viable options may be utilized with approval from the Planning Board.

6. To accommodate the above requirements, a ten (10) foot minimum buffered planter strip is required between any surface parking lot and the adjacent property line.

7. Parking lot layout should take into consideration pedestrian movement and pedestrian crossings shall be installed where deemed necessary by the Town Engineer.

8. For parking oriented perpendicular to the access aisles, all required parking spaces shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. All aisles shall be a minimum of twenty-four (24) feet wide. 25% of parking stalls may be compact, a minimum of 8 feet wide by sixteen (16) feet deep. Handicapped parking must be provided according to minimum parking standards.

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

Lighting Requirements for Interior Surface Parking

1. A uniform standard for surface parking lighting within the Plan Area must be used. The lighting fixtures shall compliment the street lighting that will be utilized as part of the overall development. Final approval of the lighting fixtures, pole type, and locations will be made by the Planning Board.

2. All surface parking lighting shall be designed to shine downward to minimize illumination of the night sky and to minimize or reduce glare as seen from neighboring properties.

3. All surface parking areas shall have pole mounted lamps that are not more than 20 feet in height as measured from

the finished parking surface to the height of the lighting fixture.

4. Metal Halide (or comparable light quality) lamps are suggested for their efficiency and light quality. Mercury Vapor and high pressure sodium lighting shall not be allowed.

5. A comprehensive Lighting Plan shall be prepared by the redeveloper(s) and submitted for approval to the Planning Board. The Lighting Plan must provide sufficient detail to illustrate that proper illumination is provided. The plan should illustrate all parking areas, all attached building lights, types of fixtures, lighting intensities, lighting patterns, filament type, shape of lens, and direction of illumination.

6. All surface parking lighting shall have illumination and uniformity ratios which do not exceed the recommendations of the Illuminating Engineering Society of North America (IESNA). All sidewalks adjacent to surface parking shall maintain a minimum 0.2 footcandle coverage.

7. Adequate exterior lighting shall be provided for safety while not casting light onto adjacent properties, streets or driveways in a manner as to interfere with or distract driver vision.

8. All surface parking lighting shall use shielded lighting fixtures to prevent misdirected or excessive artificial light and maximize energy efficiently.

9. The use of floodlight-type style fixtures attached to buildings shall be prohibited.

Images in this section illustrate a range of design characteristics which are appropriate for surface parking areas within the Plan Area. Surface parking areas are allowed within the Plan Area to provide off-street parking to adjacent land uses, but must be screened from the streetscape and adjacent properties by either fencing, landscaping or a liner building where appropriate (see below left image). Parking areas must have internal landscaping, including walkways and crosswalks for pedestrians where appropriate, planting beds and/or tree wells for trees and shrubs and internal lighting (see right images). More detailed parking standards are found in Sections 5.7 Parking Plan and 7.0 Landscape Plan.



The images on this page illustrate a range of design characteristics considered appropriate for surface parking areas. While none of the photographs are an ideal, the individual characteristics can be generally applied to surface parking in the Plan Area. Surface parking must be screened from the streetscape with either vegetation, walls, fencing or a liner building.

A mixed-use structured parking facility is proposed within the Plan Area adjacent to Railroad Place and the Merriam Gateway Apartments. This facility would provide additional parking to uses both within the Plan Area and the surrounding neighborhood without using additional land area. Such a facility would have ground floor commercial retail frontage on Sparta Avenue.

Access to the parking facilities would be from the eastern end of Railroad Place and the internal parking area serving the Merriam Gateway Apartments. This configuration takes advantage of the natural incline heading east from Sparta Avenue to Railroad Place. This section of the Plan Area is such that a parking facility could accommodate two bays of parking.

The architectural and facade design of this parking facility must emulate the historical context and design characteristics of the surrounding neighborhood, specifically the Merriam Gateway Apartments, with the use of traditional materials. Parking bays along street frontages must be screened to resemble office or commercial uses with cut-outs to resemble windows.

An alternative design for this structure would have a mixed-use liner building along the Sparta Avenue frontage with parking bays located behind (see example image below). The same design standards would apply for this building configuration as for a mixed-use parking structure as described above.



The images on this page illustrate a range of design characteristics considered appropriate for structured parking. While none of the photographs are an ideal in totality, individual characteristics can be applied to the Plan Area. Facades of structured parking must resemble buildings by using traditional materials such as brick and cut-outs which resemble windows. Any street frontage of structured parking must also be landscaped.

Streets have both vehicular and pedestrian circulation components. The indicators of a successful streetscape are the presence of pedestrians walking on the sidewalks, the type and quality of the walking experience and the landscape treatment of the pedestrian realm. The Pedestrian & Bicycle Circulation Plan, illustrated to the lower right, is designed to encourage walkability throughout both the Plan Area as well as beyond, to facilitate pedestrian connectivity between residential, commercial and recreational uses, provide opportunities for biking with bike lanes and paths, and to connect the Plan Area into the existing sidewalk and walking-biking path network in Newton.

People will utilize pedestrian spaces if they are pleasant and engaging places to walk. Because much of the Plan Area is within an area designated as a neighborhood center in both the Newton Urban Design Plan and 2008 Master Plan, sidewalks are classified as either "Urban" or "Neighborhood" in this Plan. "Urban" sidewalks, indicated on the Plan in the brown color, must be a minimum of 10 feet in width in front of commercial buildings, namely those fronting on the designated Urban Arterial and Internal Lanes in the Plan. These wider sidewalks would allow for multiple pedestrians to interact and pass on retail sidewalks at one time. Urban sidewalks would also allow for the extension of retail into the pedestrian realm, namely restaurant and cafe service and other storefront activities.

Neighborhood sidewalks, indicated on the Plan in the yellow color, must be a minimum of 4' 6" in width along the designated Major Arterial, Corridor and Streets in the Thoroughfare Plan, namely Sparta Avenue east of Diller Avenue, Diller Avenue, Sussex Street and Railroad Place. Pedestrian activity is likely to be less intensive along these sidewalks, however, a textured strip is required to separate the street edge from the sidewalk.

Crosswalks, indicated on the Plan with the pink color, must be provided at each intersection within the Plan Area and must have a different texture and surface from roadways. For instance,, crosswalks at the intersection of Sparta Avenue with Merriam Avenue must be textured. It is also highly recommended as a traffic-calming measure that the pavement within and defined by the crosswalks should also be textured. Stamped concrete or real Belgian blocks in the intersection is the preferred treatment of the interior intersection. To provide increased pedestrian protection along Sparta Avenue, and specifically at the intersection of Diller

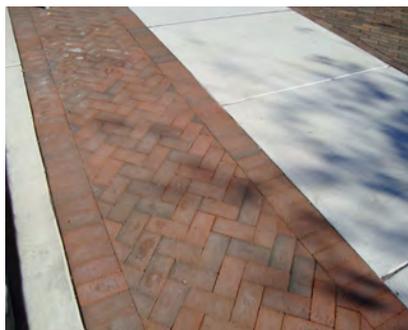
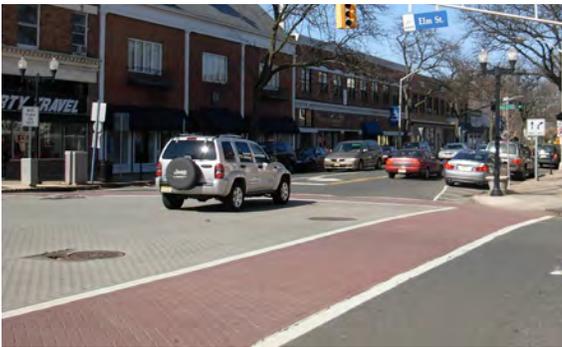
Avenue and Sussex Street, bollards should be installed within the textured strip leading up to and surrounding the intersection (See lower right image on page 42).

To accommodate and increase opportunities for bicycle ridership into and through the Plan Area, bicycle lanes, indicated on the Plan below in the blue color, have been incorporated into the street network along Sussex Street and Railroad Place. This provides greater connectivity between the surrounding neighborhoods and the Plan Area, as well as to the neighborhood center, of which the Plan Area is a part. The bicycle lanes will cross Sparta Avenue at the various intersections and connect to the Sussex Rail Trail, indicated on the Plan in the green dashed line, a regional walking and bicycle path which crosses through the Plan Area.

Several traffic calming tools could be implemented to increase pedestrian safety along the streets surrounding the Plan Area. Bump-outs are suggested at all intersections within the Plan Area, thus providing greater safety for pedestrians crossing streets. All traffic calming features, crosswalks and paving patterns must be approved by the Town Engineer and the County Engineering Department, as applicable.



The images on this page illustrate a range of design characteristics considered appropriate for the various pedestrian realms within the Plan Area. While none of the photographs are an ideal in totality, many of the individual characteristics can be applied to the Plan Area. A variety of sidewalk pavement textures are desirable, and crosswalks must be of a distinctly different textured paving material than the roadway.





SECTION 6.0

A place is defined not only by the character of its streetscape, but also by the quality of its buildings. In order to assure quality architecture and building character, standards must be set for building types and architectural requirements.

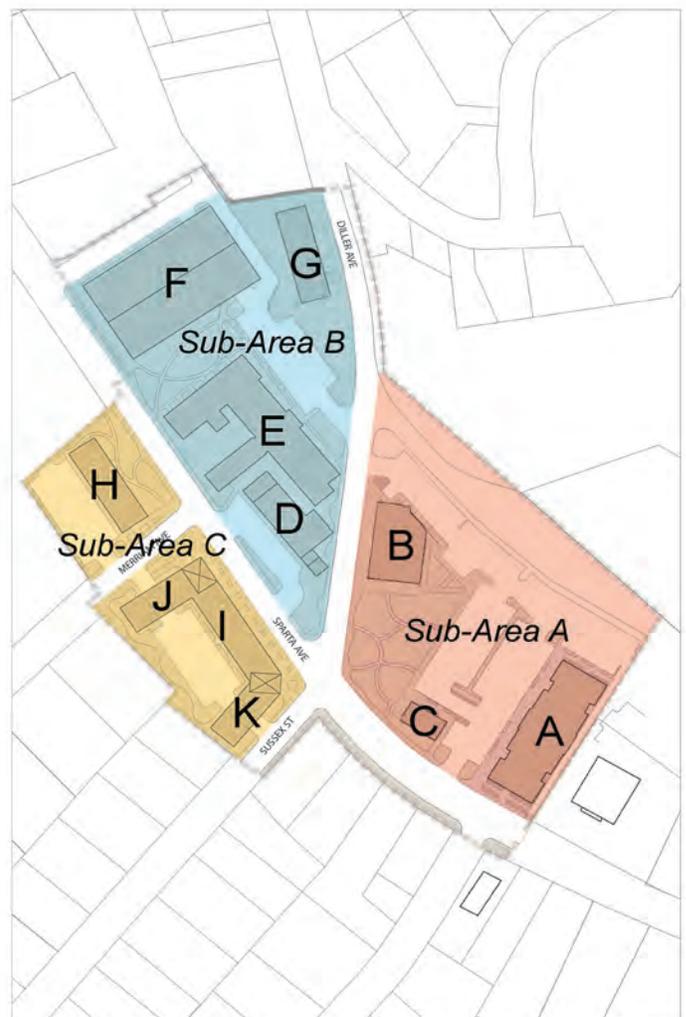
The building standards refine the land uses set forth in Section 4.0 and set forth the characteristics for development of the Plan Area including building mass, height, encroachments and sustainable design standards. The architectural standards set forth the design characteristics for the totality of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

Throughout this section a design vocabulary of photographs is used to illustrate the visual and spatial characteristics of buildings and structures and architectural regulations for the Plan Area as a whole. While all the characteristics illustrated in each image may not appropriately reflect the standards expected within the Plan Area, the images and the characteristics found within should be seen as illustrative of the general architectural styles recommended for this Plan.

The Plan Area has been divided into three smaller sub-areas to adequately address the complexities of development in the Plan Area (See map to the right). The parcels within Block 1308 comprise Sub-Area A, the parcels within Block 1301 comprise Sub-Area B, and the parcels within Blocks 1104 and 1209 comprise Sub-Area C. Redevelopment efforts will be most intensive in Sub-Area A and Sub-Area C. Redevelopment efforts in Sub-Area B will be limited to the commercial parcel at the corner of Sparta Avenue and Railroad Place, along with portions of surface parking areas within the sub-area.

The building locations, land uses contained within each building, and the intensities of development, generate the basic bulk found within each block. Two land uses currently dominate in the Plan Area, multi-family and mixed-use commercial, with several existing single-family residential properties located on Block 1301 (see lots 10 through 13 on the Block and Lot Map on page 4). Most of the proposed new development in the Area will be mixed-use, having ground floor retail with residential and/or services, or parking, on floors above. The following set of regulations and illustrations provide direction and generate ideas from which design professionals can find inspiration.

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



Density: The density of Sub-Areas A and C must not exceed 15 dwelling units per net acre, based on the total buildable area of each sub-area. The density of Sub-Area B must not exceed 15 dwelling units per net acre, excluding Block 1301, Lots 14 and 15.

Setbacks: Setbacks are the distance between the property line and the outer edge of the building wall, expressed in feet. Setbacks are required for all structures. For descriptions of the different building types, see page 46.

Sub-Area A (Block 1308):

Front yard setback:

Multi-family:	10' min/ 20' max
Mixed-use:	10' min/ 20' max
Landmark:	0' min/ 15' max

Side yard setback:

Multi-family:	15' minimum
Mixed-use:	12' minimum
Landmark:	12' minimum

Rear yard setback:

Multi-family:	15' minimum
Mixed-use:	15' minimum
Landmark:	12' minimum

Sub-Area B (Block 1301):

Front yard setback:

Front yard setback:

Multi-family:	10' min/ 20' max
Mixed-use:	10' min/ 20' max
Landmark:	5' min/ 15' max

Side yard setback:

Multi-family:	15' minimum
Mixed-use:	15' minimum
Landmark:	12' minimum

Rear yard setback:

Multi-family:	15' minimum
Mixed-use:	15' minimum
Landmark:	12' minimum

Sub-Area C (Blocks 1104 & 1209):

Front yard setback:

Multi-family:	10' min/ 20' max
Mixed-use (Block 1104):	40' min/ 50' max
Mixed-use (Block 1209):	10' min/ 20' max
Landmark:	5' min/ 15' max

Side yard setback:

Multi-family:	15' minimum
Mixed-use:	15' minimum
Landmark:	12' minimum

Rear yard setback:

Multi-family:	15' minimum
Mixed-use:	15' minimum
Landmark:	12' minimum

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, bow, bay and box windows, decks, etc. No encroachment of more than four (4) feet is allowed.

Allowable Building Envelope: In order to accommodate the setbacks as required above, and maximize open space within the Area, the allowable building footprint for each new building is as follows (See map on preceding page for building location):

Sub-Area A (Block 1308)

- Building A: 190 feet wide by 75 feet deep
- Building B: 110 feet wide by 60 feet deep
- Building C: 80 feet wide by 60 feet deep

Sub-Area B (Block 1301)

- Building D: 120 feet wide - Sparta Avenue frontage
150 feet wide - Diller Avenue frontage
60 feet deep
- Building E: 120 feet wide by 120 feet deep
- Building F: 120 feet wide by 200 feet deep
- Building G: 130 feet wide by 40 feet deep

Sub-Area C (Blocks 1104 & 1209)

- Building H: 130 feet wide by 40 feet deep
- Building I: 190 feet wide by 40 feet deep
- Building J: 80 feet wide by 40 feet deep
- Building K: 50 feet wide by 40 feet deep

Building height is expressed in the number of stories, with the range of feet per story from floor to floor determined by building type.

Mixed-use

Minimum 2.0 floors

Maximum 4.0 floors or 55 feet (measured from the mean front elevation to the highest point of the roof).

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

Multi-family Residential

Minimum 2.0 floors

Maximum 4.0 floors or 55 feet (measured from the mean front elevation to the highest point of the roof).

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

Mixed-use Parking

Minimum 2.0 floors

Maximum 5.0 floors or 65 feet (measured from the mean front elevation to the highest point of the roof).

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

Landmark (Mixed-use or Multi-family)

Minimum 1.0 floor

Maximum 5.0 floors or 65 feet (measured from the mean front elevation to the highest point of the roof).

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

1. **Review Process:** To assure the visual and spatial character of the totality of the Area, all building façades shall be reviewed prior to being heard by the Planning Board by the design review professionals retained by the Planning Board in accordance with the Development Review Process, set forth below in Section 8, Legal Provisions, of this Plan. Each building must be reviewed in sketch and preliminary form using plans, elevations and renderings as necessary. The design review professionals shall submit to the Planning Board comments and recommendations as to each façade concerning the façade(s), materials, colors, and landscaping of the semi-public edge. Building footprints and façade design shall conform to the standards outlined in this Plan.
2. **Design Regulations:** All buildings and façades shall be designed by registered architects who have experience in this scale and character of building design.
3. **Architectural Styles:** The architectural styles in each building shall reflect the historic vernaculars as expressed in the images included in the Design Vocabulary located on the following pages. Each building should also clearly evoke a “green” and environmentally sensitive character to the project.
4. **Building Design:** Buildings shall be designed with equal detailing, materials form, and colors along all facades of a building.
5. **Story Heights:** Floor heights shall be a minimum of 8 feet.

1. Façade Materials: The primary façade materials shall be stone/masonry, real stucco, brick and/or glass. Street facades must be brick and/or stone. Interior facades may be concrete block, EIFS, or of a similar material, although minimal use of EIFS is preferred.

Accents such as projecting, bow, bay and boxed windows should be in metal. Metal used on any façade shall only include aluminum, coated steel, copper, zinc and painted wrought iron.

2. Façade Colors: It is recommended that a color palette be developed for the Plan with allowable facade and complementary accent colors.

3. Accent Colors: A color palette should be developed for accent and trim colors for the Plan. Accent colors must be based on and complement the primary facade colors.

4. Soffit Emphasis: In buildings with a soffit, the underside of the overhang is often more visible than the roof and should be articulated. The soffit should therefore receive a greater emphasis and budget than is typically afforded.

5. Soffits: All building soffits and overhangs shall be designed to provide shade in the summer and allow sunlight to enter the building in the winter. As such, it is recommended that southern and western exposures feature exaggerated (wider) soffits.

6. Mechanical structures shall be fully integrated with the architectural and structural design of all buildings in order to minimize the negative aesthetic impact upon the viewer, both from street level and as may be viewed from adjacent properties. All parts and components of cellular phone antennas, satellite dishes, television and radio antennas shall be designed to be in harmony with the architectural context and shall not be visible from the front street or sidewalk.

7. Utilities: All utilities shall be underground. Machinery and the mechanical controls for same, including but not limited to transformers, junction boxes, electrical meters and condensers shall be located to the side or rear of buildings and/or otherwise screened from frontages by building elements in a manner consistent with the design of the building.

8. Night security gates, grids or any other security covering of windows are prohibited.

9. Rain Gutters: Storm water from roofs should be collected on site and reused for irrigation and other uses that require nonpotable water. Rain gutters are permitted.

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

6.5.1 ARCHITECTURAL STYLE: MIXED-USE



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

6.5.2 ARCHITECTURAL STYLE: MULTI-FAMILY BUILDING



The photographs on this page illustrate the design characteristics and vocabulary considered appropriate for multi-family development in the Plan Area. Multi-family development in the Plan Area should emulate the design vocabulary found in these images, including materials and bulk standards.

1. Upper floors may step back from the ground floor facade to provide roof-top decks and balconies (See Section 6.5.1: top, middle image). Where they are incorporated into the building design, step backs must occur either above the first floor or second floor. Step backs may be staggered along the building facade and where utilized must be a minimum of 5 feet and maximum of 10 feet from the ground floor facade.
2. Facades must be continuous.
3. Windows: All windows shall be operable windows to ensure natural ventilation and air circulation. However, a permitted exception to this rule is clerestory, transom, side light, and skylights, which may be non-operable, as well as windows which must remain inoperable for safety and/or security reasons.
4. Windows should be vertical in orientation, being longer in height than in width.
5. The ground floor windows may be taller than the upper story windows on any street façade. Ground floor window sills should be a minimum three feet above the ground plane of the front facade of sidewalk.
6. 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.
7. Window Sill Emphasis: Window sills and headers should be emphasized.
8. Roofs: Roofs may be either 1) pitched roofs, 2) flat roofs or 3) pitched or flat, green engineered roofing systems. The roof color, if not vegetated, shall complement the siding and the selected trim and door colors. Roofing materials for pitched roofs should be dimensioned shingles, synthetic slate or standing seam metal. Engineered roofing systems may be either intensive or extensive systems but must support vegetation.
9. Flat and/or green engineered roofs shall have parapets or approved decorative barriers or fencing, at a minimum of 3' 6" high and maximum of 4' high, to form protective walls/parapets. The use of trellises, or other forms of permeable roofing, to form a shade-protected area is encouraged. Parapets and other approved protective walls shall not be included in the measured building height.
10. Decorative trim shall be used to articulate all window and frame edges.

6.7 VISUAL TERMINATIONS AND LANDMARK FEATURES

Visual terminations are locations in the view shed, the landscape visible from any point as one travels through the Town, where the line of sight terminates for either pedestrians and vehicular traffic. Visual terminations are created by topographic variations, as well as by variations in roadway alignment, and as such often occur at curves in the street and at “T” intersections, where one street ends at its intersection with another street. Locations of visual terminations, and the characteristics of place found in those locations, should have aesthetic merit, being marked by some type of landmark feature, which could be a building, such as a tower, a plaza, a water feature, or any other feature which defines the visual termination of a space.

Visual terminations must be marked with architectural landmark features. Landmark features must have detailing which make them stand out from the surrounding architectural vernacular of the building of which they are a part. A landmark feature may be of a different style, of different materials, and may be taller than surrounding buildings (see images below). Landmark features should be appropriately lit, especially at night. The Landmark Map below illustrates the suggested locations for landmark features for buildings within the Plan Area, due to either their prominence within the Plan Area and/or due to topography and street alignment.

One recommended location for a landmark feature at a visual termination is at the intersection of Sparta Avenue with Diller Avenue and Sussex Street. This intersection serves as a gateway into Newton. and as such should have a prominent “gateway” feature. The western corner of this intersection is a prominent location for a landmark feature in part because it is a visual termination due to a curve in Sparta Avenue as traffic approaches from the East.



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



2. Way-finding and directional signage shall be limited to a maximum size of four (4) square feet. Way-finding and directional signage may be free-standing.



3. Identification signage shall be limited to a maximum size of twenty (20) square feet. Identification signage must be mounted on the front facade of the building or be a hanging sign on the front building facade, perpendicular to the facade plane.



4. Directory signage shall be no larger in size than twelve (12) square feet. Directory signage may be mounted on the building facade adjacent to the main entrance, or inside the main entrance doors.

5. Building Numbers: All buildings shall display the numbered street address of the building such that it is clearly visible from the adjoining street right-of-way (see left bottom images).



6. Entry Lighting: Lighting of every entryway is required. Lighting fixtures shall be of a finish, style, and character appropriate to the architecture and details of the building.

7. Signage shall not be neon or neon in appearance.

8. Landmark buildings shall be up-lit above the ground floor. Appropriate hours of illumination are to be determined by the Planning Board.



9. Monument signage shall be no larger than 32 square feet and no higher than four (4) feet. Monument signage shall be of a finish, style, and character appropriate to the architecture and details of the building/project.

1. LEED Certification: To the extent possible, all buildings must strive for the U.S. Green Building Council's (USGBC) Leadership in Energy Efficient Design (LEED) certification.

2. Energy Efficiency: New construction must strive for maximum efficiency of energy usage. Educational, technical assistance and financial assistance programs such as ENERGY STAR and New Jersey Board of Public Utilities (NJBP)U). New Jersey's Clean Energy Program must be utilized to the maximum extent feasible.

3. Renewable Energy Programs: Several options exist to allow for the incorporation of renewable energy in the operation of new buildings and must be considered for the development of new construction. Such options range from the construction of on-site solar voltaics and solar hot water heater, small wind generators, large operable windows, energy saving light bulbs, regulated flow showerheads and toilets, to the purchase of renewable source energy through the existing power utility. New Jersey's Clean Energy Program from NJBP)U must be consulted for information on various informational, technical and financial support programs.

4. Stormwater Detention and Reuse: In order to mitigate the impact of storm water on the existing infrastructure and limited potable water resources, new development must incorporate a Potable Water Conservation Program for storm water detention, collection, and re-use unless the developer receives a waiver from the Planning Board. Such a collection system must consist, at a minimum, of the placement of cisterns buried within the Area to be used collectively. In addition to mitigating the impact and amount of stormwater runoff produced by this development, storm water collected within cisterns will be used for non-potable uses, such as irrigation or flushing toilets, to reduce the demand on the allocation of potable water sources available to, and therefore from, the Town.

5. Resources: Multiple informational, technical assistance and financial assistance resources are available to encourage and promote the practice of green building and must be considered for the development of new construction. Several of these resources can be accessed via the New Jersey Board of Public Utilities' (NJBP)U), New Jersey's Clean Energy Program, and Cool Cities Program, as well as through the New Jersey Department of Environmental Protection's (NJDEP) New Jersey Environmentally Sustainable Communities Initiative.

6. Green Roofs: In order to mitigate stormwater runoff and detention requirements, green roofs are recommended on all structures. A green roof can be flat with a minimum pitch for

drainage with an accented cornice and/or parapet or may be pitched at a 2:1 ratio.

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

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

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

7. Wastewater: Reduction of potable water use for building sewage conveyance by 50% is mandatory through the use of water-conserving fixtures or non-potable water, recycled greywater, and on-site or municipally treated wastewater.

8. Water Reduction: Mandatory reduction of 20% less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Reuse of stormwater and greywater for non-potable applications such as toilet and urinal flushing and custodial uses per a Potable Water Conservation Program is mandatory.

9. Heat Island Effect: Consideration must be given to installing vegetated roofs for at least 50% of the Area or installing roofing materials which reflect solar energy.

10. Energy Performance: Consideration must be given to designing the building envelope, HVAC, lighting, and other systems to maximize energy performance.

11. On-site Renewable Energy: Consideration must be given to assessing the project for non-polluting and renewable energy potential including solar, wind, geothermal, low impact hydro, biomass, and bio-gas strategies. When applying these strategies, advantage should be taken of net metering with the local utility.

12. Green Power: Encouragement must be given to the development and use of grid-source, renewable energy technologies on a net zero pollution basis.

13. Storage and Collection of Recyclables: A coordinated program of collection services for glass, plastic, paper products, newspaper, cardboard, and organic wastes to maximize the effectiveness of the services is mandatory. All buildings must have individual collection bins to further enhance the recycling program.

14. Construction Waste Management: A coordinated program for recovery of recycling cardboard, metal, brick, acoustical tile, concrete, plastic, clean wood, glass, gypsum wallboard, carpet, and insulation is mandatory.

15. Material Reuse: Opportunities must be identified to incorporate 5% of salvaged materials into building design and potential material suppliers should be researched. Consideration must be given to salvaged materials such as beams and posts, flooring, paneling, doors and frames, cabinetry and furniture, brick and decorative items.

16. Recycled Content: Consideration must be given to using materials with recycled content such that the sum of post-consumer recycled content plus one-half of the pre-consumer content constitutes 20% (based on cost) of the total value of the materials in the project.

17. Regional Materials: Consideration must be given to using materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% of the total materials value.

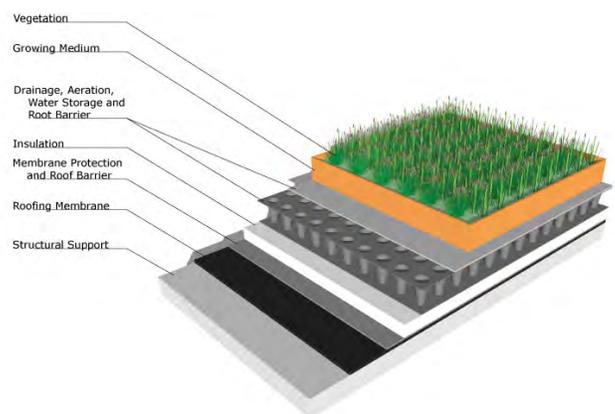
18. Rapidly Renewable Materials: Consideration must be

given to using rapidly renewable materials (made from plants that are typically harvested within a ten year cycle or shorter) such as bamboo, wool, cotton insulation, agrifiber, linoleum, wheatboard, and strawboard.

19. Low-emitting Materials: Consideration must be given to specifying low-VOC materials for adhesives, flooring adhesives, fire-stopping sealants, caulking, duct sealants, plumbing adhesives, and cove base adhesives.

20. Controllability of Lighting Systems: Consideration must be given to providing a high level of lighting system control by individual occupants to promote the productivity, comfort, and well-being of building occupants.

21. Façade Composition: Passive solar equipment featuring louvers are recommended on the secondary façades or roofs.





SECTION 7.0

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

An overall conceptual Landscape Plan is shown below:



The Landscape Plan shall be subject to approval by the Planning Board as part of the site plan approval process. The Planning Board may forward the proposed Landscape Plan to the Town Engineer for review and comment. The Landscape Plan shall conform to the following requirements and guidelines:

1. A detailed Landscape Plan in accordance with the unified Streetscape Plan shall be prepared by a certified landscape architect for all Site Plan proposals.
2. The Landscape Plan shall include quality materials and, at minimum, specify type and color of pavers and other hardscape materials, type and quality of decorative lighting fixtures, specific color and material of decorative site furnishings, as well as, locations and quantities of each. The Landscape Plan shall also include species, sizes, and planting plans for all vegetation.
3. All street tree types shall be recommended by a local arborist, nurseryman, or Landscape Architect acceptable to the Planning Board and shall be a type suitable for the Plan Area's environment. Lists of suitable trees are available from the Community Forestry Council, a division of the New Jersey Division of Parks & Forestry, or the New Jersey Nursery & Landscape Association.
4. Native plants should be used before other alternatives. A list of examples is provided at the end of this section.
5. All landscape materials planted by the developer must have a two year maintenance guarantee. If any planting materials die within two (2) years of planting, they must be replaced during the following planting season.
6. The Landscape Plan should strive to include the highest and best quality decorative materials possible and specify, at minimum, architectural pavers, decorative lighting, tree species, and any other Area-appropriate decorative site furnishings, including all specific color and material selections.
7. Within an overall Landscape Plan, a Streetscape Plan shall be required. The Streetscape Plan shall be submitted to the Newton Planning Board for its review and approval in conjunction with the project Site Plan application and implemented contemporaneously with the construction of the redevelopment project. The Streetscape Plan shall include all street frontages, existing and proposed.
8. Sidewalks should enhance the pedestrian experience. Toward that end, the following must be included within the landscaping plan:
 - a. Barrier-free access to all pedestrian space
 - b. Use of pedestrian-scaled lighting
 - c. Use of pedestrian-scaled signage

9. All open areas not covered by buildings, paving, and sidewalks shall be graded and landscaped.
10. Three (3) small open space pockets, as shown on the map to the left in the darker green color, shall be developed to be publically accessible open space:
 - 1) the corner of Sparta Ave and Merriam Ave
 - 2) the corner of Sparta Ave and Diller Ave
 - 3) along Sparta Avenue between the new mixed use parking facility and the existing residential
11. Rainwater management shall be integrated into the site design. Rain water should be captured and stored for non-potable uses wherever possible.
12. All landscaped areas must be well maintained, cleared, clipped and pruned to provide a positive healthy visual character.

The pictures below illustrate the character of the proposed Green Space



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

Hardscape Requirements for Streetscape

1. Barrier-free access to all pedestrian spaces is required.
2. Vehicular travel lanes shall be constructed of asphalt. Textured pavement such as brick, synthetic brick, cobblestone, pavers, and/or stamped concrete, shall be used on all crosswalks, to act as a traffic-calming device, and on internal lanes where feasible.
3. All curbing should be granite, or a poured, brushed concrete. Asphalt curbing is expressly forbidden. Curbs shall be 6 inches in height from the final top height of the pavement.
4. Sidewalks shall be constructed of scored concrete with brick edges and dividers or textured paving materials. The paver strip along the curb edge must be brick, synthetic brick or another approved paver. The strip shall be a minimum of 2' wide; the concrete sidewalk must be a minimum of 6" wide. Street trees shall be located on the outside of the sidewalk, between the sidewalk and ROW edge.
5. Utilities shall not be located within the planting strip.
6. Sidewalk areas shall be continuous across any driveway, including any decorative paving elements.
7. Access to any driveway shall be via a dropped curb and sloped apron. Said access shall not be provided by the use of radius curbing and an extension of the street pavement.
8. Driveway widths and curb cuts shall be kept to the minimum width necessary.



Crosswalk Requirements for Streetscape

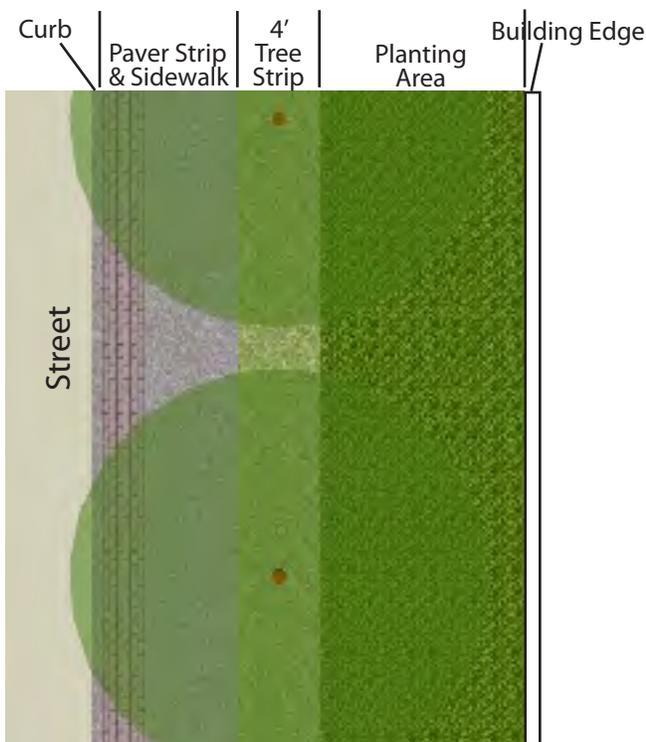
1. Crosswalks shall be of similar material and color as paved sidewalks or textured strips and be in conformance with the street typology and pedestrian plan. Crosswalks must be of a different paving material than the roadway surface.
2. Crosswalks located across an Urban Arterial, Major Arterial and/or Collector shall be a width of ten (10) feet on center and crosswalks located across Streets and internal Lanes shall be a width of eight (8) feet on center.
3. The transverse lines marking the outside edges of a crosswalk shall be a width of 12 inches and white in color, regardless of the material.
4. Crosswalks at all non-signalized or uncontrolled intersections should have In-street Pedestrian Crossing Signs on both sides to remind motorists to yield to pedestrians (see bottom image below). Signs should be on the centerline of the street within six (6) feet of the crosswalk.
5. The mid-block crosswalk located on Diller Avenue (serving the Sussex Branch Rail Trail) must include overhead lighting and pedestrian/bicyclist activated signals or warning lights (see bottom three images to the right) to remind motorists to yield to pedestrians and bicyclists.



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

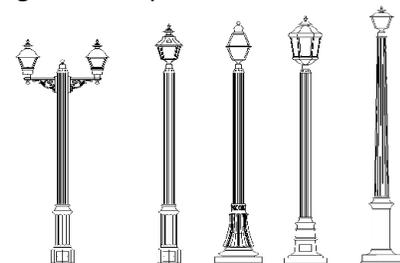
Planting Requirements for Streetscape

1. All trees shall be a minimum of 3 inches in caliper measured at 6 inches from ground level and have a minimum branch height of 6 feet at time of planting for yard trees, 10 feet minimum branch height for street trees.
2. At minimum, street trees shall be spaced every 25' on center along streets and park edges.
3. Trees shall be planted where specified in the Thoroughfare Standards. (in the designated 4' strip on the building side of the sidewalk as shown below - this 4' strip includes the 3' planting strip within the ROW and a 1' area within the building setback).
4. Street tree planting should be strategically phased to ensure procurement of large quantities of uniform and consistently sized specimens of specifically selected species.
5. Trees should only be planted during appropriate spring and fall planting seasons to the highest arboricultural industry standards; appropriate root barriers shall be installed at the time of planting.
6. Native tree species with proven success shall be thoroughly searched by a plant broker before consideration of alternate species. (Suggested native tree species can be found at the end of this Section).
7. Street trees shall not be planted within the clear sight triangle of each intersection.



Lighting Requirements for Streetscape

1. A unified standard for street lighting within the area must be used. The use of a similar style to the fixtures used throughout the downtown of Newton is required to maintain continuity throughout the Town. The light fixtures used by the Town consist of a Spring City "Edgewater" cast iron post with a Spring City "William and Mary" luminaire. Final approval of the fixture, pole type, and location will be made by the Planning Board.
2. Street lighting shall be placed in the textured strip between the curb and sidewalk.
3. All street lighting and exterior building lighting shall be designed to shine downward to minimize illumination of the night sky and to minimize or reduce glare as seen from neighboring properties.
4. All streets shall have decorative, pole-mounted lamps that are 12-14 feet in height, spaced a maximum of 40 feet on center.
5. Metal Halide (or comparable light quality) lamps are suggested for their efficiency and light quality. Mercury Vapor and high pressure sodium lighting shall not be allowed.
6. A comprehensive Lighting Plan must be provided with sufficient detail to illustrate that proper illumination is provided. The plan should illustrate all streets, all attached building lights, types of fixtures, lighting intensities, lighting patterns, filament type, shape of lens, and direction of illumination.
7. All street lights shall have illumination and uniformity ratios which do not exceed the recommendations of the Illuminating Engineering Society of North America (IESNA). All sidewalks adjacent to roadways shall maintain a minimum 0.2 footcandle coverage.
8. Adequate exterior lighting shall be provided for safety while not casting light onto adjacent properties or shine onto streets or driveways in such a manner as to interfere with or distract driver vision.
9. All lighting shall use shielded light fixtures to prevent misdirected or excessive artificial light and maximize energy efficiently.
10. The use of floodlight-type style fixtures attached to buildings shall be prohibited.



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

Semi Public Edge Requirements

1. No asphalt paving or wood decking is allowed between the build to line and the curb edge. Any paved area including walkways, etc. shall have equal or greater detail than the adjacent sidewalk.
2. Every building shall have direct access from the sidewalk to the primary pedestrian ingress and egress of a building by way of a walkway separate from driveways. Materials of the walkway shall compliment the color and design of the building and the sidewalks.
3. All building frontages must be landscaped with appropriate vegetation (shrubs must measure at least 30" in height and 30" in width at the time of planting).
4. Fencing along all street frontages/semi-public edges shall not exceed three (3) feet in height, subject to necessary site easements.
5. Only decorative style fences, such as tubular steel or wrought iron type fences, are permitted along street frontages and along semi-public edges. The design of the fencing shall complement the architectural style of the building. Fencing made of vinyl or any other plastic-based material is prohibited.
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 maintained and be kept properly pruned.



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

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

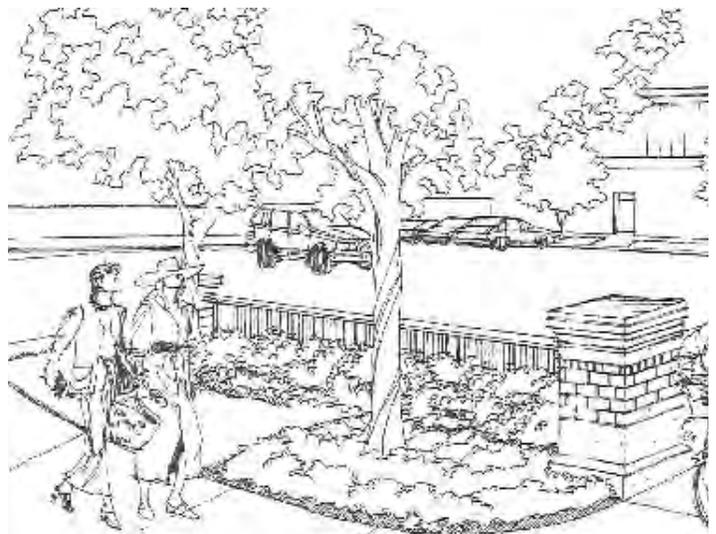
1. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss.
2. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces.
3. Maximize the protection of natural drainage features and vegetation.
4. Minimize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

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

Stormwater Detention Facilities are required to meet the Town of Newton's stormwater management regulations. The sizing of these detention facilities should take in consideration non-structural strategies, green roofs, as well as other technologies and methods proposed to capture stormwater runoff. Detention facilities must be underground and tie back to re-use.

Parking Requirements

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



1. Water supply: in accordance with State of New Jersey codes and Town of Newton Regulations as applicable, except where pre-developed site conditions such as collection and/or recycling of rain water allows for an offset in water supply requirements. Provision for rain water collection and recycling must be factored into the water supply management program, and are required unless the developer receives a waiver from the Newton Planning Board.
 2. Sanitary sewers: in accordance with State of New Jersey codes and Town of Newton Regulations as applicable.
 3. Storm water management: in accordance with State of New Jersey codes and Town of Newton Regulations as applicable, except where pre-developed site conditions such as impervious coverage allow for an offset in stormwater management requirements. Provisions for the recycling of rain water must be factored into the stormwater management program, and are required unless the developer receives a waiver from the Newton Planning Board. If green roofs and water gardens are utilized they also must be factored into the stormwater management program.
 4. Lighting: Non-corrosive ornamental lighting shall be provided and shielded to direct illumination downward for streets, residential lanes and sidewalks sufficient to ensure safe and convenient night time use.
 5. Recycling and solid waste removal: Adequate facilities as determined by the Planning Board shall be provided for the collection and removal of recyclables and solid waste. The solid waste and recyclables shall be picked up at designated locations in the rear of the building. Recycling facilities must be screened with materials in a manner consistent with the adjacent building architecture.
- 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 Town Engineer during the implementation of this development that a long term utility and infrastructure plan is needed and desired, a Utility Plan which shall include the on-tract and off-tract infrastructure improvements needed to serve the development, shall be provided by the designated developer.
 3. No development of any parcel in the Area that results in an increase in wastewater from that parcel shall be permitted until the planned project wastewater piping systems for the removal of effluent and stormwater are approved by the Town Engineer and the Newton Utility Advisory Board; and the municipal wastewater piping systems for the removal of effluent and stormwater are certified by the Town Engineer and the Newton Utility Advisory Board as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as determined by the Planning Board, Town Engineer and the Newton Utility Advisory Board.
 4. All utilities, with the exception of stormwater, shall be located underground, placed under the sidewalk or any Internal Lanes.

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

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

1. All utility distribution lines and utility service connections from such lines to the Project Area's individual uses shall be located underground, including utility boxes. Utility appliances, regulators,



Public Signage

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

Freestanding Signage

Freestanding signs are prohibited with the exception of way-finding, directional and monument signage installed with the approval of the relevant Town authority.

Construction Signage

During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, and/or public agency officials (as applicable and appropriate). Construction signage must not exceed 25 square feet.

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

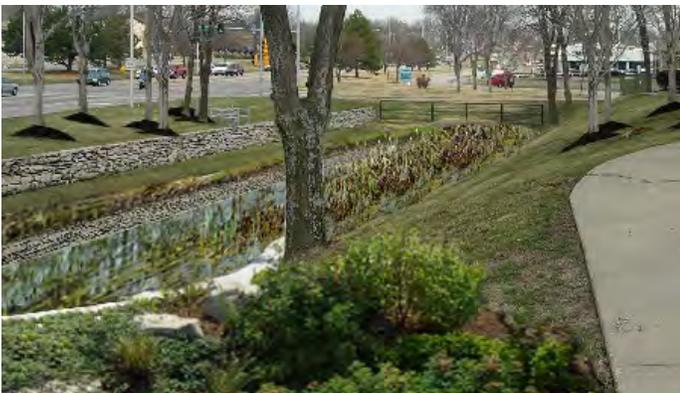
Prohibited Signage

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



Planting Guidelines

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



Soil Handling and Soil Compaction

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



Shade and Flowering Trees

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

1. Green Ash



2. River Birch



3. American Hornbeam



4. Red Maple



5. Hackberry



6. Serviceberry



7. Eastern Red Bud



8. Flowering Dogwood



Shrubs and Grasses

(see pictures on following pages)

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



9. Cranberry Bush



10. Maple Leaf Viburnum



11. Possumhaw Viburnum



12. Black Haw



13. American Holly



14. Blue Joint Grass



17. Steeplebush



15. Little Blue Stem Grass



16. Switch Grass



18. Wintergreen



19. Winter Berry



19. Winter Berry (Winter)



20. Black Chokeberry Flower



20. Black Chokeberry (Fall)



SECTION 8.0

Validity of the Plan

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

Zoning Map Revisions

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

Amendment to Merriam Gateway Redevelopment Plan

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

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

Variations in Site Plan Design

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

Deviations

The Planning Board may grant deviations from the

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

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

No deviations may be granted which will result in permitting:

1. A use or principal structure in a district restricted against such use or principal structure.
2. An expansion of a non-conforming use.
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district.

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

1. Exceeding the maximum development capacity of either square footage or dwelling units, as required according to this Redevelopment Plan.
2. Varying the minimum or maximum number of stories or their location as such story limitations are outlined, and other requirements as outlined in this Plan.
3. Increasing or decreasing story height from that which is specifically permitted in the Section 6 - Building Regulating Plan.
4. Varying in any way from the permitted and prohibited uses as set forth in this Plan.
5. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented.

Any party seeking a deviation from this Plan which cannot be granted by the Planning Board as set forth above, may apply to the Governing Body to request an amendment to this Plan.

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

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

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

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

The most recent Newton Master Plan Update was adopted by the Newton Planning Board in August 2008. This area is recognized in the Master Plan as a combination of T-5 and T-4 Zoning in the Transected Land Use Plan. The Master Plan also recognizes this Area as one in need of rehabilitation and development 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 Area and its environs as an Area in Need of Rehabilitation.

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

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

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

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

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

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

Relationship to Zoning Ordinance

In the 1996 Master Plan, most of the Area was within the C-4 General Commercial District, with four parcels in the R-2 Low and Medium Density District and two parcels in the R-3 Medium Density Residential District. According to the 2008 Master Plan the Area is currently a combination of T-4 (Neighborhood Services), T-5 (Town Core Support Area/ Neighborhood Cores), and SD-4 (Industrial-Manufacturing District).

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

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

Project Plan

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

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

In accordance with the provisions of a Redevelopment Plan adopted pursuant to N.J.S.A. 40A:12A-7, a Municipality or Redevelopment Entity may proceed with clearance, re-planning, conservation, development, redevelopment and rehabilitation of an Area in Need of Rehabilitation. With respect to a project in an Area in Need of Rehabilitation, the Municipality or Redevelopment Entity, upon the adoption of a Redevelopment Plan for the Plan Area, may utilize any of the powers set forth in N.J.S.A. 40A:12A-1 et seq.

Redevelopment Agreement

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

Development Review Process

Preliminary Design Review

All projects in the Area shall be submitted to the Town Planner for a preliminary design review prior to submission of an application to the Planning Board. Applicants may be required to attend a workshop meeting with the Town Planner or the Planning Board's designated Design Review Professionals. The meeting(s) will be used to determine if the proposed redevelopment project is consistent with the Redevelopment Plan and conforms to the core design concepts, building requirements, and architectural design guidelines of the Redevelopment Plan and to provide an opportunity for comment and recommendations on the proposed project by the Redevelopment Entity and its professionals. Preliminary design review shall focus on how the proposed project relates to and coordinates other elements and phases of the Redevelopment Plan and how the open spaces, building uses and typologies

are integrated with and contribute to the quality and function of the layout and design as presented in the Redevelopment Plan. Prior to the approval of all or a portion of the redevelopment project by the Planning Board, the Town Planner and any other Design Review Professionals designated by the Planning Board shall provide recommendations to the Planning Board regarding the extent to which the proposed project is consistent with the Redevelopment Plan and adequately addresses the design guidelines contained in the Plan.

Planning Board Review

Pursuant to N.J.S.A. 40A:12A-13, all development applications for development of sites governed by the Redevelopment Plan shall be submitted to the Planning Board of Newton for review and approval. The following provisions shall govern review of any proposed redevelopment and rehabilitation projects for these sites:

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

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

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

Schedule for Performance

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

Duration of the Plan

The duration of the Redevelopment Plan shall be perpetual, unless and until hereafter amended, rescinded or superseded by a duly adopted ordinance of the Mayor and Town Council.

Phasing

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

A. Phasing Plan:

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

B. Additional Requirements:

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

Non-Discrimination Provision

No covenant, lease, conveyance or other instrument shall be effected or executed by the Town Council of the Town of Newton or by a developer or any of its successors or assigns, whereby land within the 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.

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

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

The Merriam Gateway Redevelopment Area contains two sites that are designated for affordable housing.

The Merriam Gateway apartments include 6 existing units that are deed restricted and were counted in the Town's Round 2 certification. These units will remain affordable after redevelopment of the area pursuant to this Plan. The redevelopment area also contains a proposed inclusionary zone, including Block 130, Lots 1, 1.01, 1.02, 10, 11, 12, 13 and 14, to address the Town's third round obligation for COAH. The required set-aside for affordable housing in the inclusionary zone is 20% of the gross density for residential on the site. At the currently anticipated build out of 48 units in the inclusionary zone (the site is approximately 2 acres and is currently proposed for 24 units per acre), approximately 9 affordable units would result. These units are expected to be rental units.

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.).

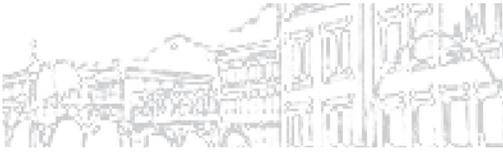
There are no residential units that will be displaced in connection with the implementation of this Redevelopment Plan.

Environmental Standards

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

Project Signs and Advertising

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



SECTION 9.0

Acknowledgements

Newton Mayor:

Kristen Becker	Mayor
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Town Council:

Helen Le Frois	Deputy Mayor
E. Kevin Elvidge	Councilman
Joseph Ricciardo	Councilman
Sandra Diglio	Councilwoman

Newton Planning Board:

Marge Lake McCabe	Chairperson
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Newton Professional Staff:

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

Redevelopment Planner/Designer:

RES <i>Design</i> , L.L.C.	
Ross Sheasley, MCRP, P.P.	Principal
Kelley Sander, A.I.C.P.	Former ANA Colleague
Liz Naskret, A.I.C.P.	Former ANA Colleague
Andrew Svekla	Former ANA Colleague

Redevelopment Counsel:

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

TOWN OF NEWTON

ORDINANCE 2020-2

AN ORDINANCE 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 “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 December 10, 2007, the Town of Newton (the “Town”), designated property identified as Block 16.03, Lots 6 and 7 (formerly 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 an area in need of redevelopment in accordance with the Act (the “Redevelopment Area”); and

WHEREAS, a redevelopment plan for the Redevelopment Area was adopted by the Town on November 10, 2008 and amended on August 22, 2011 (as thereafter amended from time to time, the “Redevelopment Plan”); and

WHEREAS, the Town wishes to amend the Redevelopment Plan to provide for an updated design concept, including but not limited to townhomes, along with certain other amendments as further detailed in the proposed amendment to the Redevelopment Plan entitled “Paterson Avenue Redevelopment Plan Amendment”, dated November 18, 2019 and prepared by J Caldwell & Associates, LLC (the “Plan Amendment”); and

WHEREAS, by Resolution No. 234-2019 adopted on November 25, 2019, the Town referred the Plan Amendment to the Planning Board for review and comment, pursuant to the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on December 18, 2019, Jessica Caldwell, P.P., A.I.C.P. (the “Planning Consultant”) presented the Plan Amendment and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, after due consideration of the Plan Amendment, testimony regarding the Plan Amendment, and discussion of the foregoing, the Planning Board recommended the Plan Amendment be modified to require a perimeter buffer to ensure that buildings are not too close to existing residences, determined the Plan Amendment is consistent with the Town's Master Plan, and recommended that the Town adopt the Plan Amendment, including the Planning Board's recommended changes, as an amendment to the Redevelopment Plan; and

WHEREAS, the Town wishes to adopt the Plan Amendment with the Planning Board's recommended changes and has incorporated the Planning Board's recommended changes into the Plan Amendment dated December 19, 2019, (the “Revised Plan Amendment”), which is attached hereto as EXHIBIT A,

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

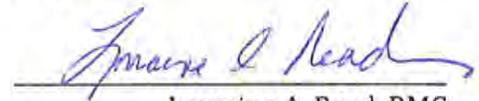
Section 1. The Town concurs with the Planning Board's determination that the Revised Plan Amendment is consistent with the Master Plan. The Revised Plan Amendment attached hereto as EXHIBIT A, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Revised Plan Amendment.

Section 3. This Ordinance shall take effect as provided by law.

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, January 13, 2020. It was adopted after final reading and public hearing thereon, at a regular meeting of the Newton Governing Body conducted at 7:00pm on Monday, January 27, 2020 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect according to law.

ATTEST:



Lorraine A. Read, RMC
Municipal Clerk

EXHIBIT A

REVISED PLAN AMENDMENT

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

TOWN OF NEWTON
SUSSEX COUNTY, NEW JERSEY



December 19, 2019



**J Caldwell
& Associates, LLC**
Community Planning Consultants

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

TOWN OF NEWTON
SUSSEX COUNTY, NEW JERSEY

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PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT.....6



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

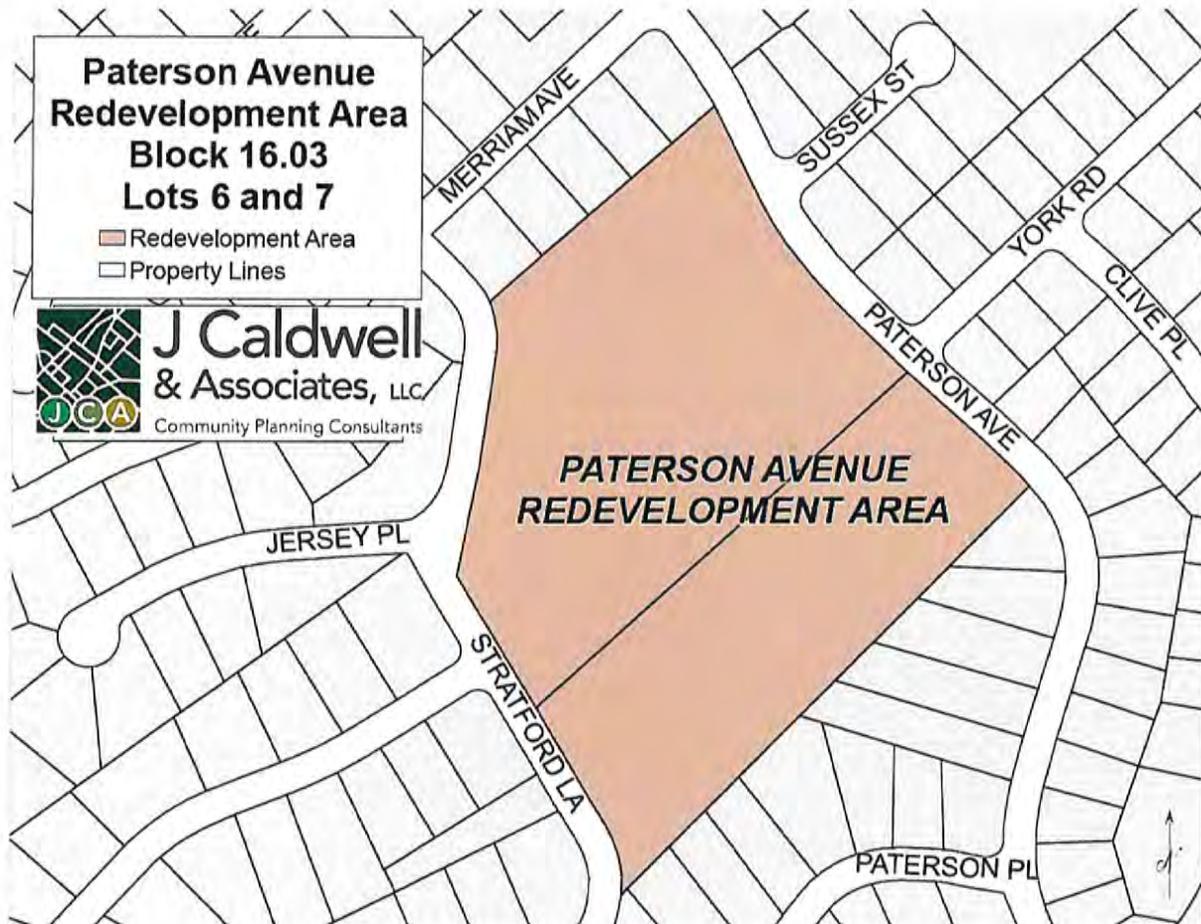
PLAN CONSISTENCY REVIEW

BACKGROUND

The Paterson Avenue Redevelopment Plan (the “Plan”) governs the Paterson Avenue Redevelopment Area, designated by the Town of Newton on December 10, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). The Plan was adopted by the Town Council on November 10, 2008 and amended on August 22, 2011 to permit the continuation of Light Industrial, Offices, and Research and Development on the site. Additionally, on December 28, 2015, the Plan was amended to permit Food and Beverage Production.

The Plan Area consists of Block 16.03, Lots 6 and 7 (former 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 in the map below. The Plan Area covers 12.57 acres.

The purpose of this Plan Amendment is to provide for an updated design concept for the Redevelopment Area. The original plan contemplated Single Family Residential and Paired Villas and was later updated to include Light Industrial uses such as Food and Beverage Production with accessory Sampling Rooms, Retail Sales and Special Events, Craft Breweries with accessory Tasting Rooms, Retail Sales, Tours and Special Events, and Craft Distilleries with accessory Tasting Rooms, Retail Sales, and Tours and Special Events. The plan amendment continues to propose the above-mentioned uses but also proposes a new type of residential development, specifically townhomes. All the provisions of the Plan not specifically amended by this Amendment continue to be in full force and effect.



AMENDMENTS TO THE REDEVELOPMENT PLAN

The Redevelopment Plan contemplates the potential for amendments to the Plan. Section 9.1 of the Redevelopment Plan states the following: "as development occurs within the Area, development priorities and market demands may change. This Plan should have the ability to meet the needs of market demand, the Town of Newton, and its citizens. Amendments may be required in order to accommodate these changes." As noted previously, the amendments proposed are being developed to provide greater development opportunities including a greater variety of residential uses. The Plan continues to allow Single Family Residential, Duplexes and Light Industrial Uses, namely Food and Beverage Production with accessory Sampling Rooms, Retail Sales and Special Events and Craft Distilleries and Craft Breweries, both with accessory Tasting Rooms, Retail Sales, Tours and Special Events.

The redevelopment goals as stated in the Plan focus on creating positive development opportunities within the Plan Area. The Plan Amendment seeks to further support the redevelopment goals by providing opportunity for new development in addition to rehabilitation of existing structures. Some specific Redevelopment Goals furthered by this Plan Amendment are as follows:

1. To create a well-planned development that will provide opportunities for single-family and duplex residential units within the Town and region, and also has the potential for high quality development that will improve overall quality-of-life.
2. To maximize the participation of private developer(s) while minimizing the participation of the public sector.
3. To enhance the positive visual character and safety of the Area and surrounding neighborhood through building placement and design, landscaping, and streetscape improvements.

The proposal is also consistent with the Town of Newton Master Plan. In particular, the proposed amendment furthers the following goals:

1. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all citizens of Newton.
2. To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
3. To encourage planned unit developments which incorporate the best features of design and relate the type, design, and layout of residential, commercial, and recreational development to the particular site.

The proposal is also consistent with the New Jersey State Development and Redevelopment Plan (SDRP), which designates the Town of Newton as a Regional Center. Regional Centers should provide a variety of commercial and residential uses in a compact development pattern.

For these reasons, the proposed Plan Amendments continue to further the stated goals of the Plan, the goals of the Town of Newton Master Plan, and the State Development and Redevelopment Plan.

The proposed Plan Amendments do not impact the zoning plans of any adjacent municipalities as the proposed use changes do not vary in a significant way from the existing uses for this area, which include other types of residential uses. In addition to the foregoing, the findings, analyses, and elements required by N.J.S.A. 40A:12A-7 in the existing Plan are not affected by this Amendment and are incorporated herein by reference.

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

PATERSON AVENUE REDEVELOPMENT PLAN AMENDMENT

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 permitted under this Redevelopment Plan and shall not be construed to prohibit Offices, Light Industrial, Research and Development, Warehouses, Craft Breweries, Craft Distilleries, Food and Beverage Production, and other related accessory uses that are permitted in accordance with Section 4.1 of this Redevelopment Plan.

At Section 1.7 Goals of the Plan, under Redevelopment Goals, revise Goal #6 as follows:

To create a well-planned development that will provide expanded opportunities for townhouse and duplex residential units within the Town and region and that also has the potential for sound development that will improve overall quality of life.

At Section 3.0 Definitions, add the following:

Duplex: A residential dwelling divided into two separate and independent units.

Townhouse: A multi-story residential dwelling which is attached to one or more characteristically similar dwellings by one or more shared walls.

At Section 4.1 Land Use Regulations, revise Permitted Uses Number 1 as follows:

Residential: Includes premises available for long-term human habitation by home ownership or rental; excludes all boarding houses and rooming houses. Residential uses are limited to single-family dwellings, duplexes and townhouses. Twenty-percent (20%) of the total units if for "for-sale" and fifteen-percent (15%) of the units if "for rent" proposed for construction must be set-aside for low- and moderate-income households in compliance with applicable New Jersey Council on Affordable Housing rules and regulations and Uniform Housing Affordability Controls.

At Section 6.2 Bulk & Setback Regulations, the bulk standards shall be revised as follows:

Density: The allowable density of the Area is to be no more than 15 dwelling units per acre.

Lot Sizes: Lot sizes may vary depending on the building type and layout of the redevelopment. Lot sizes will be a function of building size plus required setbacks. Alternatively, the Area, or a portion thereof, may be redeveloped as one lot with multiple structures and uses. In this case, setbacks will be measured from exterior lot lines. Pre-existing residential uses on individual lots shall be deemed conforming as they exist at the time of adoption of this Plan and may be reconstructed within the same footprint on the existing lot. Additionally, the redevelopment of the area may be phased and various phases may be subdivided and developed as outlined in the Plan.

At Section 6.3 Minimum and Maximum Height Regulations, page 42, this section shall be deleted and replaced with the following:

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 in 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 3.0 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)

At Section 6.5 Building Type Plan, page 44, revise Number 1. As follows:

1. Type One (40x92 foot lot) – 1 to 3 story single-family and Paired Villas (duplex dwellings with front-yard access to parking). This typology is further differentiated into 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. As Duplexes, the structures may be constructed as a two townhouses side by side.

At Section 6.5 Building Type Plan, page 44, add the following at the end of the section:

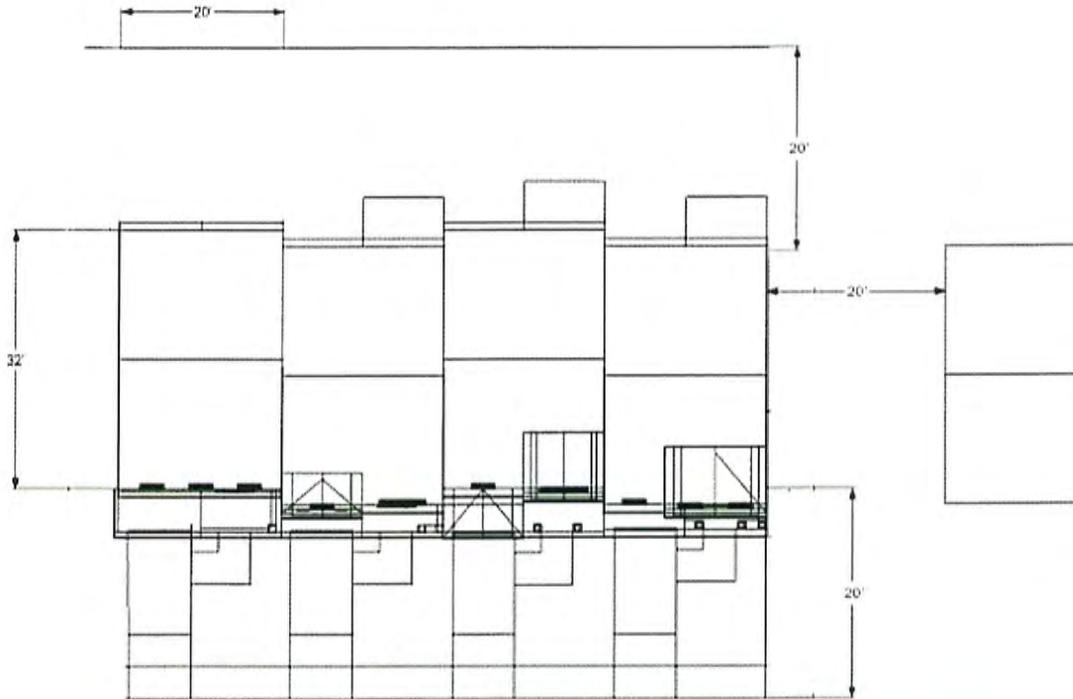
This plan is conceptual in nature and alternate layouts are permitted.

At Section 6.6 Building Typologies, page 45, add the following:

Townhouse E: 20 x 32 (Garage in Front)

Regulations	Feet
Front Yard Setback	20 min.
Side Yard Setback	6 min. / 20 between buildings
Rear Yard Setback	8 min. / 20 between buildings
Front & Rear Encroachment	6 max.
Side Encroachment	4 max.
Primary Building Footprint -Townhouse	20 x 32 (may vary)
Maximum Units in One Building	8 units
Building Height	35 / 3 floors
Lot Width	52
Lot Depth	90
Perimeter Buffer: Building to Perimeter of Plan Area	20

Townhouse Example: 20' x 32' (Garage in Front)



Architectural Style and Colors are Illustrative and may change subject to Planning Board Approval.

At Section 6.10 Building Entrance, Balcony, and Porch Regulations page 55, amend item 2 as follows:

2. Every unit shall have a usable front porch, rear patio and/or balcony.

At Section 6.12 Building Parking Standards, page 57, delete item #2:

- ~~3. 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.~~

At Section 7.2 General Provisions page 68, amend item 4 and add 4.a as follows:

4. Single Family/Duplex Residential: 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).
 - a. Townhouses: Yards and open spaces surrounding townhouse buildings shall be landscaped with shade trees, flowering trees, evergreen and deciduous shrubs and perennials and bulbs. The developer shall plant at least one (1) tree per unit in the building (of approved shade and/or flowering species) either in the front or in the rear of the building. The developer shall landscape the front facade of each building with at least 3 shrubs per unit in the building.



Paterson Avenue Redevelopment Plan

Town of Newton, New Jersey

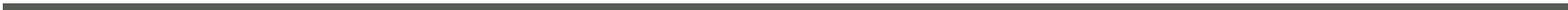


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SECTION 1.0

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



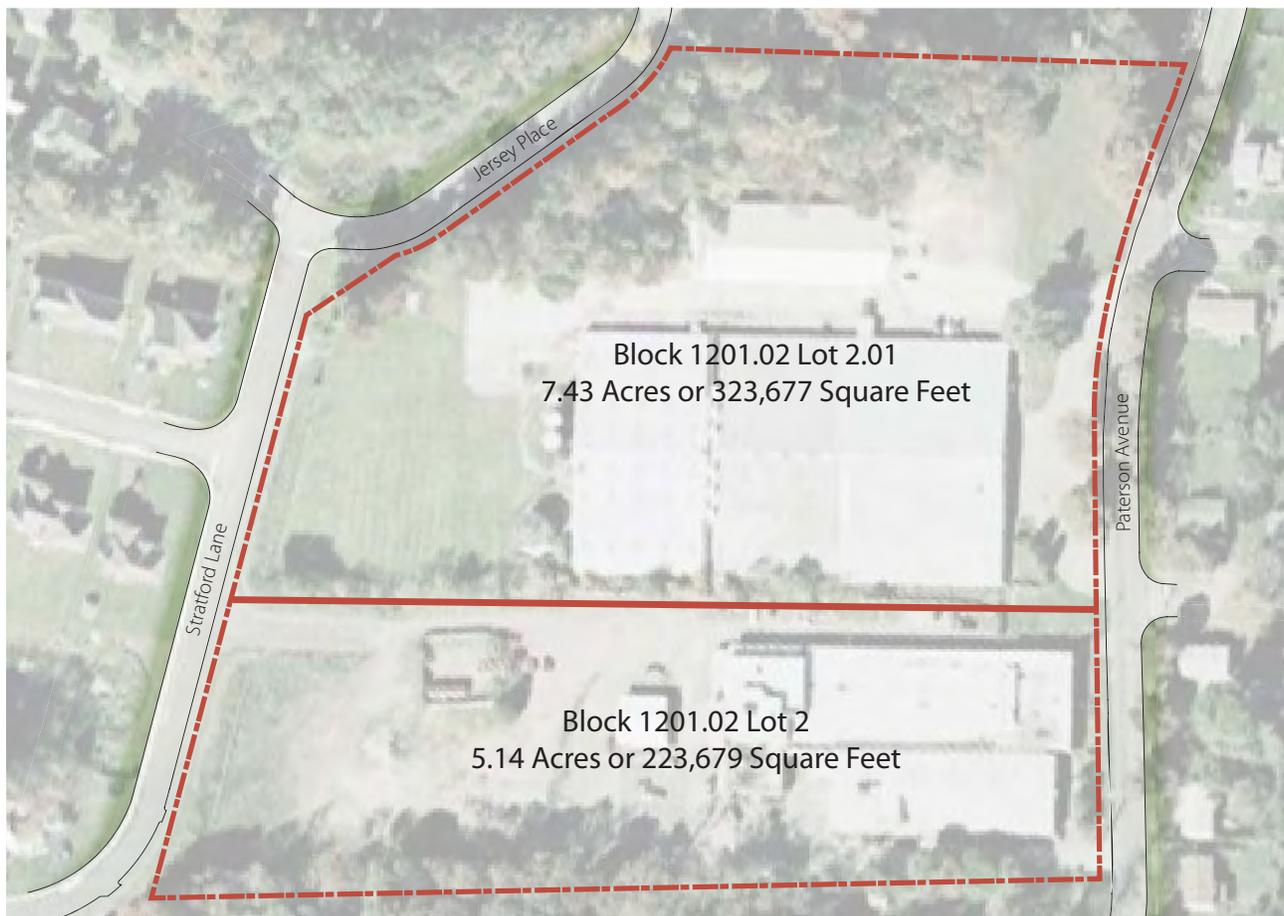
1.3 BLOCK AND LOT MAP The Area consists of Block 1201.02, Lots 2 and 2.01, along with the adjacent public rights-of-way along Paterson Avenue, Stratford Lane and Jersey Place, as shown on the Block and Lot Map. Current land use on both parcels is light industrial/commercial. The area is comprised of 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 southeastern 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.

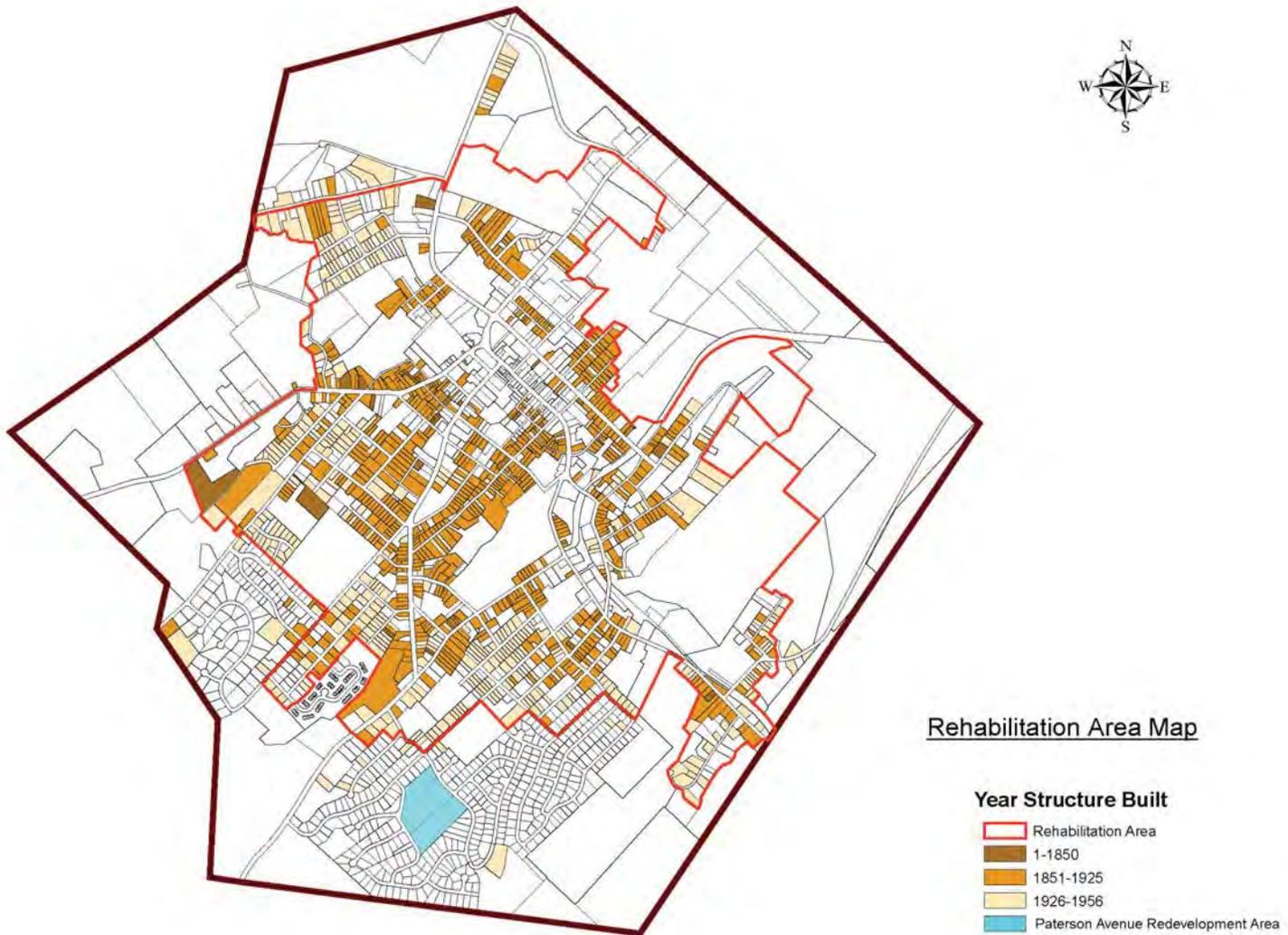
The basic elements of this Plan, including the design of the streets and circulation networks, the general massing of the buildings, and the location of major open space features, are illustrated in a form-based code. This is the newest and most appropriate type of code which assures the Town that they 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.



Rehabilitation Area Map

- Year Structure Built**
- Rehabilitation Area
 - 1-1850
 - 1851-1925
 - 1926-1956
 - Paterson Avenue Redevelopment Area

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

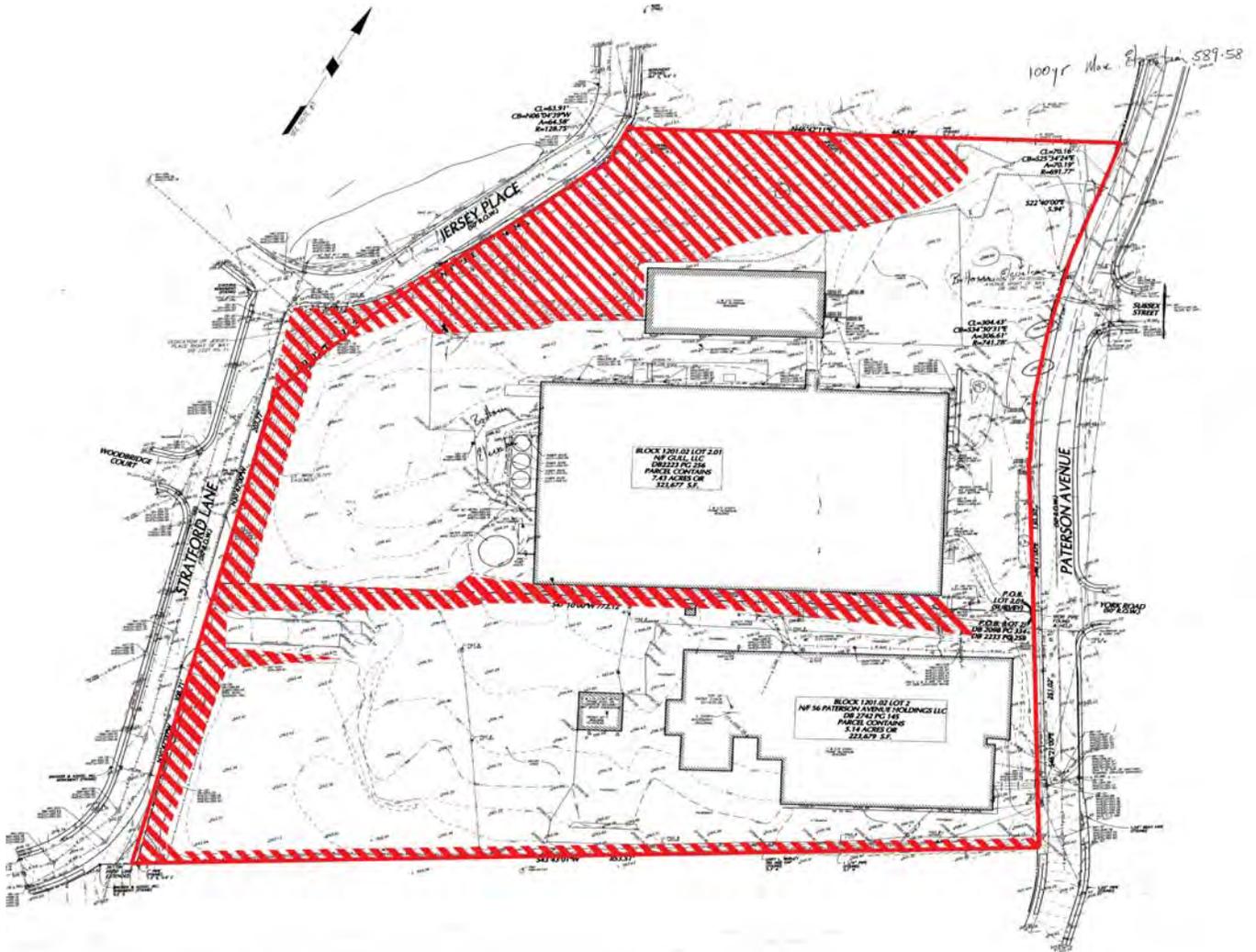
The Constraints Map on this page below indicates with Red Hatching where a rock outcropping, significant tree cover and/or significant changes in elevation are currently found within the existing conditions of the Area. The rock outcropping as well as significant tree cover are located to the northwest 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.



Paterson Avenue Redevelopment Plan
Constraints Map

Red hatched box: Slope Constraints



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

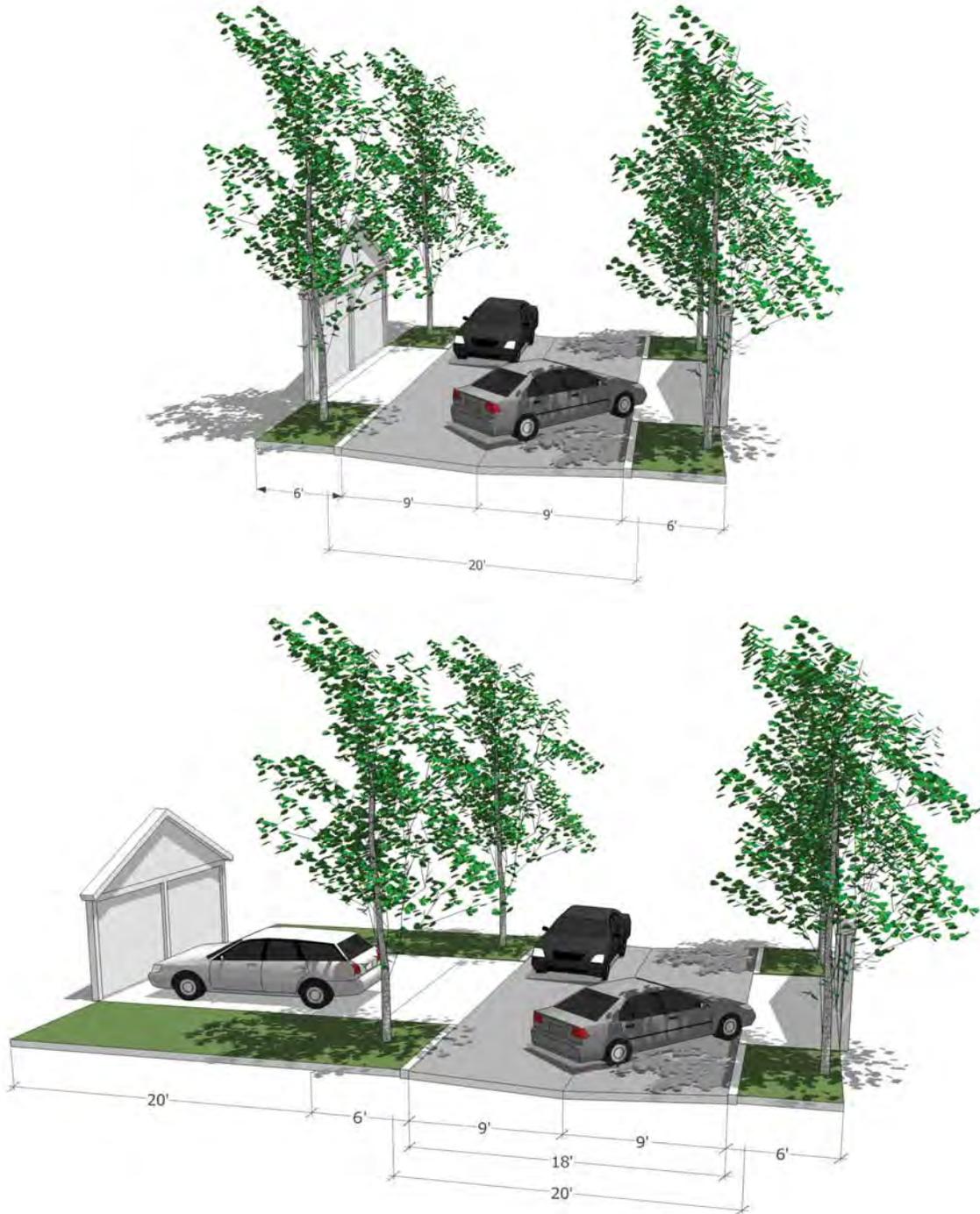


Residential Lane (RL 20:18)

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





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

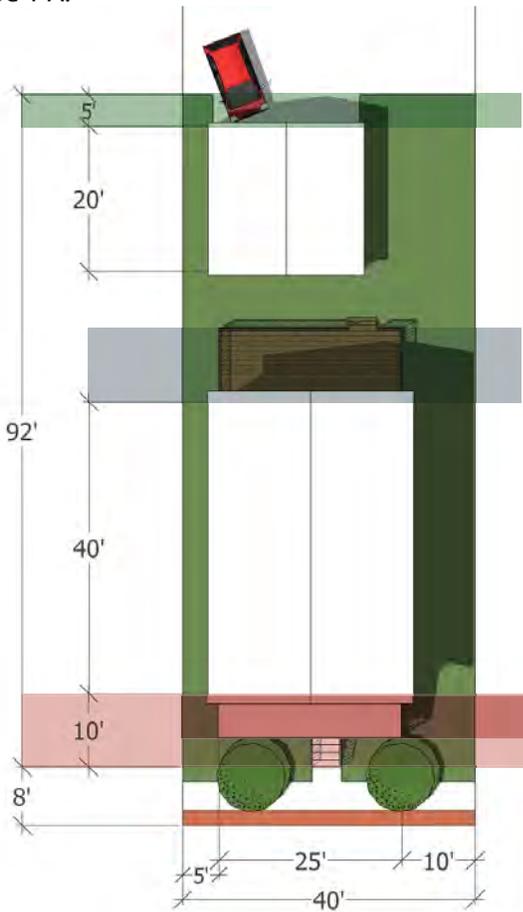
- Type 1
40' frontage
- Type 2
50' frontage
- Type 3
60' frontage



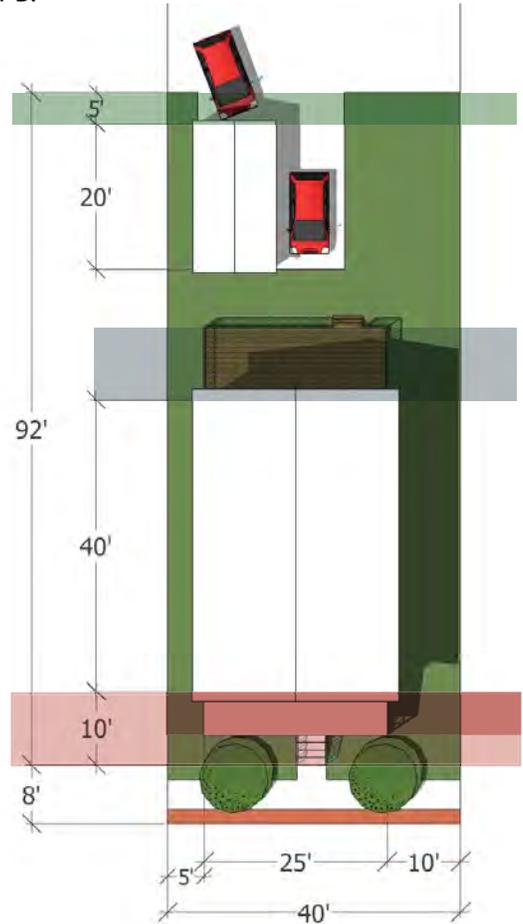
Regulation	Feet
Front Yard Setback	10 min.
Side Yard Setback	10 one side, 15 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	40
Lot Depth	92

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.

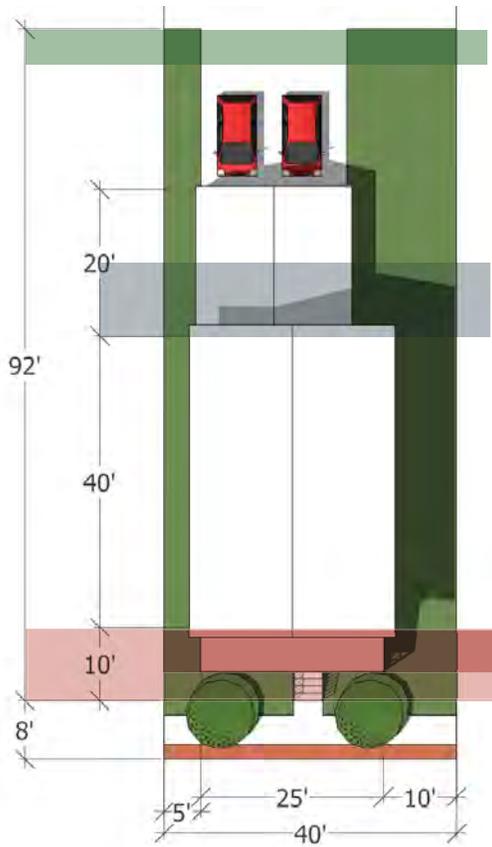


Type 1 B.



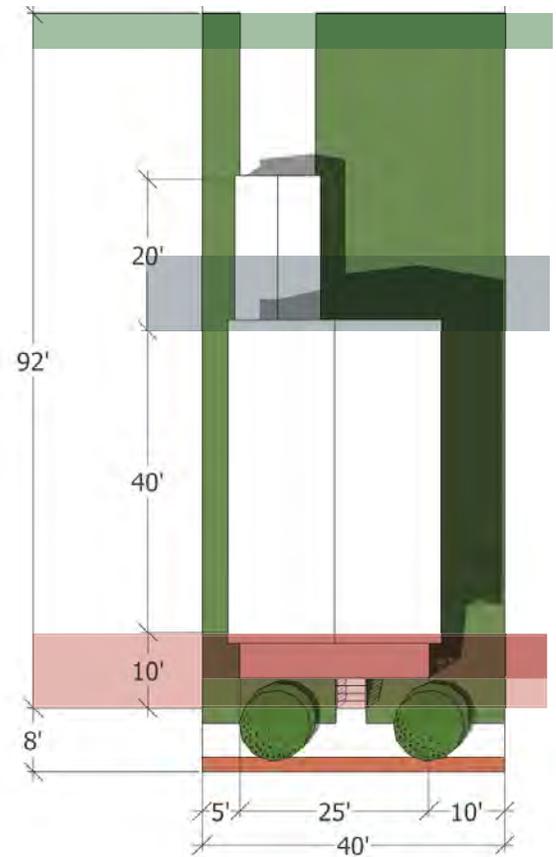
Regulation	Feet
Front Yard Setback	10 min.
Side Yard Setback	10 one side, 15 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	40
Lot Depth	92

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

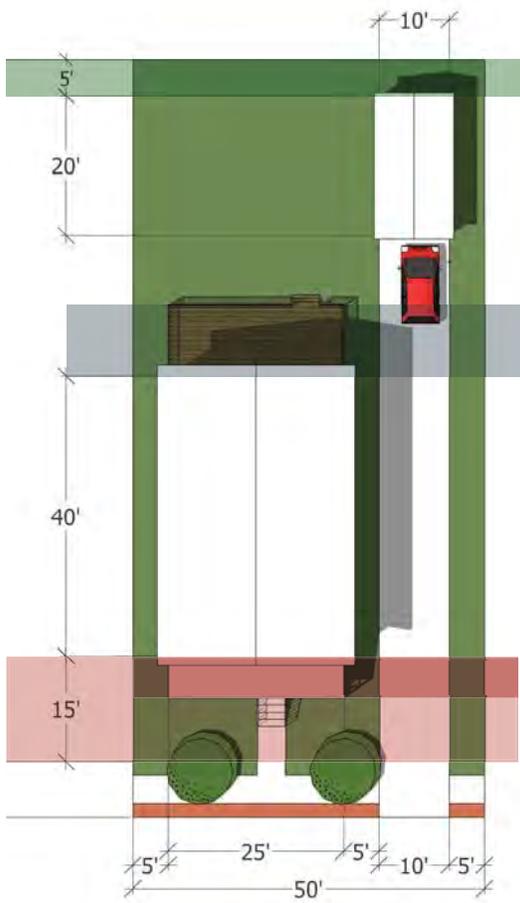
Type 1 D.



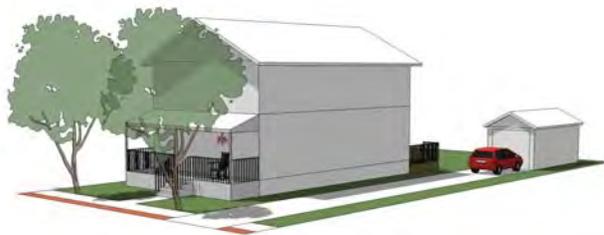
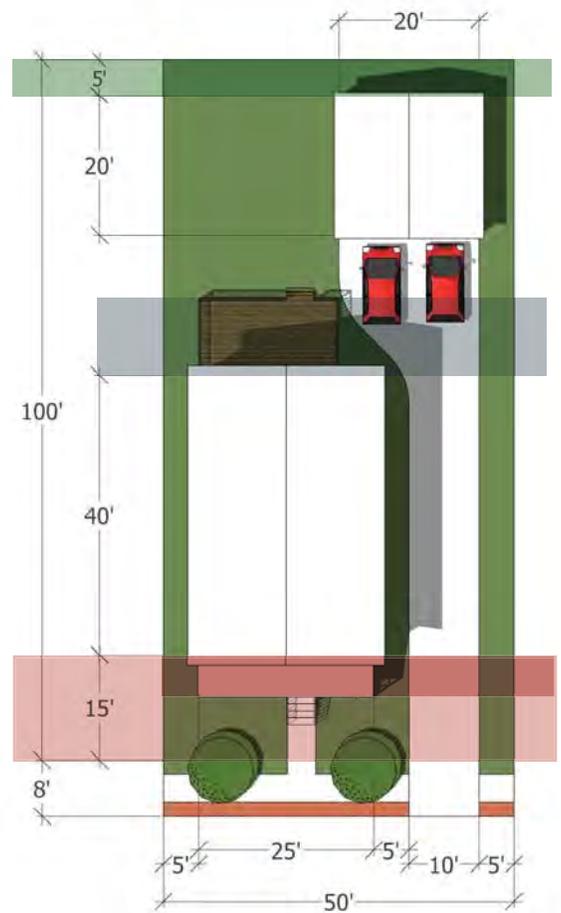
Regulation	Feet
Front Yard Setback	15 min
Side Yard Setback	20 one side, 25 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	25x40 (1000 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	50
Lot Depth	100

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.

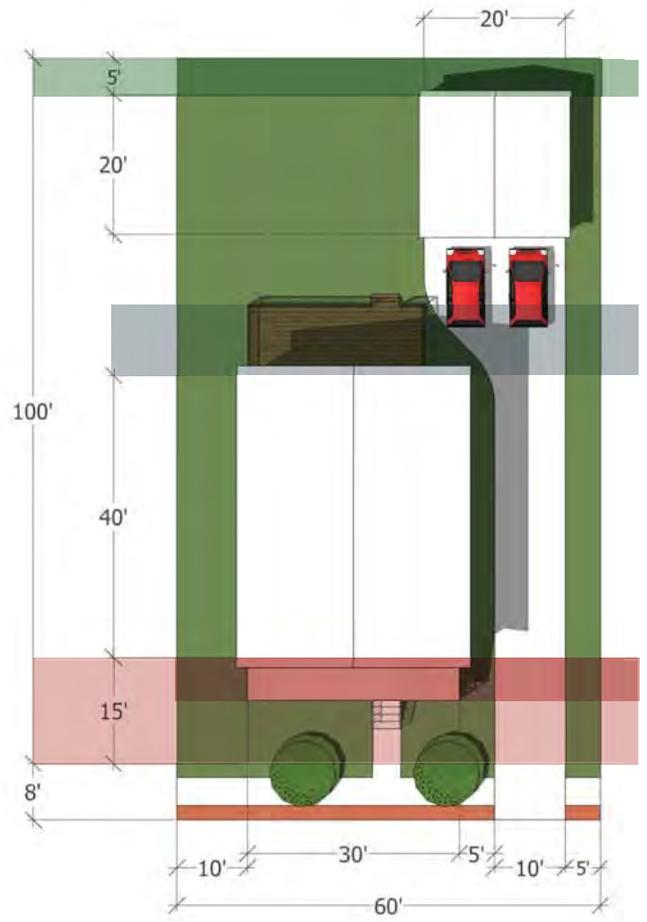
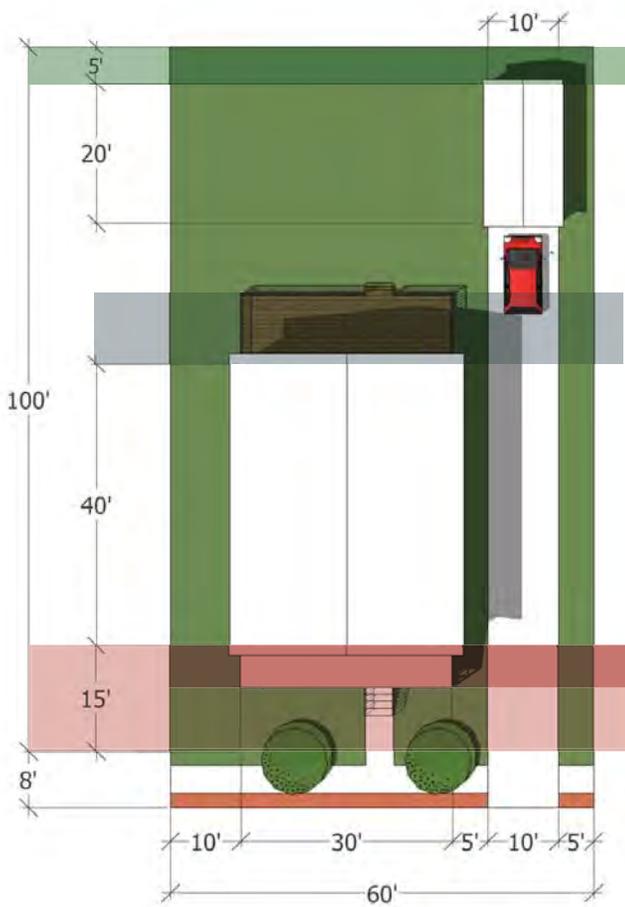


Regulation	Feet
Front Yard Setback	15 min
Side Yard Setback	20 one side, 30 total
Rear Yard Setback	5 min
Front Encroachment	6 max
Rear Encroachment	10 max
Primary Bldg Footprint	30x40 (1200 sf) max
Accessory Structure Footprint	20x20 (400 sf) max
Lot Width	60
Lot Depth	100

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.

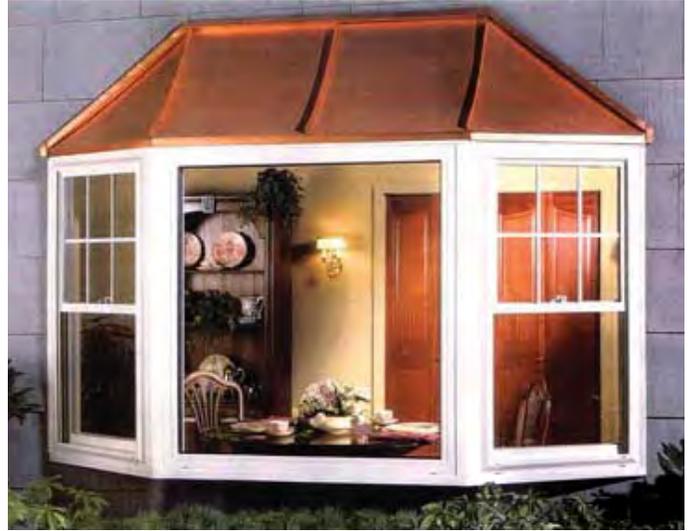
1. Windows: All windows in residential units shall be operable windows to ensure natural ventilation and air circulation.
2. Windows should be casement or double hung. If balconies are present in a building, French doors are permitted in lieu of windows on the second floor.
3. The ground floor windows 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.

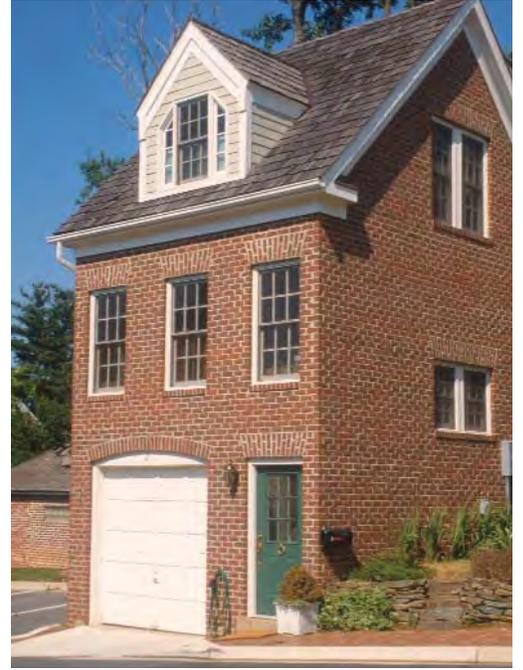
The Planning Board should determine if an identification sign for the development will be permitted. If the Board deems that a sign may be erected to identify the development the following guidelines are to be followed: The sign shall be no larger than 12 square feet and must be a carved wood sign. The 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



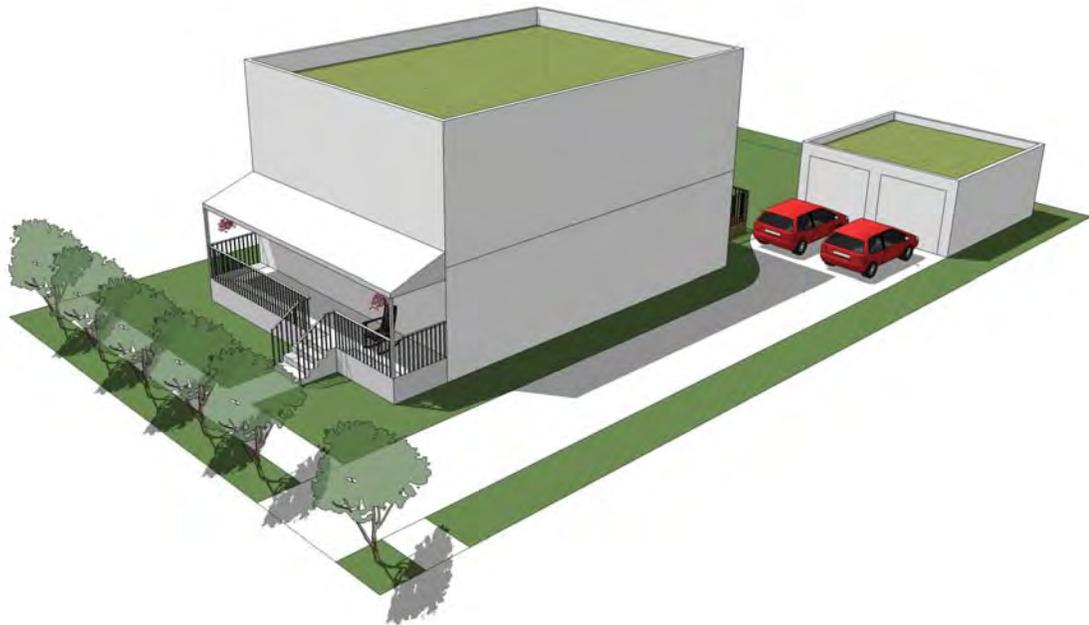
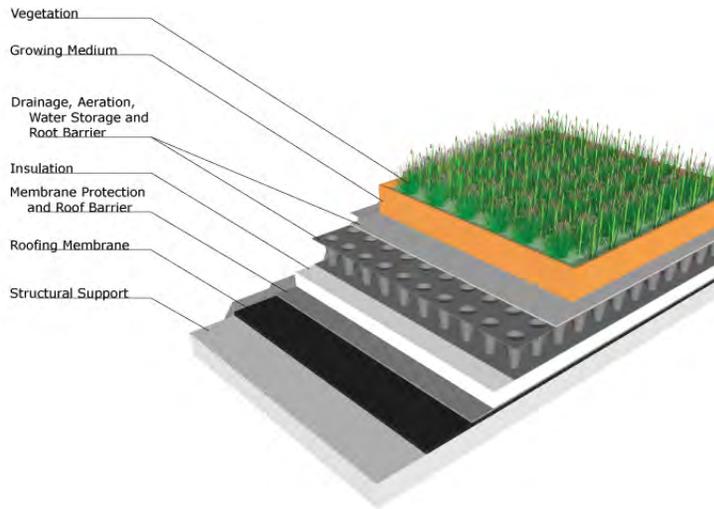
1. **LEED Certification:** To the extent possible all buildings should strive for the U.S. Green Building Council's (USGBC) Leadership In Energy Efficient Design (LEED) certification.
2. **Energy Efficiency:** New construction should strive for maximum efficiency of energy usage. Educational, technical 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.

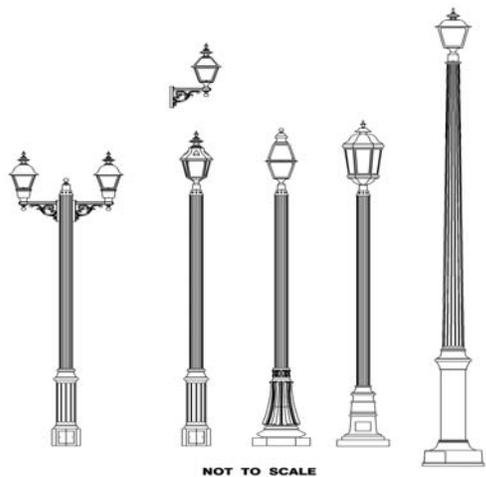
Hardscape Requirements for Streetscape

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

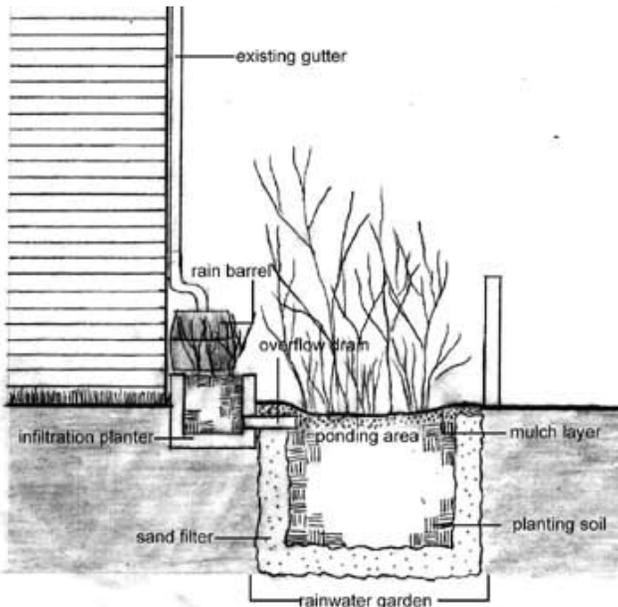
During construction, one (1) sign for each project or development phase may be displayed indicating the name of the project, developer, design professionals, general contractor, sub-contractors, financing institution, and/or public agency officials (as applicable and appropriate). Construction signage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

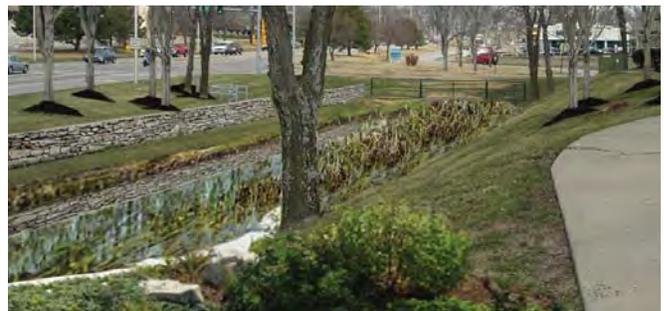
Soil Handling and Soil Compaction

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
-------------------	-------------

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

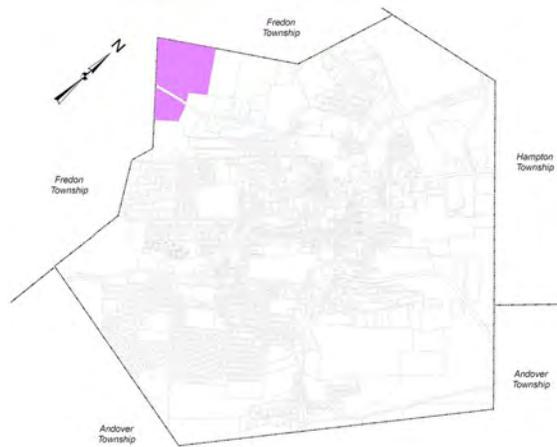
Project Designers:

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	

§ 320-19. Special District 9 — Planned Neighborhood Development Zone.



A. SD-9 purpose. Special District 9: Planned Neighborhood Development Zone covers approximately 52 acres along High Street at the western edge of town. Development in this zone includes a mandatory 20% set-aside for affordable housing. Mixed-use is permitted along High Street and adjacent to the Newton Hospital to provide retail and services to the neighborhood. The remainder of the development is permitted to be residential and should vary in density from higher density closer to High Street to lower density further from the road frontage. A minimum of three building types shall be provided for any development. The following building types are permitted in the District:

- (1) Single-family;
- (2) Townhouses;
- (3) Multifamily residential and elevator flats;
- (4) Duplexes;
- (5) Triplexes;
- (6) Mixed-use buildings;
- (7) Live/work; and
- (8) Parking garages and parking garages with liner buildings.

B. SD-9 bulk requirements.

Building Configuration	Principal building	4 stories/50 feet maximum; 2 minimum
	Accessory building	2 stories/25 feet maximum
Lot Occupation	Lot width	20 feet minimum

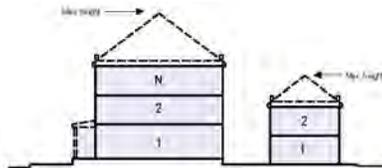
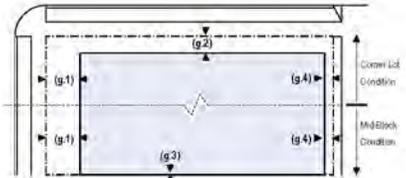
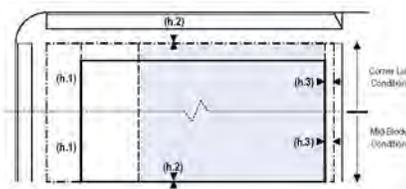
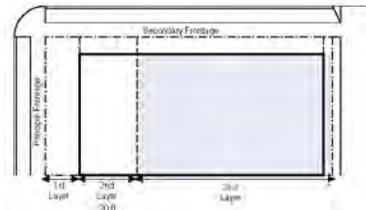
	Lot coverage	70% maximum
Residential Density	85% of the development	Max. 6 du/acre
	15% of the development	Max. 12 du/acre
Affordable Housing Requirement	Minimum set aside	20% of residential
Building Disposition (§ 320-26B)	Edgeyard	Permitted
	Sideyard	Permitted
	Rearyard	Permitted
	Courtyard	Not permitted
Commercial/Mixed-Use Building Setbacks	Front yard primary (g.1) ¹ (NE side lot line along hospital lot should be treated as a front yard)	10 feet minimum, 30 feet maximum
	Front yard secondary (g.2) ¹ for corner lot	10 feet minimum, 30 feet maximum
	Side yard (g.3) ¹	20 feet minimum
	Rear yard (g.4) ¹	50 feet minimum
	Frontage build-out	60% minimum at setback
Residential Building Setbacks	Front yard primary	100 feet minimum
	Front yard secondary	20 feet minimum
	Side yard	20 feet minimum
	Rear yard	50 feet minimum
	Frontage build-out	Not applicable
Accessory Building Setbacks	Front (h.1) ¹	20 feet minimum + principal bldg. setback
	Side yard (h.2) ¹	5 feet minimum or 10 feet at corner
	Rear yard (h.3) ¹	5 feet minimum
Private Frontages (§ 320-26A)	Common lawn	Permitted
	Porch and fence	Permitted
	Terrace	Permitted
	Forecourt	Permitted
	Shopfront and awning	Permitted
	Gallery	Permitted

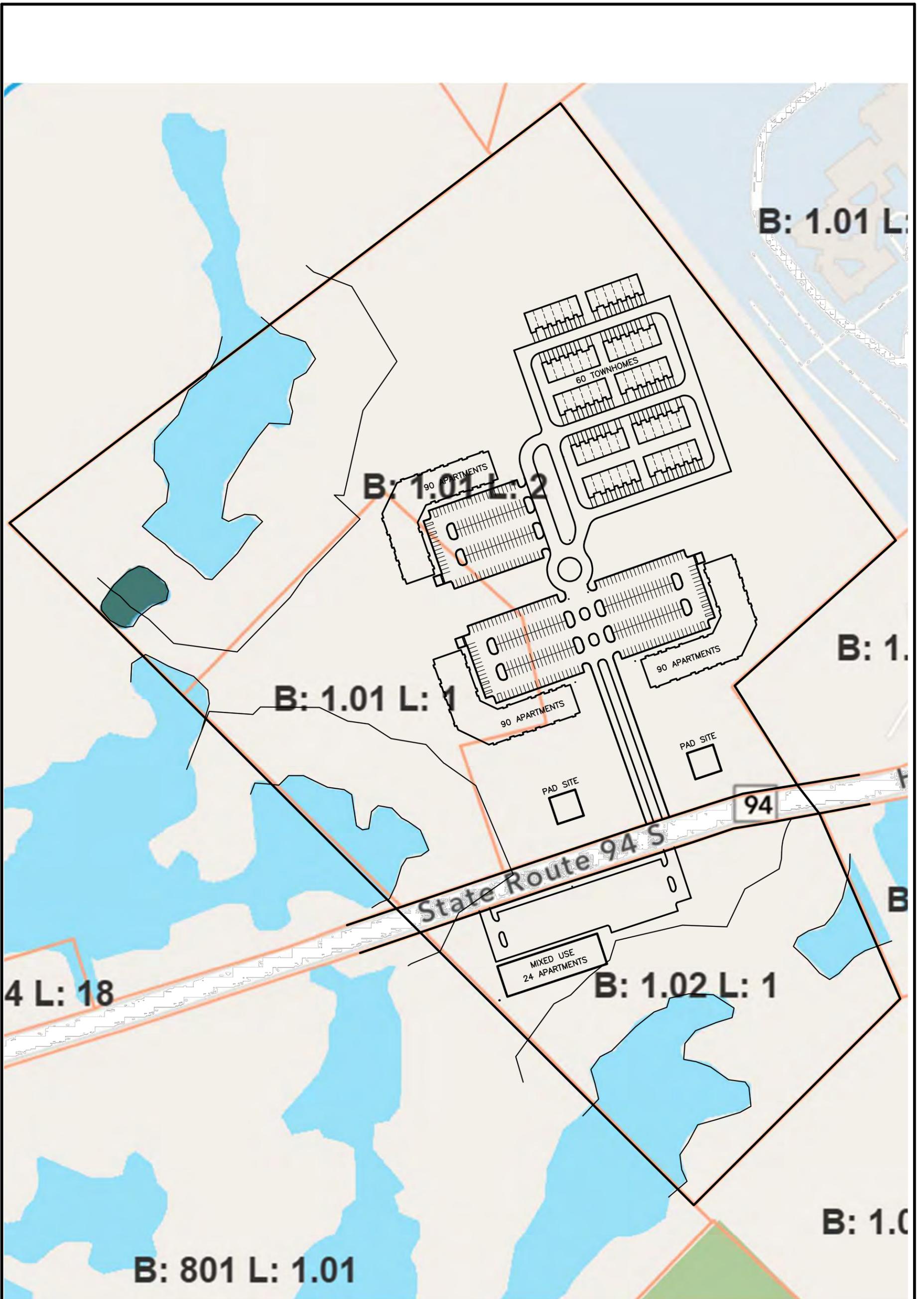
	Arcade	Permitted
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NOTES:

¹ See § 320-19C.

C. SD-9 building configuration, height and setbacks.

<p>BUILDING CONFIGURATION</p> <p>1. Building height shall be measured from the average elevation of the finished grade along the front of the building to the mean elevation of the roof surface.</p> <p>2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first-floor commercial function which must be a minimum of 11 feet with a maximum of 24 feet.</p>	
<p>SETBACKS — PRINCIPAL BLDG</p> <p>1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.</p> <p>2. Facades shall be built along the principal frontage to the minimum specified width in the table.</p>	
<p>SETBACKS — OUTBUILDINGS</p> <p>1. The elevation of the outbuilding shall be distanced from the lot lines as shown.</p>	
<p>PARKING PLACEMENT</p> <p>1. Uncovered parking spaces may be provided within the third layer as shown in the diagram.</p> <p>2. Covered parking shall be provided within the third layer as shown in the diagram. Side-or rear-entry garages may be allowed in the first or second layer at the discretion of the Planning Board.</p> <p>3. Trash containers shall be stored within the third layer.</p>	



**CONCEPT DEVELOPMENT PLAN
354 UNIT MIXED USE DEVELOPMENT**

Appendix C – Spending Plan

AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

TOWN OF NEWTON
SUSSEX COUNTY, NEW JERSEY

May 21, 2025

Prepared by: Jessica C. Caldwell, P.P., A.I.C.P.
NJPP License #5944

SPENDING PLAN

INTRODUCTION

The Town of Newton, Sussex County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the present and prospective affordable housing need in accordance with the Municipal Land Use Law (MLUL), the Fair Housing Act (FHA), the regulations of the Council on Affordable Housing (COAH) and recent decisions by the Courts.

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines was adopted in July 2008, which was later amended in October 2010. The ordinance established a fee of 1.5% of equalized assessed value for new residential construction and 2.5% for new commercial construction. The ordinance established the need for a Town of Newton Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate-interest-bearing affordable housing trust fund account for the purposes of affordable housing. This Spending Plan supersedes the spending plan adopted by the Town of Newton in 2016 as part of its Third Round Superior Court approvals.

The Town of Newton has prepared this Spending Plan (2025) to guide the allocation of funds within the Town of Newton Affordable Housing Trust Fund. As of December 31, 2024, the Town of Newton has \$615,463.64 funds in its Affordable Housing Trust Fund. The funds shall be spent in accordance N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of Fourth Round substantive certification, the Town of Newton considered the following:

- (a) Development fees:
 - 1. Nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 - 2. All nonresidential projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
 - 3. Future development that is likely to occur based on historical rates of development.
- (b) Payments in Lieu (PIL): Payments in Lieu of development into the Town 's Housing Trust are permitted as pursuant to Section 102.16-1 of Newton Code.
- (c) Other funding sources: The Town reserves the option to pursue various public funding options to support its municipal rehabilitation program.
- (d) Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate is 0.5% based on prevailing interest rates for savings accounts.

Projected Revenue Schedule, 2025-2035
Town of Newton Affordable Housing Trust Fund

Source of Funds	Up to 12/31/2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development Fees	\$615,463												
1. Approved Residential and Nonresidential Development Projects	NA	\$2,500	\$2,500	\$2,500									\$7,500
2. Projected Residential Development Projects Only	NA	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$220,000
3. Projected Non-Residential Development Projects (New construction only)	NA	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$550,000
(b) Payments in lieu of Construction	NA												
(c) Other Funds (specify source)	NA												
Subtotal	\$615,453	\$72,500	\$72,500	\$72,500	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$845,000
(d) Interest	NA	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$11,000
Total Revenue from Development Fees	\$615,453	\$73,500	\$73,500	\$73,500	\$71,000	\$71,000	\$71,000	\$71,000	\$71,000	\$71,000	\$71,000	\$71,000	\$1,471,453

The Town of Newton projects a total of **\$856,000** to be collected between January 1, 2025 and December 31, 2035 for residential and non-residential new construction. There is an existing balance of \$615,453, resulting in a total of \$1,471,453 for use on affordable housing. Projections are based on projected development as it relates to permits issued within the Town over the last five years and revenues generated by the fund over the last ten years.

ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Newton will follow the process for the collection and distribution of development fee revenues detailed below.

- (a) Collection of development fee revenues: Newton will collect development fee revenues in a manner that is consistent with the Town's development fee ordinance for both residential and nonresidential development and in accordance with applicable regulations.
- (b) Distribution of development fee revenues: Newton will distribute funds with the oversight of the Town Council. The Council will work with the Town Manager and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

The Town of Newton proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

- (a) **Rehabilitation Projects** (N.J.A.C. 5:97-6.2): the Town of Newton will dedicate the following funds to Rehabilitation projects in order to meet its fair share affordable unit obligation:
Town Rehabilitation Program: At least \$12,500 per unit for a total of 45 units for a budget of \$562,500.
- (b) **Administrative Expenses** (N.J.A.C. 5:97-8.9) the Town of Newton will dedicate no more than 20 percent of revenue from the affordable housing trust fund to be used for administrative purposes. **The current budget for administrative expenses is a maximum of \$249,290 subject to the 20 percent cap are as follows:**
 - Administration of affordable housing programs;
 - Legal fees associated with affordable housing administration;
 - Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
 - Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within Newton Town.
- (c) **Affordability Assistance** (N.J.A.C. 5:97-8.8) Newton will dedicate **\$441,436** from the affordable housing trust fund to render units more affordable, including at \$147,145 to render units more affordable to households earning 30% or less of median income by region.
- (d) **Supportive Living and Special Needs** (N.J.A.C. 5:97-6.10): Newton will dedicate funds to assist in the development and renovation of supportive and special needs homes as the budget permits.

- (e) **Excess Funds:** Any excess funds will be dedicated to emergent projects such as municipally sponsored 100% affordable housing, market to affordable program, redevelopment and other permitted affordable housing programs.

SUMMARY

Newton intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the affordable housing programs outlined in the Town’s Housing Element and Fair Share Plan dated May 21, 2025.

**Spending Plan Summary
Newton Affordable Housing Trust Fund**

Trust fund balance as of 12/31/2024	\$615,453
Projected Revenue (2025-2035)	
Development fees	\$856,000
Payments in lieu of construction	
Other funds	
Interest	\$11,000
Total Revenue (Rounded)	\$845,000
Expenditures	
Rehabilitation	\$562,500
Administration	\$249,290
Affordability Assistance	\$441,436
Other programs	\$218,227
Total Projected Expenditures	\$1,471,453

Appendix D – Marketing Plan

**TOWN OF NEWTON
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

Affordable Housing

Affirmative Marketing Plan

TOWN OF NEWTON
39 TRINITY STREET
NEWTON NJ 07860
973 – 383-3521

Contents

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Regional Preference	2
Implementation	2
Sample Advertisement for Available Rental Units.....	6
Sample Public Service Announcement.....	6
Random Selection & Applicant Pool(s).....	7
Initial Randomization.....	8
Randomization After Certification	8

Overview

All affordable units are required to be affirmatively marketed using Newton's Affirmative Marketing Plan. An Affirmative Marketing Plan is a regional marketing strategy designed to attract households of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an Affirmative Marketing Plan are to target households who are least likely to apply for affordable housing, and to target households throughout the entire housing region in which the units are located.

The Town of Newton provides this Affirmative Marketing Plan for any affordable housing within the Town. Individual projects may develop their own affirmative marketing plan in compliance with this plan.

Every Affirmative Marketing Plan must include all of the following:

1. Publication of at least one advertisement in a newspaper of general circulation within the housing region;
2. Broadcast of at least one advertisement by radio or television throughout the housing region; and
3. At least one additional regional marketing strategy such as a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious, and civic organizations.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan must include the following information:

1. The address of the project and development name, if any;
2. The number of rental units;
3. The price ranges of the rental units;
4. The name and contact information of the Municipal Housing Liaison, Administrative Agent, property manager, or landlord;
5. A description of the Random Selection method that will be used to select applicants for affordable housing; and
6. Disclosure of required application fees, if any.

Advertisements must contain the following information for each affordable housing opportunity:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;

5. The maximum income permitted to qualify for the housing units;
6. The locations of applications for the housing units;
7. The business hours when interested households may obtain an application for a housing unit; and
8. Application fees, if any.

Regional Preference

Newton has provided that households that live or work in Housing Region 1 (comprised of Bergen, Hudson, Passaic and Sussex Counties) shall be selected for an affordable housing unit before households from outside of this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region.

Implementation

The affirmative marketing process for affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Town of Newton's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following daily regional newspapers/publications when units are available and there is no wait list for existing units and when any new units may be constructed in the future:

1. New Jersey Herald
2. The Star Ledger
3. Daily Record
4. The Alternative Press

The primary marketing will take the form of at least one (1) press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an as-needed basis. The advertisement will include a description of the:

1. Location of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Size, as measured in bedrooms, of units;
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Business hours when interested households may obtain an application; and

8. Application fees.

All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:

1. New Jersey Herald
2. The Star Ledger
3. Daily Record
4. The Alternative Press

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

1. Select two from Attachment A.

The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of DCA's Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 1 (attached to and hereby made part of this Resolution) as well as the following entities:

1. Quarterly informational flyers and applications shall be sent to the Bergen, Hudson, Passaic and Sussex County Boards of Realtors for publication in their journals and for circulation among their members; and
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Bergen, Hudson, Passaic and Sussex.

Applications will be mailed to prospective applicants upon request.

The following is the location of applications, brochure(s), signs and/or poster(s) used as part of the affirmative program, including specific employment centers within the region:

1. Municipal Building: 39 Trinity Street, Newton, NJ 07860
2. County Library: Dennis Library, 101 Main Street, Newton NJ 07860

The following is the community contact person who will aid the affirmative marketing program:

Municipal Housing Liaison
39 Trinity Street
Newton, NJ 07860

Additionally, quarterly informational circulars and applications for new units which may be constructed in the future will be sent to the chief administrative employees of each of the following agencies in the counties of Bergen, Hudson, Passaic and Sussex:

1. Welfare or Social Service Board;
2. Rental assistance office (local office of DCA);
3. Office on Aging.
4. Housing Agency or Authority.
5. County Library.
6. Area community action agencies.

Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Town of Newton Administrative Offices;
2. Town of Newton website;
3. Developer's Sales/Rental Offices;
4. Bergen, Hudson, Passaic and Sussex County Administration Buildings;
5. Bergen, Hudson, Passaic and Sussex County Libraries (all branches); and
6. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. In addition, the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in the Town of Newton.

The following is a listing of community contact person(s) and/or organizations in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program and provide

guidance and counseling services to prospective occupants of very low-, low-and moderate-income units:

1. Family Promise of Sussex County: www.familypromisesussex.org ; 973-579-1180
2. NJHMFA: www.nj.gov.dca.hmfa; 609-278-7400
3. Norwescap: www.norwescap.org; 908-454-7000
4. New Jersey Housing Resource Center: www.nj.gov.njhrc ; 1-877-428-8844
5. Affordable Housing Alliance: www.housingall.org ; 732-389-2958

A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low-, low- and moderate-income households; to place income-eligible households in very low-, low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low-, low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

The Administrative Agent shall provide or direct qualified very low-, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. In addition, it shall be the responsibility of the Administrative Agent to inform owners of affordable units and prospective occupants of affordable units of the Borough's affordability assistance programs and to assist with the implementation of such programs.

All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's adopted Affordable Housing Ordinance.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

1. When a re-rental affordable unit becomes available Administrative Agent will select applicants from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above. The selection of applicants from the applicant pool is described in more detail in this manual under the section **Random Selection & Applicant Pool(s)**.

Sample Advertisement for Available Rental Units

The Town of Newton hereby announces that # affordable housing units will be available for rent in the name of development/project. The housing is under development by developer and is available for type of income households. Development is located at address, description.

The affordable housing available includes rents from \$#,###/month and includes #-bedroom units. Utilities are included (if applicable). Interested households will be required to submit application, documentation if applicable, and any other requirements in order to qualify. The maximum household incomes permitted are \$41,471 for a one person household, \$47,395 for a two person household, \$53,320 for a three person household, \$59,244 for a four person household, \$63,984 for a five person household, and \$69,723 for a six person household. Once certified, households will be matched to affordable units through a lottery system. All successful applicants will be required to demonstrate the ability to pay a security deposit (requirements of security deposit).

Applications are available at Location(s), hours of operation. Applications can also be requested via mail by calling Realtor at Phone #. Applications will be accepted until mm/dd/yy and there is a \$5 fee for the credit check.

Visit www.njhousing.gov or call 1-877-428-8844 for more affordable housing opportunities.

Although any income eligible households may apply, workers of [Insert counties in the Affordable Housing regional preference zone]; Sussex County will be selected before residents of other counties or states.

Sample Public Service Announcement

10 second slot:

Affordability priced homes available in Mayberry Borough. Income restrictions apply. Call (800) 555-1234 for information.

30-35 second slot:

Affordably priced, brand new two, three, and four-bedroom attractive homes with nice amenities are available at the Equality at Mayberry Development in desirable Mayberry Borough. Call A Home For You at (800) 555-1234 for information on sales prices and income limits and to get a pre-application. The deadline to submit a pre-application is August 1, 2020, so don't delay. These homes are in accordance with State requirements for low- and moderate-income housing.

Random Selection & Applicant Pool(s)

The following is a description of the random selection method that will be used to select occupants for low- and moderate-income housing:

There will be a period in which to complete and submit applications. Households that have completed applications in that timeframe and have been determined that they are income eligible will be randomly selected to establish an order (service list) in which they will be evaluated by the Administrative Agent for the available unit(s). A copy of the first page of the applications will be folded and placed in a container of sufficient size to allow the applications to be randomly mixed. Once mixed, all applications will be drawn one by one from the container until none are left. The first application drawn will be the first position on the service list, and so on.

At least two people will be present during a random selection and both will sign the resulting service list as having participated and/or witnessed the random selection. Once the applicant is placed on the service list, they shall remain in that position until they are served or asked to be withdrawn from the list. Applicants on the service list shall not be a part of any future random selections. If the household on the list is not of an appropriate household size, income or does not live or work in the Housing Region, that applicant will be skipped and the next applicant household with sufficient income will be evaluated for the available unit. This will continue until a properly sized household with sufficient income or purchase or rent the unit is reached.

The applicant household will be required to submit a complete application to establish their eligibility as defined by the Fair Housing Act. If the end of the service list is reached before an appropriately-sized household that lives or works in the New Jersey Housing Region is identified the Administrative Agent will review skipped households in the order of the random selection. Households that live or work in the Housing Region that are smaller than the ideal household size, as defined by the Town's Affordable Housing Ordinance, will be considered next.

Any applicants that are skipped for size, income or regional preference will remain on the list and continue to be considered for future restricted units in the order in which they were selected in the random selection.

Unless applicants ask to be removed from the list or become ineligible for assistance, or are unresponsive to our communications, they will remain on the service list. Therefore, these applicants will not need to be in future random selections. Instead, the service order created by future random selections will be placed at the end of the service list set by all prior random selections.

If there are sufficient names remaining on the service list to fill two years of resales and rentals, the applicant pool may be closed by the Administrative Agent. The Administrative Agent will notify the Town's in writing if it intends to close the waiting list. Any households calling or writing to express their interest in an affordable home will be directed to call back on a future date determined by the Administrative Agent. When the applicant pool is being depleted to a point where there is not a sufficient number of people to fill two (2) years of re-sales or rentals, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The service list established by subsequent random selection shall be added to the end of the previous service list.

Initial Randomization

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).
3. Households are informed of the date, time and location of the lottery and invited to attend.
4. An applicant pool is created by listing applicants in the order selected.
5. Applications are reviewed for income-eligibility.
6. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.
7. Eligible households are matched to available units based upon the number of bedrooms needed (and any other special requirements, such as [regional preference or] the need for an accessible unit).
8. If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be closed.
9. When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

Randomization After Certification

Random selection is conducted when a unit is available, and only certified households seeking the type and bedroom size of the available unit are placed in the lottery. The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. All applications are reviewed and households are either certified or informed of non-eligibility. (The certification is valid for 180 days, and may be renewed by updating income-verification information.)
3. Eligible households are placed in applicant pools based upon the number of bedrooms needed (and any other special requirements, such as regional preference or the need for an accessible unit)
4. When a unit is available, only the certified households in need of that type of unit are selected for a lottery.
5. Households are informed of the date, time, and location of the lottery and invited to attend.

6. After the lottery is conducted, the first household selected is given 3 days to express interest or disinterest in the unit. (If the first household is not interested in the unit, this process continues until a certified household selects the unit.)
7. Applications are accepted on an ongoing basis, certified households are added to the pool for the appropriate household income and size categories, and advertising and outreach is ongoing, according to the Affirmative Marketing Plan.

Matching Households to Available Units

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:
 - a. Maximum of two person per bedroom;
 - b. Children of same sex in same bedroom;
 - c. Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms;
 - d. Children not in same bedroom with parents;
 - e. Provide an occupant for each unit bedroom;
 - f. Provide children of different sex with separate bedrooms;
 - g. Require that all the bedrooms be used as bedrooms; and
 - h. Require that a couple requesting a two-bedroom unit provide a doctor's note justifying such request.

In no case shall a household be referred to an affordable housing unit that provides for more than one additional bedroom per household occupancy as stated in the policies above.

The Administrative Agent cannot require an applicant household to take an affordable unit with a greater number of bedrooms, as long as overcrowding is not a factor.

A household can be eligible for more than one unit category, and should be placed in the applicant pool for all categories for which it is eligible.

ATTACHMENT A
Affirmative Fair Housing Marketing Plan
For Affordable Housing in Region 1

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in **(REGION 1)**

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County Bergen, Hudson, Passaic, Sussex		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- White (non-Hispanic Native) Black (non-Hispanic) Hispanic American Indian or Alaskan Native
- Asian or Pacific Islander Other group:

3b. **HOUSING RESOURCE CENTER** (www.njhousing.gov) A free, online listing of affordable housing

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
TARGETS ENTIRE HOUSING REGION 1			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	Northern and Central New Jersey
TARGETS PARTIAL HOUSING REGION 1			
Daily Newspaper			
<input type="checkbox"/>		Record, The	Bergen
<input type="checkbox"/>		Jersey Journal	Hudson
<input type="checkbox"/>		Herald News	Passaic
<input type="checkbox"/>		New Jersey Herald	Sussex
TARGETS PARTIAL HOUSING REGION 1			
Non-Daily Newspaper			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<input type="checkbox"/>		Bayonne Community News	Hudson
<input type="checkbox"/>		Northern Valley Suburbanite	Northern Bergen
<input type="checkbox"/>		Teaneck Suburbanite	Teaneck, Bergen
<input type="checkbox"/>		Twin Boro News	Northern Bergen
<input type="checkbox"/>		Shopper News	Bergen
<input type="checkbox"/>		The Ramsey Reporter	Ramsey, Bergen
<input type="checkbox"/>		The Town Journal	Franklin Lakes, Bergen

<input type="checkbox"/>		The Village Gazette	Ridgewood, Bergen
<input type="checkbox"/>		Messenger	Garfield, Bergen
<input type="checkbox"/>		Observer	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Weekly News	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Hawthorne Press	Hawthorne, Passaic
<input type="checkbox"/>		Journal America	Passaic
<input type="checkbox"/>		Hoboken Reporter	Hoboken, Hudson
<input type="checkbox"/>		Hudson Current	Hudson
<input type="checkbox"/>		Jersey City Register	Hudson
<input type="checkbox"/>		The Shoppers' Friend	Sussex
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		North Bergen Register	Hudson
<input type="checkbox"/>		Secaucus Reporter	Secaucus, Hudson
<input type="checkbox"/>		Weehawken Reporter	Weehawken, Hudson
<input type="checkbox"/>		West New York/Union City Reporter	West New York/Union City, Hudson
<input type="checkbox"/>		Observer	Hudson
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		The Leader Free Press	Lyndhurst, Bergen
<input type="checkbox"/>		News Leader of Rutherford	Rutherford, Bergen
<input type="checkbox"/>		North Arlington Leader	North Arlington, Bergen

<input type="checkbox"/>		Our Town	Maywood, Bergen
<input type="checkbox"/>		The Ridgewood Times – Zone 2	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Villadom Times Midland Park	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Palisadian	Bergen
<input type="checkbox"/>		Aim Community News/Aim Action Ads	Passaic
<input type="checkbox"/>		Shoppers Guide to Sussex County	Sussex
<input type="checkbox"/>		Bergen News	Bergen
<input type="checkbox"/>		Press Journal	Palisades Park, Bergen
<input type="checkbox"/>		Korean Bergen News	Bergen
<input type="checkbox"/>		Sun Bulletin	Bergen
<input type="checkbox"/>		News Beacon	Paramus
<input type="checkbox"/>		Slovak Catholic Falcon	(Slovak/English) Passaic
<input type="checkbox"/>		Independence News	Passaic
<input type="checkbox"/>		Home and Store News	Bergen
<input type="checkbox"/>		Our Town	Northern Bergen
<input type="checkbox"/>		The Glen Rock Gazette	Glen Rock, Bergen
<input type="checkbox"/>		Ridgewood News	Ridgewood, Bergen
<input type="checkbox"/>		Suburban News	Northern Bergen
<input type="checkbox"/>		Town News	Northern Bergen
<input type="checkbox"/>		Wyckoff Suburban News	Wyckoff, Bergen

<input type="checkbox"/>		The South Bergenite	Southern Bergen
<input type="checkbox"/>		Secaucus Home News	Secaucus, Hudson
<input type="checkbox"/>		The Advertiser	Sussex
<input type="checkbox"/>		The Advertiser News	Sussex
<input type="checkbox"/>		Sparta Independent	Sparta, Sussex
<input type="checkbox"/>		Sussex County Chronicle	Sparta, Sussex
<input type="checkbox"/>		The Connection Newspaper	Southern Bergen
<input type="checkbox"/>		Jewish Community News	(Jewish) Bergen
<input type="checkbox"/>		Jewish Standard	(Jewish) Bergen
<input type="checkbox"/>		Avance	(Spanish) Hudson
<input type="checkbox"/>		Continental	(Spanish) Hudson
<input type="checkbox"/>		La Tribuna de North Jersey	(Spanish) Hudson
<input type="checkbox"/>		The Argus	West Paterson, Passaic
<input type="checkbox"/>		Suburban Life	Passaic
<input type="checkbox"/>		Today Newspaper	Passaic
<input type="checkbox"/>		Community Life	Northern Bergen
<input type="checkbox"/>		Wood Ridge Independent	Wood Ridge

TARGETS ENTIRE HOUSING REGION 1

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE

<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	NYC Metropolitan Area
<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	NYC Metropolitan Area
<input type="checkbox"/>		13 Wpix, Inc. (Tribune) Educational Broadcasting Corporation	NYC Metropolitan Area
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	NYC Metropolitan Area
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	NYC Metropolitan Area
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	NYC Metropolitan Area, Spanish-language
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area, Spanish-language
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	New Jersey
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	Hudson Valley
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	Northern New Jersey, Various ethnic

<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Northern New Jersey, Christian
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	NYC Metropolitan Area, Spanish-language
TARGETS PARTIAL HOUSING REGION 1			
<input type="checkbox"/>		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
<input type="checkbox"/>		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
<input type="checkbox"/>		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
<input type="checkbox"/>		26 WNXV-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
<input type="checkbox"/>		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
<input type="checkbox"/>		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Hudson
<input type="checkbox"/>		34 WPXO-LP Paxson Communications License Company, Llc	Hudson

<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)
<input type="checkbox"/>		3 WBQM-LP Renard Communications Corp.	Hudson, Sussex
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Hudson, Sussex
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Passaic, Sussex
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Passaic, Sussex
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Sussex
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Sussex
<input type="checkbox"/>		23 W23AZ Centenary College	Sussex
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Sussex
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Sussex
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Sussex
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Sussex
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Sussex
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Sussex

<input type="checkbox"/>		64 WQPX Paxson Communications License Company, Llc (Ion Media Networks)	Sussex
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
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TARGETS PARTIAL HOUSING REGION 1

<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic

<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex

<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
TARGETS ENTIRE HOUSING REGION 1			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WHTZ 100.3	

<input type="checkbox"/>		WHUD 100.7	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<input type="checkbox"/>		WBLS 107.5	
TARGETS PARTIAL HOUSING REGION 1			
AM			
<input type="checkbox"/>		WEEX 1230	Bergen
<input type="checkbox"/>		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
<input type="checkbox"/>		WMCA 570	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WNYC 820	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKL 910	Bergen, Hudson, Passaic (Polish)
<input type="checkbox"/>		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WINS 1010	Bergen, Hudson, Passaic

<input type="checkbox"/>		WEPN 1050	Bergen, Hudson, Passaic
<input type="checkbox"/>		WVNJ 1160	Bergen, Hudson, Passaic
<input type="checkbox"/>		WLIB 1190	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WADO 1280	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
<input type="checkbox"/>		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
<input type="checkbox"/>		WQEW 1560	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRL 1600	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRU 1660	Bergen, Hudson, Passaic (Korean)
<input type="checkbox"/>		WMTR 1250	Passaic
<input type="checkbox"/>		WGHT 1500	Passaic
<input type="checkbox"/>		WNNJ 1360	Sussex
FM			
<input type="checkbox"/>		WSOU 89.5	Bergen, Hudson
<input type="checkbox"/>		WCAA 105.9	Bergen, Hudson (Latino)
<input type="checkbox"/>		WBGO 88.3	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFDU 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WKCR-FM 89.9	Bergen, Hudson, Passaic

<input type="checkbox"/>		WNYU-FM 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFUV 90.7	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFMU 91.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYE 91.5	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKS 98.7	Bergen, Hudson, Sussex
<input type="checkbox"/>		WRTN 93.5	Bergen, Hudson, Sussex
<input type="checkbox"/>		WHCR-FM 90.3	Bergen, Passaic
<input type="checkbox"/>		WPSC-FM 88.7	Passaic
<input type="checkbox"/>		WRHV 88.7	Passaic
<input type="checkbox"/>		WNJP 88.5	Sussex
<input type="checkbox"/>		WNTI 91.9	Sussex
<input type="checkbox"/>		WCTO 96.1	Sussex
<input type="checkbox"/>		WSUS 102.3	Sussex
<input type="checkbox"/>		WNNJ-FM 103.7	Sussex
<input type="checkbox"/>		WDHA -FM 105.5	Sussex
<input type="checkbox"/>		WHCY 106.3	Sussex
<input type="checkbox"/>		WWYY 107.1	Sussex

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE

TARGETS ENTIRE HOUSING REGION 1				
Bi-weekly				
<input type="checkbox"/>		Al Manassah		Arab-American
Monthly				
<input type="checkbox"/>		Sino Monthly	North Jersey/NYC area	Chinese-American
TARGETS PARTIAL HOUSING REGION 1				
Daily				
<input type="checkbox"/>		24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly				
<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		El Nuevo	Hudson County	Spanish-Language
<input type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lydenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>		Su Guia	Bergen and Passaic	Spanish-Language

<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		Ukranian Weekly	New Jersey	Ukranian community
3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)				
DURATION & FREQUENCY OF OUTREACH		NAME OF EMPLOYER/COMPANY		LOCATION
Hudson County				
<input type="checkbox"/>		United Parcel Service Inc. NY Corp		492 County Ave, Secaucus
<input type="checkbox"/>		USPS		80 County Road, Jersey City
<input type="checkbox"/>		Liz Claiborne Inc		1 Claiborne Ave, North Bergen
<input type="checkbox"/>		Credit Suisse First Boston LLC		1 Pershing Plz Jersey City
<input type="checkbox"/>		HealthCare Staffing and Consult		26 Journal Square, Jersey City
<input type="checkbox"/>		Ritter Sysco Food Service		20 Theodore Conrad Dr. Jersey City
<input type="checkbox"/>		Jersey City Medical Center Inc.		50 Grand St, Secaucus
<input type="checkbox"/>		Marsh USA Inc.		121 River St, Hoboken
<input type="checkbox"/>		National Retail Systems Inc.		2820 16th St North Bergen
<input type="checkbox"/>		Community Corrections Corp		Lincoln Hwy Kearny
<input type="checkbox"/>		Marine Personnel & Provisioning Inc.		1200 Harbor Blvd Weehawken
<input type="checkbox"/>		Port Authority of NY and NJ		241 Erie St. Jersey City and 120 Academy St. Jersey City
<input type="checkbox"/>		Christ Hospital Health Service		176 Palisade Ave, Jersey City
<input type="checkbox"/>		Bayonne Hospital		29th Street and Ave E, Bayonne
<input type="checkbox"/>		Salson Logistics Inc.		2100 88th St.and 7373 West Side Ave, North Bergen, NJ

<input type="checkbox"/>		National Financial Service	1000 Plaza, Jersey City
<input type="checkbox"/>		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
<input type="checkbox"/>		Maidenform Inc	154 Ave E, Bayonne
<input type="checkbox"/>		Lord Abbett & Company	90 Hudson City, Jersey City
<input type="checkbox"/>		Liberty Health Plan Inc.	50 Baldwin Ave Jersey City
<input type="checkbox"/>		Port Imperial Ferry Corp.	Pershing Rd Secaucus
<input type="checkbox"/>		Hudson News	1305 Paterson Plank Rd, North Bergen
<input type="checkbox"/>		Palisades General Hospital	7600 River Rd North Bergen, NJ
<input type="checkbox"/>		Equiserve Inc.	525 Washington Blvd Jersey city
<input type="checkbox"/>		Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
<input type="checkbox"/>		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
<input type="checkbox"/>		Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
<input type="checkbox"/>		Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ
<input type="checkbox"/>		Bowne Business Communications Inc.	215 County Ave Secaucus
<input type="checkbox"/>		North Hudson Community Action Corp.	5301 Broadway West New York 07093
<input type="checkbox"/>		Goya Foods Inc.	100 Seaview Dr. Secaucus
<input type="checkbox"/>		Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ
Bergen County			
<input type="checkbox"/>		Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
<input type="checkbox"/>		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee

<input type="checkbox"/>		County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
<input type="checkbox"/>		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
<input type="checkbox"/>		NJ Sports & Expo Authority	50 State Highway 120 East Rutherford
<input type="checkbox"/>		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
<input type="checkbox"/>		Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
<input type="checkbox"/>		AT&T	15 E Midland Ave Paramus
<input type="checkbox"/>		Englewood Hospital and Medical Center	350 Engle St. Englewood
<input type="checkbox"/>		Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
<input type="checkbox"/>		Holy Name Hospital	718 Teaneck Road Teaneck
<input type="checkbox"/>		Doherty Enterprises Inc	7 Pearl Ct Allendale
<input type="checkbox"/>		Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
<input type="checkbox"/>		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
<input type="checkbox"/>		Howmedica Osteonics Corp	59 Route 17 Allendale
<input type="checkbox"/>		Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
<input type="checkbox"/>		Pearson Education, Inc.	1 Lake St. Upper Saddle River
Passaic County			
<input type="checkbox"/>		D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
<input type="checkbox"/>		Acme Markets	467 AllWood Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
<input type="checkbox"/>		Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403

<input type="checkbox"/>		Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
<input type="checkbox"/>		Sommers Plastic Product Co. Inc.	31 Styertowne Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
<input type="checkbox"/>		BAE Systems	164 Totowa Rd, Wayne, NJ 07470
<input type="checkbox"/>		Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
<input type="checkbox"/>		Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
<input type="checkbox"/>		GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
<input type="checkbox"/>		Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470
Sussex County			
<input type="checkbox"/>		Selective Insurance	40 Wantage Ave, Branchville, NJ
<input type="checkbox"/>		Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
<input type="checkbox"/>		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
<input type="checkbox"/>		County of Sussex	One Spring Street, Newton, NJ 07860
<input type="checkbox"/>		Newton Memorial Hospital Inc.	175 High St, Newton, NJ
<input type="checkbox"/>		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ
<input type="checkbox"/>		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
<input type="checkbox"/>		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
<input type="checkbox"/>		Saint Clare's Hospital	20 Walnut St, Sussex, NJ
<input type="checkbox"/>		Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ

3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:																
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)																
	<table border="1"> <thead> <tr> <th></th> <th>BUILDING</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/></td> <td>Sussex County Main Library</td> <td>125 Morris Turnpike, Newton, NJ 07860</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Hudson County Administration Building</td> <td>595 Newark Avenue, Jersey City, NJ 07306</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Passaic County Administration Building</td> <td>401 Grand Street, Paterson, NJ 07505 (973) 225-3632</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Bergen County Administration Building</td> <td>One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000</td> </tr> </tbody> </table>		BUILDING	LOCATION	<input type="checkbox"/>	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860	<input type="checkbox"/>	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306	<input type="checkbox"/>	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632	<input type="checkbox"/>	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
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4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)																
4c. Sales/Rental Office for units (if applicable)																

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).

–

Name (Type or Print)

–

Title/Municipality

–

Signature

Date

Appendix E – Deed Restrictions

TO BE PROVIDED