

NEWTON TOWN ACTION PLAN: Adopted by the SPC on February 18th 2009

NOTE: Each Action Item and Deliverable must fully resolve the corresponding Consistency Issue and related items.

Item No.	Subject	Consistency Issue	Action Item	Deliverable	Deadline	State Deadline
A1	General Land Use	OSG's review outlines additional documents that, once created, will need to be consistent with Newton's current plans.	The Township shall update its Master Plan as necessary, in particular the Land Use Plan Element, based on the discussion of other action items in this table. The amended master plan will be submitted to OSG and State Agency review before its adopted.	Updated Master Plan	12/01/10	01/15/11
A2	General Land Use	The draft Master Plan provided did not contain 20-year projections.	The existing conditions section shall consider 20-year projections with regard to population, household and economic growth; land consumption; infrastructure and resource capacity. Opportunities and constraints identified must be addressed in relevant elements of the master plan and discuss how the 20 year projections will be accommodated.	Updated Master Plan	03/21/09	05/05/09
A3	General Land Use	Newton provided a 3 year capital improvement plan. The MLUL states that municipal capital improvements should be projected over a term of at least 6 years.	<p>The Town of Newton shall prepare a program of municipal capital improvement projects projected over a term of at least six (6) years, pursuant to the Municipal Land Use Law (MLUL), N.J.A.C. 40:55D-29. The program shall at a minimum:</p> <ul style="list-style-type: none"> • Encompass major current or planned projects involving federal, state, county and other public funds or supervision; • Prioritize projects according to urgency and need for revitalization, and recommend a time sequence for their implementation; • Contain estimated project costs and indicate probable operating and maintenance costs and revenues; • Account for existing sources of funds and any need for additional sources of funds for the implementation and operation of each project; • Be based on existing information in the possession of municipal departments and agencies and take into account public facility needs indicated by the master plan or permitted under other municipal land use controls; and • Estimate the displacement of persons and establishments and related cost caused by each recommended project 	Capital Improvement Plan	06/21/09	08/05/09
A4	General Land Use	Pages 36 through 39 of the draft Master Plan contain land use maps that show individual uses.	Modify the mapping of 'Existing Land Use by Classification' section of the Existing Conditions chapter of the draft Master Plan to map vacant/undeveloped land as an individual land use. These maps should be compiled together into one land use map, to ensure that every area in the municipality is accounted for, and to see how complimentary uses can be facilitated. The Land Use Map should define land use by acreage, including developable land, undeveloped land, developed land, different types of housing, (housing densities per acre) agriculture, forested lands, recreational land, and land used for commercial purposes. The existing land use inventory should provide a palette of the standard land use colors: Office: Reddish Brown, Retail: Red, Heavy Industry: Dark Purple, Light Industry, Distribution and Warehousing: Light Purple, Parks/Open Space: Green, Multifamily: Orange, Single Family: Yellow, Public Institutional: Sky Blue, Vacant: White, Water: Blue, Agriculture and Preserved Farmland: Bright Green, Mixed Use: Diagonal Stripes of the abovementioned colors.	Updated Land Use Map(s)	03/21/09	05/05/09
B1	Circulation	The circulation element in the draft action plan needs more comprehensive analysis and implementation measures	The draft update of the Master Plan contains a Circulation Goal of developing and improving a coordinated street system that enables the safe and efficient movement of pedestrians, bicycles and goods, providing for the separation, to the maximum extent possible, of local and through traffic. As such, the Master Plan Circulation Element and Land Use Element should work together to assure that the transportation network can accommodate any proposed land use and zoning changes, and to ensure that alternative local connections realistically can be made. For example, the updated Circulation Element should address circulation in the Planned Neighborhood Development District as well as the S-D3 or the "Retail Manufacturing District" The Master Plan update should incorporate the appropriate transportation and land use components of the recently completed Urban Design Plan, as well as capture applicable elements of the Mobility and Community Form Guide.	New Circulation Element	10/01/09	11/15/09
C1	Transit	Transit Opportunities	NJ TRANSIT would like to note that Newton qualifies as an urban town center. The town or county should pursue the use of rural transportation funding or other sources (CMAQ) to look at a five day a week local circulator, similar to Hackettstown, which has a similar transit score and density to Newton.	Application for Rural Transportation Funding	06/21/09	08/05/09

D1	Environmental	Recycling Element lacked a statement of consistency	The Town of Newton shall include a Recycling statement of consistency with the County Solid Waste Management Plan, including municipal strategies to achieve the State's Recycling Goals and reduce municipal solid waste. This statement shall be incorporated into the Recycling Element of the Master Plan.	Statement of Consistency in an updated Master Plan Element	06/21/09	08/05/09
D2	Environmental	Newton does not currently have an Open Space and Recreation Element, a requirement of Plan Endorsement. Both Newton's draft Master Plan and the Plan Endorsement Opportunities and Constraints Analysis note a deficiency in open space in Newton.	The Town of Newton shall develop an Open and Space and Recreation Plan, consistent with Plan Endorsement Guidelines. The Plan should be used to prioritize open space preservation acquisition efforts and coordinate efforts with County of Sussex, State and Federal agencies and not-for-profit groups. The Town should demonstrate what efforts and policies have been adopted to preserve and protect open space, including the greenbelt discussed in the 2003 Master Plan Update. While there is open space around the outer edges of the municipality, the Town should work to make sure that recreation and open space opportunities exist within the more central areas of town. Opportunities for smaller neighborhood and pocket parks should be identified. The Open Space and Recreation Plan should target maintenance and enhancement of neighborhood level parks and recreation facilities. Pedestrian and bicycle connections between residential areas and these facilities shall be a key part of the strategy. Incorporate recommendations from Open Space discussion in draft Master Plan into Open Space & Recreation Plan.	Open Space and Recreation Element	12/01/10	01/15/11
D3	Environmental	An NRI is a requirement of Plan Endorsement.	A Natural Resource Inventory (NRI), otherwise referred to as an Environmental Resource Inventory, describes the municipality's natural and cultural resources, and the conditions and activities that impact them. The NRI is a factual document that provides a basis for policy decisions related to land use. The Plan Endorsement Guidelines provide a general description of an NRI. DEP's Office of Planning & Sustainable Communities website also provides a link to detailed guidance on development of an NRI (http://www.nj.gov/dep/opsc/envcbp.html#model).	Adopted NRI	12/01/10	01/15/11
D4	Environmental	Newton does not currently have a Conservation Element.	The Town of Newton shall develop and adopt a Conservation Plan Element of the Master Plan.	Adopted Conservation Element	12/01/10	01/15/11
E1	Environmental	Definition of Environmentally Sensitive Areas	The Natural Features section of the Existing Conditions chapter of the draft master Plan should be expanded to provide further detail of the natural and environmental features in Newton. In addition, discussion and mapping of additional natural and environmental features in Newton, such as threatened and endangered species habitat and Natural Heritage Priority Sites, should be included.	Updated Master Plan	12/01/10	01/15/11
E2	Environmental	Newton does not currently have a Water Conservation Ordinance.	This ordinance sets water conservation guidelines that protect the community's drinking water supply, industrial and agricultural needs, recreational activities, and the natural systems that rely on specific water levels. DEP will provide technical assistance in making appropriate modifications to the example ordinance.	Adopted Water Conservation Ordinance	06/21/09	08/05/09
E3	Environmental	Newton does not currently have a Wellhead Protection Ordinance.	This ordinance will protect the public health, safety and welfare through the protection of ground water resources underlying the municipality to ensure a supply of safe and healthful drinking water. DEP will provide technical assistance in making appropriate modifications to the example ordinance.	Adopted Wellhead Protection Ordinance	06/21/09	08/05/09
E4	Environmental	Newton does not currently have a Stream Corridor Protection Ordinance.	Riparian lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. This ordinance seeks to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenances of buffers along the surface water bodies. DEP provides a model ordinance. *Note that this ordinance is also a requirement of the Water Quality Management Planning program.	Adopted Stream Corridor Protection Ordinance	06/21/09	08/05/09
E5	Environmental	Newton does not currently have a Steep Slope Ordinance.	Disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes. DEP provides a model ordinance. *Note that this ordinance is also a requirement of the Water Quality Management Planning program.	Adopted Steep Slope Ordinance	06/21/09	08/05/09
E6	Environmental	Newton does not currently have and Environmental Assessment Ordinance.	This ordinance would apply to all development in the municipality (major site plans and subdivisions) and, at a minimum, includes performance standards for vegetation and landscaping, and wildlife habitat to protect critical natural resources. The example ordinance available on the DEP Office of Planning & Sustainable Communities website will require modification to recognize the center boundary. The ordinance shall be modified so that an environmental assessment for applicable development proposals not located within the designated center may not be waived. DEP will provide technical assistance in making appropriate modifications to the example ordinance.	Adopted Environmental Assessment Ordinance	06/21/09	08/05/09

E7	Environmental	The submitted documents reference a Flood Damage Control Ordinance – referenced in the Newton Revised General Ordinances at 20-5.11.	This document does not appear in the submitted materials. This document should be reviewed for consistency.	Submit Flood Damage Control Ordinance for Review	03/21/09	05/05/09
E8	Environmental	The Newton Water & Sewer Utility is close to its Water Allocation permitted limits.	To accommodate projected growth in Newton, an increase in water supply is needed. A request for an increase of surface water supply above the limit established in Newton's existing water allocation permit will require a Safe Yield determination by DEP's Division of Water Supply. Newton does not need to acquire the increase in water allocation before receiving Endorsement, however the following issues must be addressed prior to Endorsement. <ul style="list-style-type: none"> • Newton must demonstrate that while they are engaged in the Action Plan, sufficient progress is being made toward addressing unaccounted for water from the municipal system. An acceptable timeline has already been submitted. • Newton shall submit to DEP Division of Water Supply sufficient documentation for DEP to perform a Safe Yield Analysis. 	Narrative describing progress and copy of safe yield analysis submissions	12/01/10	01/15/11
E9	Environmental	Wastewater Management in Township Documents	The population projections and Buildout may change based on the Water Quality Management Planning Act rules. Update Master Plan & Development Regulations consistent with Sussex County WMP. Newton shall identify wastewater alternatives for those buildings within the Town that are not located within a Sewer Service Area. Buildings with a design flow of >2,000 gpd will need a NJPDES Discharge to Groundwater permit and a plan amendment.	Ensure Consistency with Sussex County WMP	06/21/09	08/05/09
E10	Environmental	Wastewater Management Plan is not complete.	Newton shall provide sufficient and appropriate data (zoning, treatment plant data, etc.) to Sussex County to assist in development of the Sussex County Wastewater Management Plan. Upon adoption of the Sussex County Wastewater Management Plan, Newton shall take any actions necessary to ensure consistency with that plan.	Newton's completed Chapter of Sussex County's Wastewater management Plan	02/14/10	03/31/10
E11	Environmental	Septic Management Plan/Ordinance	For areas not included in Sewer Service Area or "existing areas served", Newton shall adopt a septic management plan and/or ordinance. DEP will provide technical assistance.	Updated Master Plan and Development Regulations	12/01/10	01/15/11
E13	Environmental	Environmental Justice Inventory	The New Jersey Department of Environmental Protection (NJDEP) will provide petitioners with an inventory of sites known to emit pollution or be contaminated.	EJ Inventory from DEP	03/21/09	05/05/09
E14	Environmental	Environmental Justice Inventory	The New Jersey Department of Environmental Protection (NJDEP) will provide petitioners with an inventory of sites known to emit pollution or be contaminated. Petitioners must cross-apply this information with demographic information to ensure that planning does not adversely or disproportionately affect minority and low income individuals. For example, a plan that considers environmental justice issues must avoid zoning/planning that allows for the development of low income housing near sites which emit pollutants, and /or are contaminated or potentially contaminated. In order to remain consistent on a broad scale, municipalities must communicate when planning for either low income developments or high-risk sites, especially those near municipal borders.	EJI from DEP	03/21/09	05/05/09
E15	Environmental	Environmental Justice Inventory Consistency	Petitioners must cross-apply EJ Inventory with demographic information to ensure that planning does not adversely or disproportionately affect minority and low income individuals. For example, a plan that considers environmental justice issues must avoid zoning/planning that allows for the development of low income housing near sites which emit pollutants, and /or are contaminated or potentially contaminated. In order to remain consistent on a broad scale, municipalities must communicate when planning for either low income developments or high-risk sites, especially those near municipal borders.	Update Master Plan, development regulations and other twp planning documents to be consistent with EJ Inventory	03/21/09	05/05/09
E16	Environmental	Stormwater Management Plan Amendments	Pursuant to the Stormwater Management Rules, N.J.A.C. 7:8-4.2(c)8, municipalities are required to evaluate the extent to which the municipality's entire Master Plan, the Official Map and development regulations, including the zoning ordinance, as to implement the principles of nonstructural stormwater management strategies. In order to promote the use of low impact development, the Town should identify the portions of the Master Plan that need to be amended to incorporate nonstructural strategies and include a time frame for incorporation of amendments to the Master Plan and/or land use and zoning ordinances.	Amended Stormwater Management Plan	06/21/09	08/05/09

F1	Smart Code	Newton has not provided a draft of the "smart code" zoning that aligns with the draft master plan.	A draft zoning ordinance must be submitted to OSG and state agencies as soon as possible. Comments below are based on the summaries of each transect contained in the draft master plan. Once OSG receives the SmartCode Transects, staff will rerun the trend analysis again to compare the new SmartCode to the old zoning.	Smart Code Zoning Ordinance	12/01/10	01/15/11
F2	Smart Code	The Rural Reserve Transect, (T-2 zone) should include threatened and endangered species habitat and natural heritage priority sites located outside of the designated center.	The mapping of the zones in Newton should be modified to recognize large, undeveloped areas of these resources. For example, The undeveloped portion of the SD-7 zone should be re-classified as T-2.	Updated Zoning Ordinance and Map	12/01/10	01/15/11
F3	Smart Code	Clustering Provision in the T-2 zone. OSG and NJDEP staff would like to review the proposed cluster ordinance for rural reserve Transect before center boundary negotiations commence.	Submit Cluster Ordinance for the T-2 zone. The clustering proposal in the T-2 zone should be clarified to require that the purpose of the cluster ordinance is to protect environmentally sensitive areas, including threatened and endangered species habitat, Natural Heritage Priority Sites, and reduce vegetative clearing. Clustering should be a requirement in environmentally sensitive areas of the T-2 zone.	Update Zoning Ordinance	12/01/10	01/15/11
F4	Smart Code	The S-D3 or the "Retail Manufacturing District" allows the following uses: Light Manufacturing/Industrial; Retail/Big Box Retail; Motels/Hotels; Live/Work; Drive-Through Retail; and Park-and-Ride/Mixed-Use Parking Garage. If these uses are permitted in the center, Newton must ensure that the design is consistent with center based development standards.	Parking lots in this district should be shared. To provide fewer parking spaces, allow maximum, rather than "minimum" number of spaces required by zoning. The maximum should be established by estimating how many customers will be present during the peak hours of a given land use. Because different land uses will have different hours of operation and different peak hours of patronage, these parking spaces can be shared among establishments. For example, an employee working in a light industrial building park probably arrives at 8:30 am and leaves at 5pm. Then at 6pm the same spot is occupied by a grocery store customer. The light industrial building and the grocery store are effectively sharing the parking spot. On the other hand, when peak business hours overlap, a customer can visit more than one establishment and remain parked in the same space. Circulation in this transect should be carefully planned to ensure goods movement and access to Rt. 206 are carefully coordinated and pedestrian friendly. Buildings should be close to the street with minimal setbacks. Parking lots should be behind buildings.	Updated Zoning Ordinance and Map	12/01/10	01/15/11
F5	Smart Code	Section 19-7.8 of the Town's current general ordinances requires that shade trees be Norway Maple, London Plate [sic] and other types acceptable to town specifications. Norway Maple is nonnative invasive and should be removed from this list.	Modify zoning ordinance and development regulations to reference or include a list of native, non-invasive plant species appropriate for the soil types identified on site, as identified in the County Soil Survey.	Updated Zoning Ordinance and Map	12/01/10	01/15/11
F6	Smart Code	OSG and DEP would like to enhance access and preserve land by ensuring logical access between SD-9 and SD-1 before major development begins in SD-9.	Shared driveways should be used to provide interconnections between properties in the SD-1 zone. Passive recreation connections, such as deed-restricted lands with walking trails, should also be provided between development in the SD-9 and SD-1 zones.	Updated Zoning Ordinance and Map consistent with the Circulation Element	12/01/10	01/15/11
F7	Smart Code	"Environmentally sensitive areas" are referred to in Newton's ordinances. Newton needs to elaborate on how environmentally sensitive areas are distinguished.	Expand, or clarify, the definition of environmentally sensitive areas in Newton's general ordinances to reference those resources identified in the Natural Resources Inventory and Environmental Assessment ordinance, including, but not limited to, Natural Heritage Priority Sites, threatened and endangered species habitat, wellhead protection areas, and groundwater recharge areas.	Updated Zoning Ordinance and Map	12/01/10	01/15/11
G1	Fair Share Plan and Housing Element	Newton recently submitted a Housing Element and Fair Share Plan based on the Third Round.	Newton must work with COAH to address any consistency issues and update their Housing Element and Fair Share Plan accordingly.	Housing Element and Fair Share Plan	06/21/09	08/05/09
H2	Historic	Newton's Historic Preservation Element is missing information that is required by the MLUL.	A list of locally designated properties street by street address, Block & Lot should be included in the Historic Preservation Element as an appendix. In addition, the HP Master Plan Element must "analyze the impact of each component and element of the master plan and its constituent elements;"	Updated Historic Preservation Element	06/21/09	08/05/09

H3	Historic	<p>Historic District – Redevelopment Area Overlap There is overlap between a proposed redevelopment area and both the Town Plot and Local Historic Districts. Any redevelopment plan for this area may negatively impact the historic districts and structures within. Without the benefit of seeing such a redevelopment plan, if one yet exists, state agencies are unable to determine if it is consistent with the protection of historic resources.</p>	<p>For the area where the Town Plot and Local Historic Districts intersect with proposed redevelopment areas, Newton shall provide a narrative with specific examples documenting the consistency of the redevelopment plan (if one exists) with the protection of historic resources. If a redevelopment plan for this area does not yet exist, Newton shall work with DEP to ensure consistency with historic resource protection in development of the Plan.</p>	<p>Update Master Plan & Applicable Redevelopment Plan; this requirement is contingent upon the designation of redevelopment areas.</p>	<p>30 days after the date of the resolution designating the area in need</p>	
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