

SHOPRITE REDEVELOPMENT PLAN



Town of Newton
Sussex County, New Jersey

Block 10.01, Lots 5 & 6
July 17, 2023



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

The original of this document was signed and sealed in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



**J Caldwell
& Associates, LLC**
Community Planning Consultants

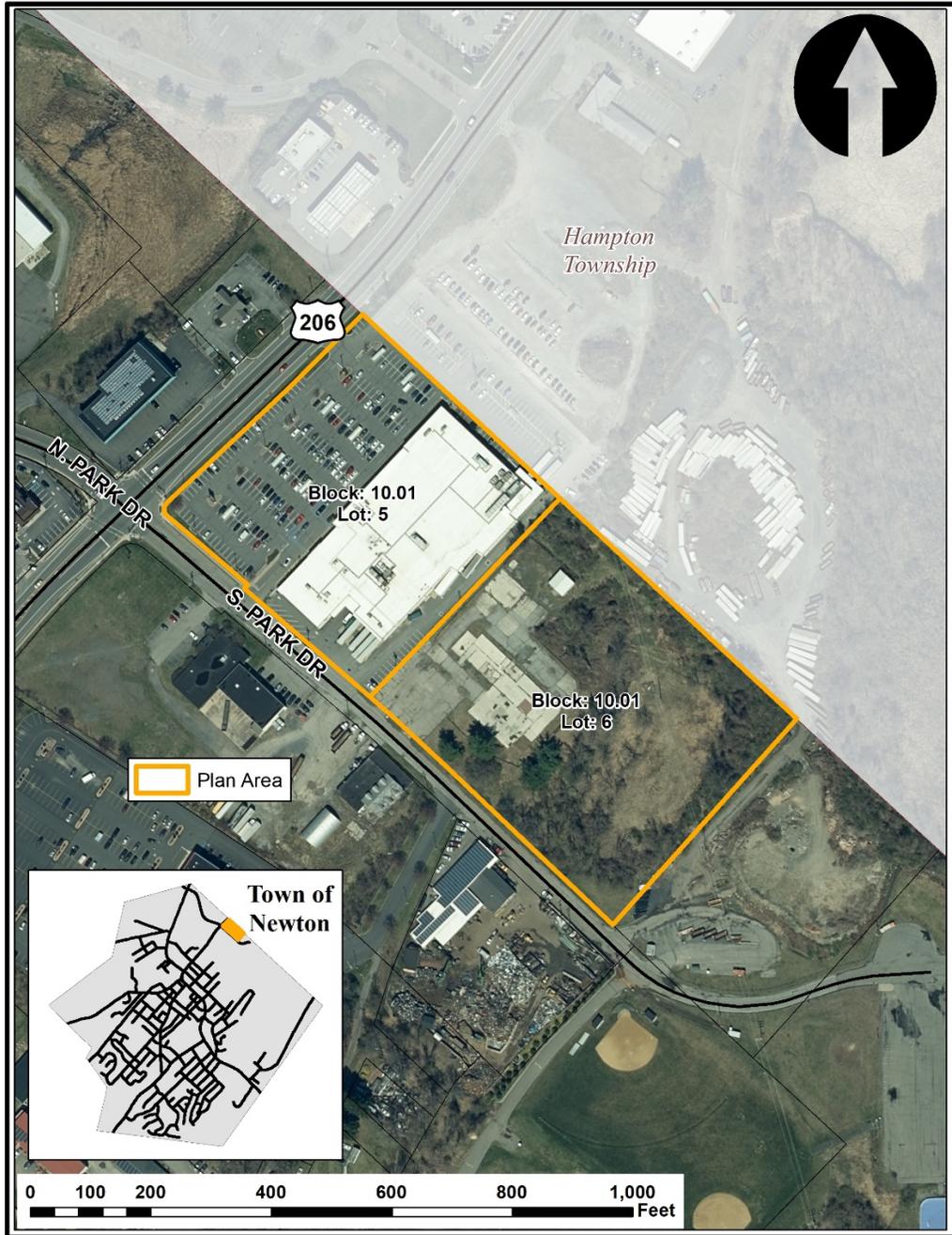
145 Spring Street, Suite E
Newton, New Jersey 07860

Contents

INTRODUCTION	3
PLAN CONTEXT	4
PURPOSE	6
PLAN CONSISTENCY REVIEW	6
Town Master Plan Consistency	6
Local, Regional, and State Plan Consistency	7
APPLICATION OF REGULATIONS	8
Permitted Uses	8
Area and Bulk Requirements	9
Additional Zoning Regulations	9
Parking Standards	9
Buffer & Fence Requirements	11
Landscaping Requirements	11
Green Infrastructure	11
Mobility Regulations	11
Building Design Standards	12
Lighting	13
Signage	13
Miscellaneous Items	14
Submittal Requirements	15
LEGAL PROVISIONS	15
Validity of the Plan	15
Zoning Map Revisions	15
Amendment to the ShopRite Redevelopment Plan	15
Variations in Site Plan Design	16
ACQUISITION PLAN	16
RELOCATION PLAN	17

INTRODUCTION

The ShopRite Redevelopment Plan (the "Plan") governs the Area in Need of Redevelopment (the "Plan Area"), designated by Resolution 130-2012 adopted by the Town Council of the Town of Newton on June 25, 2012, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), including Block 10.01, Lots 5 & 6 (the "Plan Area"). This Plan is proposed to effectuate the redevelopment of the Plan Area, shown below.



PLAN CONTEXT

The Plan Area occupies approximately 10.87 acres and includes two (2) tax lots, Block 10.01, Lots 5 and 6 in the Town of Newton, bounded by Water Street (U.S. Route 206) to the northwest, and South Park Drive to the southwest. The Plan Area is improved with a ShopRite grocery store on Block 10.01, Lot 5, and the remnants of the former Newton Armory on Block 10.01, Lot 6. The ShopRite was constructed in 1971 and has frontage along Water Street and South Park Drive. The Newton Armory was constructed sometime after 1956 when the State of New Jersey assumed ownership of the land from the Town of Newton and functioned as a National Guard Training Center until it was abandoned by the State of New Jersey in 2008. Most of the structures on the Armory property have been demolished. The Newton Armory is located to the south of the ShopRite and has frontage along South Park Drive only. The Plan Area is located along the Town's northeastern border with the Township of Hampton.

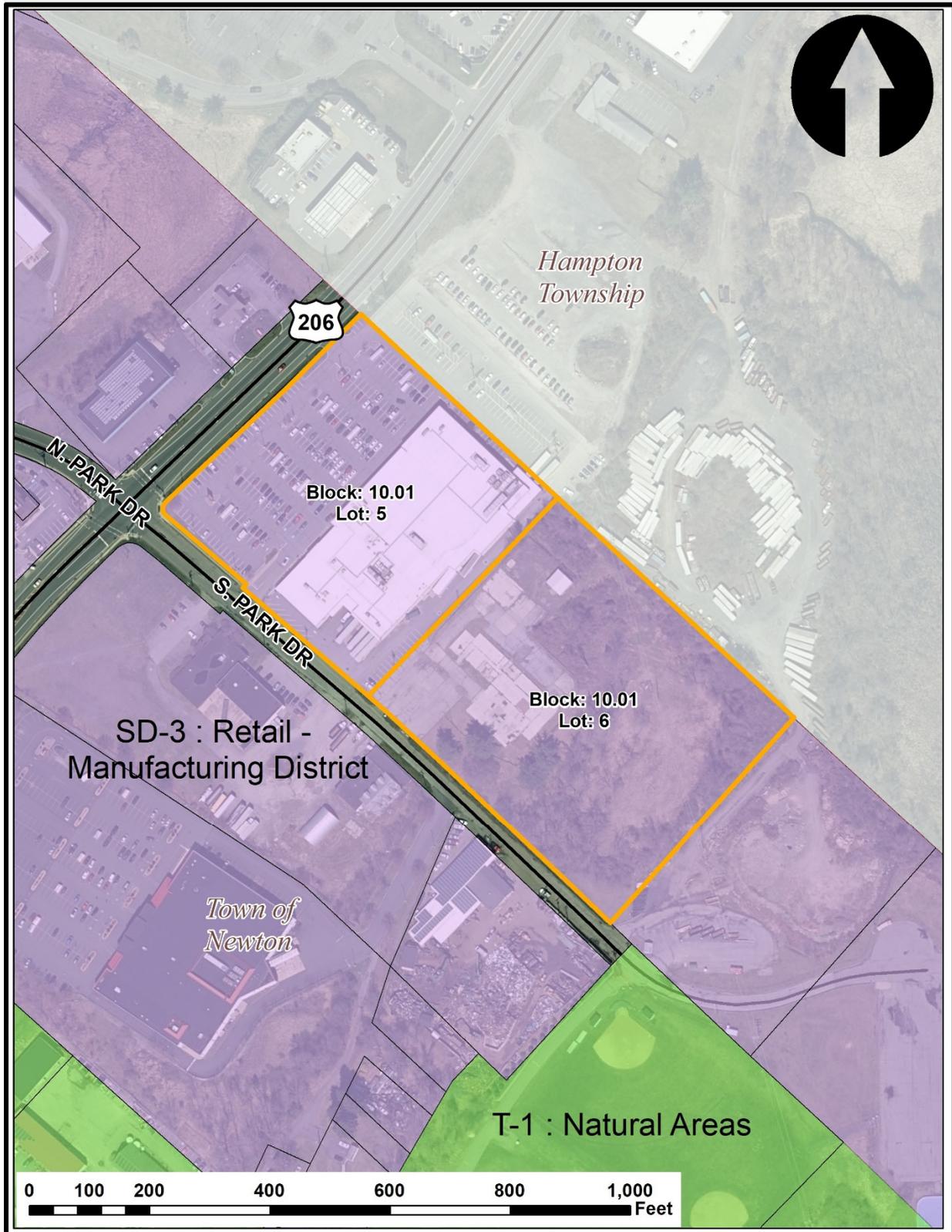
Highway commercial uses comprise the dominant character along Water Street, including Wells Fargo Bank, Walgreens, Pizza Hut, Dunkin Donuts, Weis grocery store, STS Tire and Auto, and PNC Bank. Southwest of the Plan Area, across South Park Drive is the Water Street Lofts redevelopment project, which includes Starbucks, Chipotle, and Panera restaurants along with 100 apartments in three 4-story buildings¹.

Going north into Hampton Township, highway commercial uses continue along U.S. Route 206 and include Hampton Mall as well as "big box" retail stores such as Lowes and Walmart. The Town Recycling Center, George's Salvage, and the Newton Park and Ride are located to the south of the study area also along South Park Drive. The Town's largest park, Memory Park is located to the south of these uses.

The Plan Area is constrained by a 100-foot JCP&L power line right-of-way along the northeastern border of Lot 5 and through the eastern corner of Lot 6. An isolated wetland is located on Lot 6 along the southern boundary. A larger wetlands complex is located to the southeast of the Plan Area.

The Town of Newton's Form-Based Code is based on Transect Zoning which provides for graduated density and intensity of uses from the center of Town to the surrounding areas. The Special Districts in the zone plan identify areas that fall outside of the transect concept. Under the Form-Based Code, the Plan Area is located entirely in Special District 3 (SD-3): Retail-Manufacturing District. The SD-3 District permits large scale retail and industrial uses and is characterized by the existing highway commercial development along Water Street / U.S. Route 206 from the Town of Newton north into Hampton Township.

¹ The commercial uses are fully constructed at the Water Street Lofts development; however, the apartment units are currently under construction.



PURPOSE

This Redevelopment Plan is designed to promote the redevelopment of the Plan Area to include a new retail and commercial uses consistent with the surrounding area. The Plan provides zoning standards including permitted uses and building requirements to provide for retail and commercial uses as well as additional uses consistent with the underlying zone. The Plan proposes a new grocery store building with an approximate floor area of 91,960 square feet and a building footprint of approximately 82,860 square feet. The existing 72,720 square foot supermarket and liquor store would be demolished under the current plan. The proposal includes approximately 22,300 square feet of additional retail on the site in possible three (3) additional buildings including a potential 15,120 square foot liquor store and an approximately 3,600 square foot retail building and approximately 3,500 square foot retail building with a drive-through. The proposal includes an approximately 375 parking spaces, including EVSE and make-ready spaces, within the Plan Area. The Plan also provides for stormwater management basins in compliance with the Town's stormwater management ordinance.

PLAN CONSISTENCY REVIEW

Town Master Plan Consistency

The Redevelopment Law requires that the Redevelopment Plan define the Plan's relationship to local master plan goals and objectives such as appropriate land uses, population densities, improvements to traffic, public utilities, recreational and community facilities, and other improvements. The Redevelopment Law also requires that the Redevelopment Plan be substantially consistent with the municipal master plan or designed to effectuate the master plan.

The Town's 2008 Master Plan was reexamined in July 2019. The following Master Plan goals and objectives relate to the Redevelopment Area:

General: "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 the citizens of Newton."

This Plan proposes to expand the grocery store and retail uses in the Plan Area to provide a better commercial shopping area for the residents of Newton and the surrounding areas. In addition, the Plan Area will be better suited to manage drainage and parking for the commercial uses which will minimize negative impacts to surrounding areas.

Economic: "Focus revitalization, code enforcement, and rehabilitation efforts."

"Promote adequacy, variety, and convenience of shopping for local residents."

This Plan is a key component of the redevelopment of outdated and dilapidated areas within the Town of Newton. The Plan promotes revitalization and improves the shopping experience for local residents.

This Redevelopment Plan is consistent with these goals and objectives of the Town's Master Plan.

Local, Regional, and State Plan Consistency

The relationship of the Redevelopment Plan with surrounding communities' master plans is also reviewed to determine whether any significant relationship exists. Its relationship to the State Development and Redevelopment Plan must also be reviewed.

The Plan Area is adjacent to Hampton Township whose Master Plan specifies the area directly east of the Plan Area as Highway Commercial Manufacturing -Industrial District (HC-MFG). The purpose of the HC-MFG District is to provide an area within Hampton Township for highway-oriented commercial development, smaller-scale light manufacturing, or warehouse uses. This Plan proposes highway commercial uses such as a large-scale grocery store and retail and restaurant uses, which is consistent with the Hampton Township Master Plan.

The Sussex County Strategic Growth Plan divides the County into six "landscapes," and Newton is classified as a "Center," where alternative transportation, cultural and physical infrastructure, and relatively dense residential development is encouraged and promoted. The Plan also highlights the following objective relevant to the Redevelopment Area: "Minimize sprawl through incentives for density transfer and focus development into designated growth areas (centers)." This Plan is consistent with the Sussex County Strategic Growth Plan because the Plan provides for large scale retail development within a Center where compact development and growth are promoted.

The State Development and Redevelopment Plan (SDRP) designates the Town of Newton as a Regional Center. Goal 1 from the SDRP is to Revitalize the State's Cities and Towns. The SDRP states that municipalities should "[b]uild on the assets of cities and towns such as their labor force, available land and buildings, strategic location, and diverse populations." This Plan proposes redevelopment of an existing developed site within this Regional Center. Goal 2 of the SDRP is to Conserve the State's Natural Resources and Systems, which recommends "accommodating environmentally designed development and redevelopment in Centers in the Fringe, Rural and Environmentally Sensitive Planning Areas." This Plan promotes redevelopment within a Regional Center consistent with Goal 2. This Redevelopment Plan is consistent with the State Development and Redevelopment Plan.

APPLICATION OF REGULATIONS

The Town will seek a Redeveloper, or Redevelopers, for all or portions of the site based on developer interest and ability to assemble parcels. The Redeveloper will acquire, or work with the Town to acquire, all or portions of the Redevelopment Area in order to redevelop the Area according to the following land use regulations:

Permitted Uses

The following uses are permitted in the Plan Area. Uses not identified below are prohibited.

A. Principal permitted uses:

1. Supermarkets/ grocery stores.
2. Liquor stores.
3. Restaurants (including drive-through).
4. General business and professional offices.
5. Light industrial uses including research, light manufacturing, and warehouse uses.
6. Fulfillment centers.
7. Retail sales.
8. Retail services.

B. Conditional uses:

1. Class 5 Cannabis Retailer subject to Section 320-28.M.
2. Class 6 Cannabis Delivery subject to Section 320-28.N.

C. Accessory uses:

1. Outdoor dining/sidewalk cafes.
2. Stormwater management facilities.
3. Electric vehicle charging stations.
4. Surface and/or structured parking.
5. Street furniture.
6. Outdoor sales and displays.
7. Smoking huts.
8. Rooftop solar panels.
9. Signs.
10. Other uses or structures deemed to be accessory and incidental to a principal permitted use.

Area and Bulk Requirements

The following regulatory controls apply to properties located within the Plan Area:

Minimum Lot Width	50 feet
Minimum Front Yard Building Setback (Water Street)	6 Feet (No Maximum)
Minimum Front Yard Building Setback (South Park Drive)	5 Feet (No Maximum)
Minimum Side Yard Setback	10 Feet
Minimum Rear Yard Setback	30 Feet
Maximum Impervious Coverage	85%
Maximum Building Height	4 Stories/55 Feet

Additional Zoning Regulations

- A. Multiple principal uses and structures are permitted on one (1) lot.

Parking Standards

The following parking requirements are recommended:

A. Parking Required:

1. Three (3) parking spaces per 1,000 square feet of net building area for supermarket, liquor store, and retail uses. Net building area is gross building area, excluding all areas not accessible by customers (including, without limitation, equipment platforms, and mezzanines).
2. One (1) Parking Space per every three (3) seats for restaurants.
3. Other uses shall meet the parking standards of Section 320-23 for the SD-3 Zone District.
4. Off-site parking is permitted subject to common ownership or long-term lease agreement on off-site parking lot.

B. Parking Space Requirements

1. Surface parking shall be permitted in the front, side, and rear of buildings.
2. Minimum parking space size is nine (9) feet by eighteen (18) feet.
3. All parking aisles with 90-degree parking spaces shall be a minimum 24 feet in width.
4. Standard parking lot striping shall be permitted (hairpin striping is not required).
5. Parking lot landscaping shall be permitted to be planted around the exterior of the parking lot (tree wells and landscaped islands are not required). No other parking lot landscaping is required.
6. Minimum Parking Setback from property lines: No setback is required for parking, driveways, and drive-thru lanes.

7. Parking Lot Landscaping: The required parking setbacks shall be landscaped with a variety of trees, shrubs, grasses, and perennials consistent with similar developments in the surrounding area.
 8. Parking lot screening shall not be required between parking areas and street frontages.
- C. Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready Parking Spaces
1. Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces are permitted accessory uses and must meet the requirements below.
 - i. "Make-Ready" means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis.
 - ii. "Electric vehicle supply equipment" or "electric vehicle service equipment" or "EVSE" means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."
 2. Minimum Parking Requirements: EVSE and Make-Ready parking spaces count toward minimum parking mandates, giving a two-for-one credit for the EV parking, up to 10% of the total required parking.
 - i. All calculations for EVSE and Make-Ready spaces are rounded up to the next full parking space.
 - ii. Applications involving parking lots or garages

# Off-street spaces provided	Minimum Make-Ready spaces or EVSE
50 or fewer*	1
51 – 75	2
76 – 100	3
101 – 150	4
151+	4% of total number of spaces 5% of these spaces ADA accessible
*Retail uses providing fewer than 25 off-street spaces are NOT required to provide any Make-Ready or EVSE spaces.	

- D. Loading Requirements: for structures over 20,000 square feet, which receive regular deliveries from tractor trailers, the minimum loading requirement is four (4) spaces, plus one (1) space for each additional 20,000 square feet or part thereof. A minimum number of loading spaces shall not be required for structures less than 5,000 square feet and loading shall be provided on an as-needed basis based on the use proposed in such structures. Structures over 5,000 square feet and less than 20,000 square feet require one (1) loading space.

Buffer & Fence Requirements

- A. Buffers shall be provided to the extent practicable to screen proposed buildings and/or structures from adjacent properties, which are not roadways or parking.
- B. Fences and walls (excluding retaining walls) shall not exceed four (4) feet in height above ground level in the front yard and eight (8) feet in the side and rear yards.
- C. Fences and walls must have a minimum setback of one (1) foot from the property line.
- D. The finished side of a fence must face adjoining properties. Fence posts that are unfinished and any other structural component of the fence must be installed facing the subject property rather than the adjoining property.
- E. Dumpsters located in parking lots must be fully screened from view from both the parking lot and adjoining properties.

Landscaping Requirements

Landscaping of building frontages shall not be required; however, landscaping shall be provided as noted and in available locations throughout the site such as landscape islands in the parking lot. Ornamental trees may be used in landscaped islands. While street trees are not required, trees should be incorporated into landscaped areas.

Green Infrastructure

For the purposes of implementing cost-effective stormwater management strategies in the Plan Area, the Redevelopment Area highly encourages the inclusion of green infrastructure in site plans for the Area. Also known as non-structural stormwater management, these strategies can include green roofs, bioswales, rain gardens, cisterns, and tree boxes/trenches, which can help capture, filter, and infiltrate stormwater runoff to the benefit of public health and the Town's expenditures.

- A. Storm water basins shall be permitted in front, side, and rear yard setback areas.
- B. Chapter 258 (Stormwater Control) of the Town of Newton ordinances shall be applicable to a redevelopment project developed in accordance with the redevelopment plan.

Mobility Regulations

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The design of the Plan Area plays a key role in forming this sense of place for the neighborhood and the nearby central business district.

- A. Streets and automobile circulation

1. The primary automobile access points should be from driveways on Water Street or South Park Drive.
2. Appropriate traffic control signs must be installed to ensure the safe flow of traffic into and through the redeveloped area.
3. Right-of-way widening dedications may be required as determined by the NJDOT and/or the Town of Newton Planning Board.

B. Pedestrian and bicycle access and circulation

1. Sidewalks must be provided along all streets and must be a minimum of four (4) feet wide to provide safe and convenient movement for pedestrians.
2. Pedestrian-only walkways must be at least four (4) feet wide and constructed according to Chapter 266 Article V of the Town Code.
3. All building entrances must provide pedestrian access to adjacent streets and parking areas.
4. A minimum of two (2) bicycle parking spaces shall be provided for each building 15,000 square feet or less. For buildings over 15,000 square feet, a minimum of four (4) bicycle parking spaces shall be provide per building.

Building Design Standards

- A. Building design should meet, to the maximum extent practicable, the requirements of Section 320-21 (General design standards) of the Town Code.
- B. In the design and layout of buildings, particular attention must be given to energy conservation, safety and fire protection, and impact on surrounding development.
- C. Fire escapes must be constructed only against the side or rear wall of a building and must be located and/or screened so as not to detract from the appearance of such buildings.
- D. All new buildings must strengthen the particular design features of their locale, by, for example, framing scenic views, defining and inviting the use of open spaces, or continuing particular and desirable design features or statements.
- E. Where large structures are required, massing and blank walls should be avoided as much as possible and, where necessary, relieved by variation and architectural relief and details. Excessively expansive blank walls are prohibited. Offsets should be placed every 80 feet. Building offsets should be provided along each building wall to relieve the visual effect of a singly long wall. Rooflines should also be varied. Building designs should incorporate a variety of features with architectural appeal.
- F. Roof shape and material must be architecturally compatible with the rest of the building.
- G. The building shall not be required to provide multiple front façade treatments nor shall more than one (1) story be required. However, building facades visible to the public shall be given special design treatments to create visual interest. Blank and windowless walls are discouraged.
- H. In addition to façade materials included in Section 320-21J, precast concrete panels may be used.

Lighting

Lighting Standards for the Redevelopment Plan are regulated by Section 320-24(E) of the Town Code except for the following items:

- A. The following sentence from item 4 on the Schedule A – Lighting shall not be applicable to the redevelopment project: “Minimum vertical illuminance shall be measured at 5.0 feet above parking surface at the point of lowest horizontal illuminance, excluding facing outward along boundaries.”
- B. LED lighting shall be permitted to light parking areas. Parking area lights may be installed on light poles with a maximum height of 35 feet. Spacing of parking area light poles will be determined by the provision of adequate foot candles. There shall be no maximum spacing of pole mounted lights.
- C. Average horizontal illuminance of lighting in parking areas shall be within 6-to-8-foot candles at the base of the light poles.
- D. LED lighting shall be permitted to be attached to buildings in loading areas, and to properly light the parking areas and drive aisles, provided such lighting shall be shielded to reflect downward and prevent sky glow.
- E. LED lighting shall be permitted to be attached to buildings on front and side facades to provide architectural accents.

Signage

The following signage standards shall be applicable:

- A. Pylon Sign – One pylon sign shall be permitted within the redevelopment plan area, which shall be in conformance with the following requirements:
 - 1. Maximum height: 30 feet.
 - 2. Maximum sign area: 200 square feet for the principal use in the redevelopment plan area. For signs with two (2) identical faces, only one (1) face shall be included in the sign area calculation.
 - 3. For shopping centers or commercial developments that contain multiple buildings or occupants/tenants: in addition to signage for the principal use in item 2, each building or occupant/tenant shall be permitted a sign panel of a maximum 30 square feet mounted to the pylon sign.
 - 4. Pylon signs may include internally illuminated high-definition LED EMB display panels.
- B. Wall Mounted Signage – Wall signage shall be permitted on up to three sides of all permitted uses. The maximum total sign area on the primary building facade shall be twenty (20%) percent of the area of subject façade. The maximum total sign area on the secondary building facades shall be ten (10%) percent of the area of the subject façade. There shall be no limit of wall sign projection from the building wall.

- C. Window Signage – Window signage shall not exceed fifty (50%) percent of the aggregate area of all windows on the primary, front facade. Window signage shall not be included in the calculation of the maximum sign area on a building facade.
- D. Monument (Ground Mounted) Signs: – Up to two (2) freestanding double-sided internally illuminated monument signs shall be permitted at driveway curb openings. The maximum height of the monument signs shall be six (6) feet, and the maximum sign area shall be 60 square feet. For a sign with identical faces, only one face shall be included in the sign area calculation.
- E. Temporary Signage: Temporary banner signage shall be permitted to advertise major events such as grand openings, holiday sales, sidewalk, outdoor and tent sales, promotional events, and events similar to the foregoing. Such temporary signage shall not be illuminated or obstruct traffic visibility.
- F. Illumination: Signage may be internally illuminated.

Miscellaneous Items

- A. Flag poles shall be permitted.
- B. Areas under the JCP&L (First Energy) powerline easement may be used for the construction of improvements (including, without limitation, storm water basins, retaining walls, parking, roads, and driveways) that are part of the redevelopment projects, subject to the approval of the owner/grantee of the easement.
- C. A project is proposed to be developed pursuant to this Redevelopment Plan which may be of such a size and/or type so as to make sectionalization by subdivision and/or the use of different forms of ownership a practical necessity. Therefore, a technical subdivision for such a project could be required for marketing and/or financing purposes. An application for technical subdivision approval may be submitted with an application for approval of a site plan and/or subsequent to the issuance of such an approval by either the Town Planning Board or Town Mayor and Council or both. Such an application shall be considered as a technical subdivision and treated as a minor subdivision application without the necessity to obtain bulk variances that would technically be required subject to the following conditions:
 - 1. The necessity of the application is to create a new lot for the purpose of financing and/or transfer of ownership within a development that is, or has been, the subject of site plan approval.
 - 2. A technical subdivision shall not substantially modify and/or otherwise adversely impact on the integrity of a previously approved development plan.

3. A technical subdivision shall not substantially modify and/or otherwise adversely impact on the integrity of a previously approved development plan.
4. If a technical subdivision includes the division of parking and/or other common areas or facilities, the technical subdivision shall be conditioned upon appropriate easements for parking, access, signage, stormwater management, and/or other utilities, where necessary.

Furthermore, any future transfer of ownership and/or sale of property rights in the newly subdivided property created, pursuant to a "technical subdivision", shall be subject to the Mayor and Council's approval of such sale and/or transfer and a determination by the Mayor and Council that such transfer and/or sale shall have no negative impact on the remaining parcel and such determination shall include, but is not limited to the following: (1) evidence of sufficient parking for all properties transferred and/or sold, as well as remaining properties; (2) appropriate cross easement(s) for access and utilities; and (3) such other factors affecting the continuing use of all of the properties as recommended by the Town Engineer, Town Planner, and other Town professionals.

Submittal Requirements

The Redeveloper(s) will submit a site plan for all, or a portion of, the Plan Area. The site plan approval process will occur as per the Town's site plan review requirements.

LEGAL PROVISIONS

Validity of the Plan

If any section, subsection, paragraph, division, subdivision, clause, or provision of this Plan is deemed by a court of competent jurisdiction to be invalid, such adjudication will only apply to the particular section, subsection, paragraph, division, subdivision, clause, or provision in question, and the balance of the Plan will 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 must be revised to show the boundaries of the ShopRite Redevelopment Area, and identify the district as the "ShopRite Redevelopment Area". All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Town Council, this Redevelopment Plan will supersede all provisions of the Newton Zoning Ordinance for the Plan Area. Any zoning-related issue that is not addressed herein will refer to the Newton Zoning Ordinance for guidance. No variance from the requirements herein will be cognizable by the Zoning Board of Adjustment. The Planning Board alone will have the authority to grant deviations from the requirements of this Plan, as provided herein.

Amendment to the ShopRite Redevelopment Plan

The ShopRite 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.

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 must provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12.a. & b.

No deviations may be granted which will result in permitting:

1. A use or principal structure not permitted in this Plan;
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 this Plan.

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.

ACQUISITION PLAN

There is no property acquisition by the Town anticipated by this Plan.

RELOCATION PLAN

Because there is no property acquisition by the Town anticipated by this Plan, no Relocation Plan is necessary.