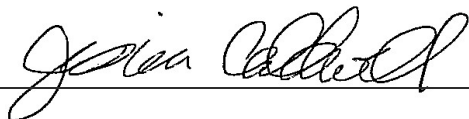


L.E. CARPENTER REDEVELOPMENT PLAN

**Borough of Wharton
Morris County, New Jersey**

Block 801, Lot 3
Block 903, Lots 2 & 2.03
Block 301, Lot 1.01

March 9, 2022



Jessica Caldwell, P.P., A.I.C.P., Borough 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

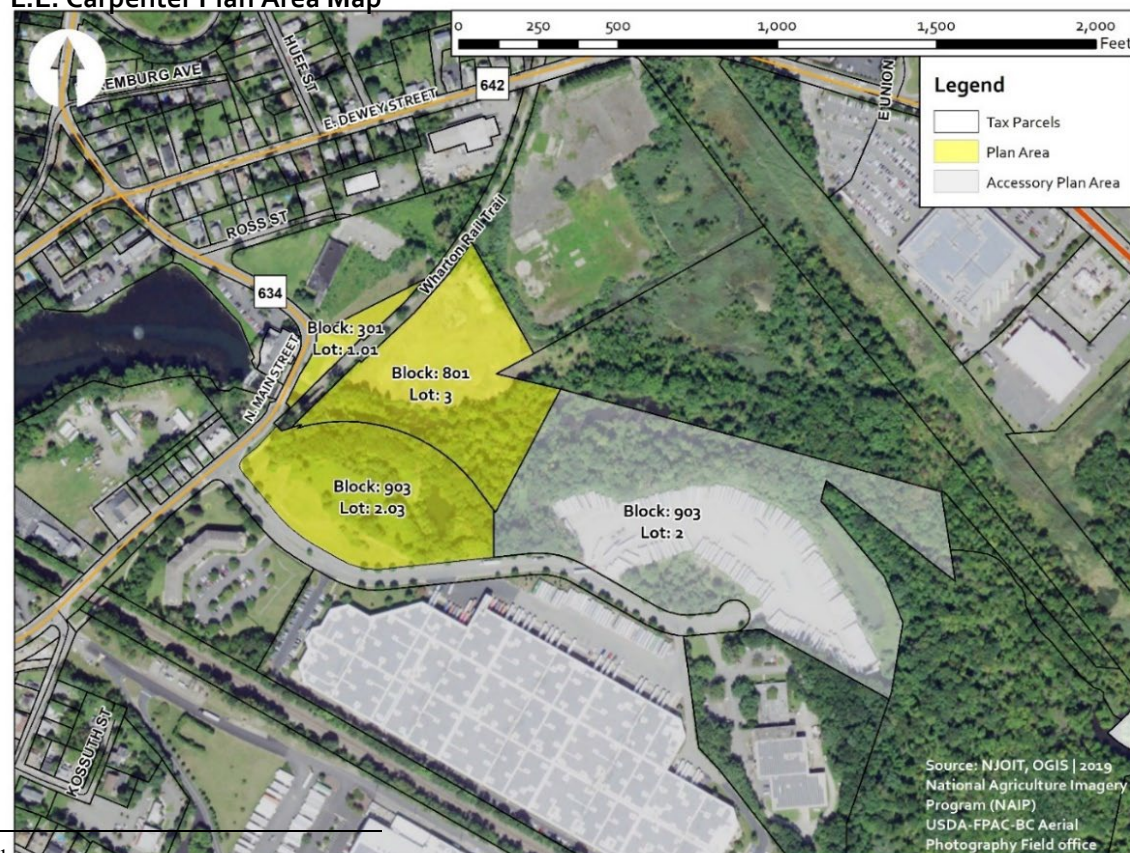
Contents

INTRODUCTION.....	3
PLAN CONTEXT	4
PURPOSE	8
PLAN CONSISTENCY REVIEW.....	9
Consistency with Municipal Master Plan	9
Local, Regional, and State Plan Consistency	10
MULTI-FAMILY/INDUSTRIAL (MFI) DISTRICT	11
APPLICATION OF REGULATIONS	12
DEFINITIONS.....	13
MFI MULTI-FAMILY TRACT REQUIREMENTS	14
Permitted Uses	14
Area and Bulk Requirements.....	15
Parking & Loading Standards.....	15
Drainage and Stormwater Management.....	17
Landscaping, Fence/Wall and Buffer Requirements	17
Mobility Design Standards.....	18
Building Design Standards.....	19
Lighting	22
Signage	22
Affordable Housing.....	24
Recreation Areas	24
Design Standards for Site Plans	24
Additional Zoning Regulations.....	24
MFI OVERLAY ZONE REQUIREMENTS	25
Permitted Uses	25
Area and Bulk Requirements.....	26
LEGAL PROVISIONS.....	29
The Validity of the Plan.....	29
Zoning Map Revisions.....	29
Amendment to the L.E. Carpenter Redevelopment Plan.....	29
Variations in Site Plan Design	29
ACQUISITION PLAN	30
RELOCATION PLAN	30

INTRODUCTION

This L.E. Carpenter Site Redevelopment Plan Amendment (the "Plan Amendment") governs a portion of the Borough of Wharton Redevelopment Area, designated by the Borough of Wharton Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. (the "Redevelopment Law"), via Resolution R-70-03, including Block 301, Lot 1.01; Block 801, Lot 3; and Block 903, Lot 2.03¹ (the "Plan Area") and Block 903, Lot 2 (the "Accessory Plan Area"). Previous plans for the Plan Area and Accessory Plan Area were broken down into two phases, with Phase I applying to Block 903, Lots 2 and 2.03 and Phase II covering Block 801, Lot 3. This Plan Amendment supersedes all Prior Redevelopment Plans to the extent that they pertain to any and all portions of the Plan Area noted in this Plan, including but not limited to the L.E. Carpenter Site Redevelopment Plan Amendment dated on or about July 9, 2015, and the Phase II Redevelopment Plan approved by the Borough of Wharton Council on October 11, 2005, and the Redevelopment Plan for Phase 1, Block 903, Lot 2, Borough of Wharton dated July 10, 2003 (collectively, the "Prior Redevelopment Plans"). This Plan Amendment shall not supersede the Prior Redevelopment Plans applicable to the Accessory Plan Area, but shall instead be an overlay and supplemental to the underlying zoning and Prior Redevelopment Plans, as applicable.

L.E. Carpenter Plan Area Map



¹ Block 903, Lot 2.03 was created via minor subdivision approved by the Wharton Planning Board on May 8, 2007. Prior to the subdivision, this land was part of Block 903, Lot 2, and was subject to Resolution R-70-03, designating the property as an area in need of redevelopment.

PLAN CONTEXT

The Plan Area, together with the Accessory Plan Area, includes four (4) tax lots on portions of three (3) tax blocks bound to the north by Chegwidden Way (the Main Street Extension) and adjoining industrial sites, to the west by North Main Street (CR 634), to the south by the Harry Shupe Parkway (also known as Harry Shupe Boulevard), and to the east by vacant lands. The Plan Area was previously occupied by the L.E. Carpenter Company, a textile manufacturing facility which ceased operations in the late 1980s. The buildings, at the time of the analysis of whether the Plan Area was in need of redevelopment, were largely vacant. The Rockaway River bisects the Plan Area from east to west such that developable areas are divided into Block 903, Lots 2 and 2.03, which will be accessed from Harry Shupe Parkway and Block 801, Lot 3 and Block 301, Lot 1.01 which will be accessed from Chegwidden Way.

Property located to the west of the Plan Area at 175 North Main Street is occupied by a former industrial building, which was renovated into commercial and office uses including a restaurant. 175 North Main Street is in the Central Business District (CBD) and is surrounded by Washington Pond, commercial, mixed-use and residential land uses within the CBD, Industrial 1 and 2 Districts, and RM-75 Median Density One- and Two-Family Residential Districts. Properties located to the south of the Plan Area on the south side of Harry Shupe Parkway are occupied by a senior apartment complex and industrial land uses, situated in the SH Senior Housing and I-1 Industrial Districts, respectively.

Property to the west of the Plan Area is vacant land, some of which is constrained by the Rockaway River. Further west is commercial property located along NJSH Route 15. To the north of the Plan Area is the 170 North Main Street Redevelopment Plan Area, which is currently vacant with an approved site plan for a four-story mixed-use building with commercial uses on the ground floor and 75 apartments above. Also to the north is vacant land in the I-1 Industrial District with an approved site plan for an industrial flex space building.

The Plan Area, together with the Accessory Plan Area, covers 29.635 acres: with Block 301, Lot 1.01 occupying 1.04 Acres; Block 801, Lot 3 occupying approximately 6.31 acres; Block 903, Lot 2 occupying 16.142 acres; and Block 903, Lot 2.03 occupying 6.143 acres.

Block 301, Lot 1.01 was split from Block 301, Lot 1 when the right-of-way for Chegwidden Way was purchased by Morris County. At that time, this parcel became a separate lot as Chegwidden Way runs between Block 301, Lot 1.01 and Block 301 Lot 1. Block 301, Lot 1 is the subject of a Redevelopment Plan entitled, 170 N. Main Street Redevelopment Plan. Block 301, Lot 1.01 is the remainder lot that has been incorporated into this Plan. Block 301, Lot 1.01 is separated from the rest of the Plan Area by the Wharton Rail Trail.

The Wharton Rail Trail is Borough-owned right-of-way. The Rail Trail provides pedestrian connectivity along Chegwidden Way and is proposed to remain as a pedestrian amenity in the Plan Area; however, this Plan proposes to relocate the Rail Trail right-of-way to permit better use of the land within the Plan Area.

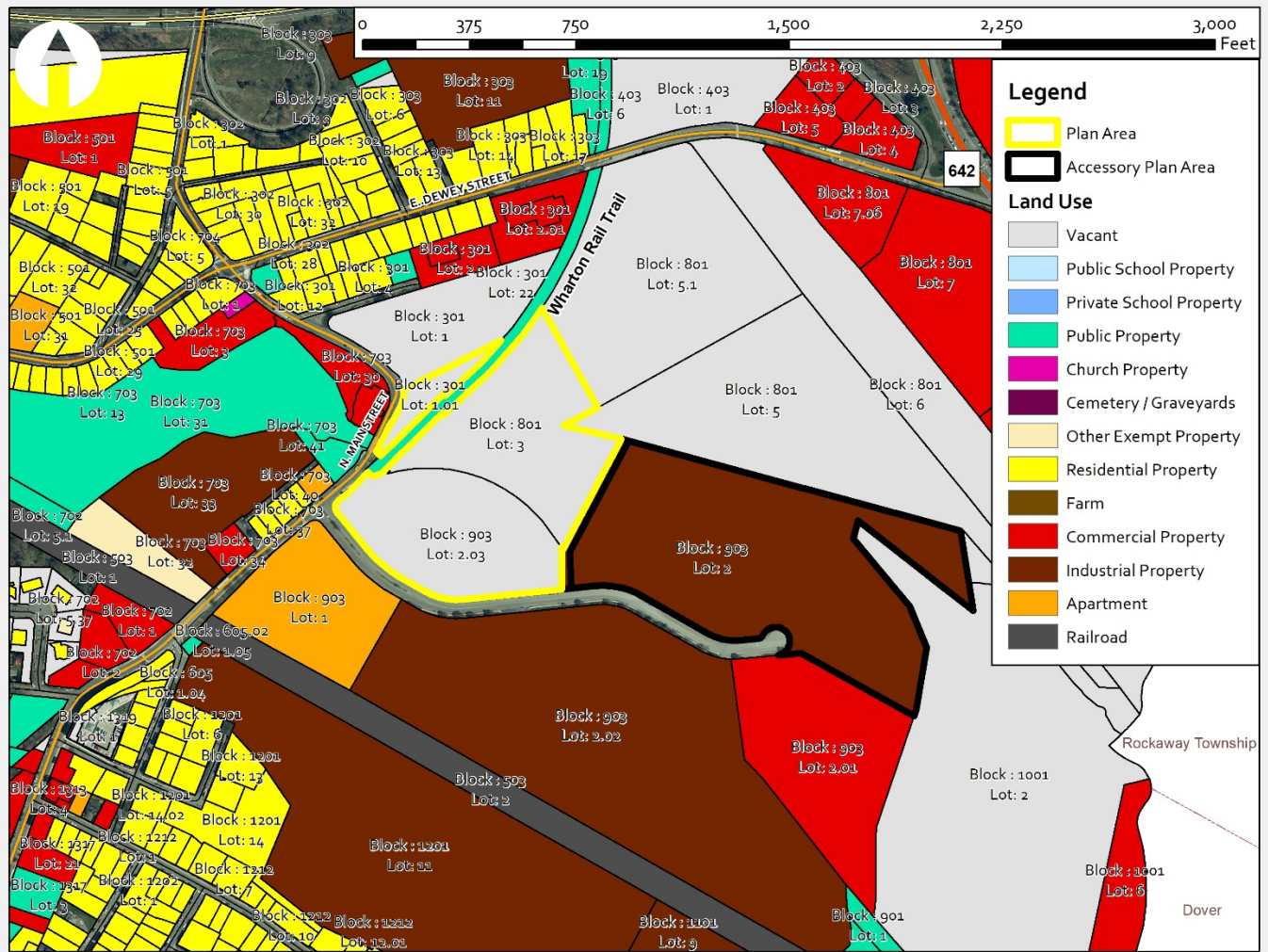
Block 801, Lot 3 is a New Jersey Listed Federal Superfund Site on the National Priorities List of Properties. Clean-up and environmental monitoring have been ongoing since 1982. Much of the contaminated soil has been removed from the site. Soil sampling and groundwater monitoring are ongoing. Block 903, Lot 2.03 is also subject to ongoing soil sampling.

Per Prior Redevelopment Plans, the Phase II portions of the Plan Area had been designated an Economic Development (ED) Overlay Zone, over the existing I-1 Industrial Zone. The purpose of the ED Overlay Zone was to create jobs producing economically viable uses such as office, light manufacturing, light industrial, warehouse uses, light industrial flex-space, research laboratories and commercial recreation uses at an increased density, with improved streetscape and interaction with Main Street.

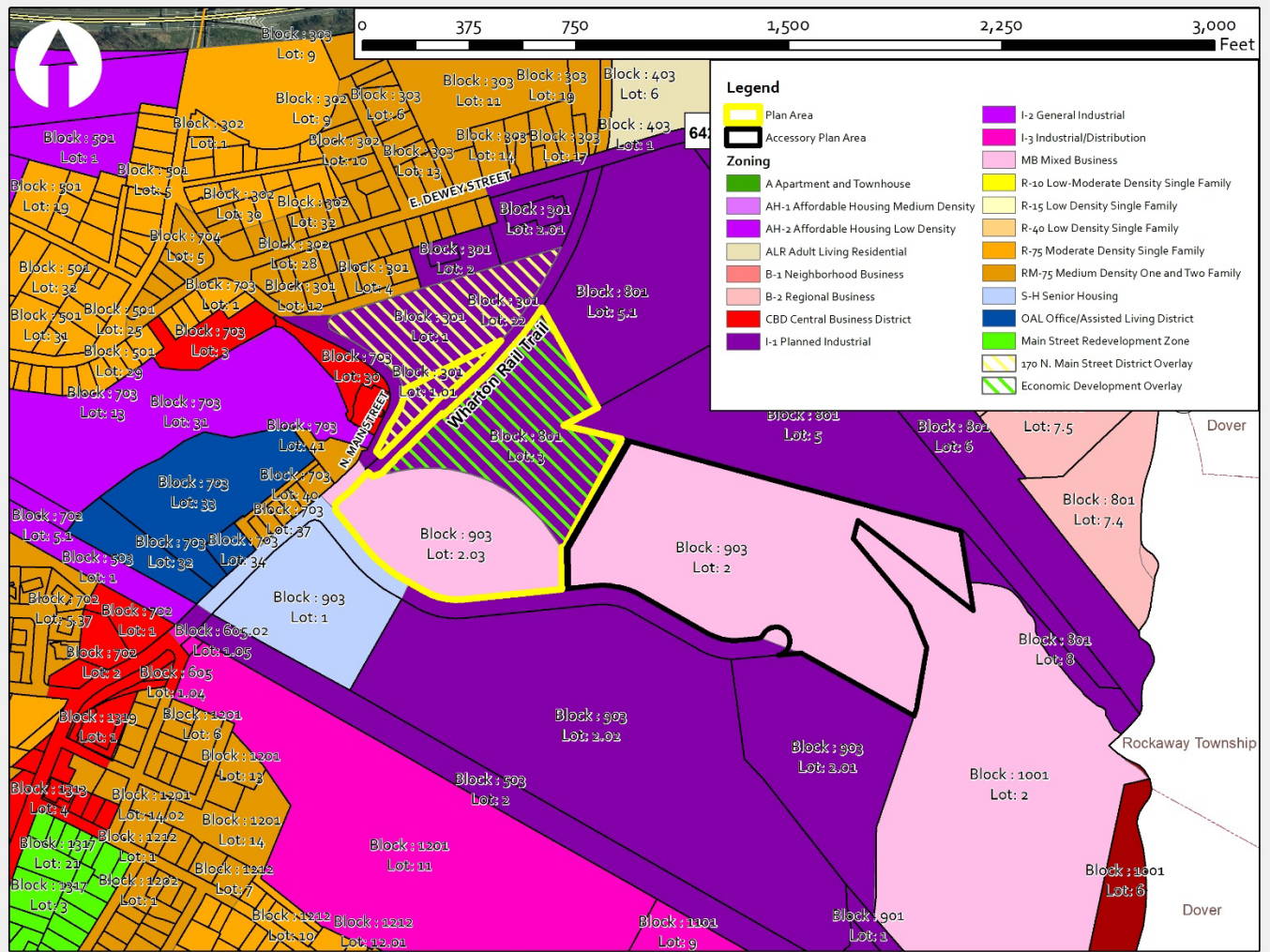
Block 903, Lots 2 and 2.03 were previously occupied by a pipe manufacturer and are in the Phase I portion of the L.E. Carpenter Redevelopment Plan. The Borough previously acquired these parcels through bankruptcy proceedings and demolished all structures. Block 903, Lots 2 and 2.03 are located in the MB Mixed-Business District. The MB District zoning permits retail and service establishments, eating and drinking establishments, catering facilities, business and professional offices, banks and financial institutions and light industrial uses including manufacturing, warehousing and storage facilities, packaging and repackaging of products and research and development. The parking and storage of trucks and trailers is a conditional use. Block 903, Lot 2 is currently developed with truck and trailer storage for the adjacent Wharton Interstate Commerce Center.

Block 903, Lot 2 is subject to a certain drainage easement dated February 19, 2021 by and between Generational Wharton LLC, Jubilee Wharton LLC, Threadneedle Wharton FH, LP, Wharton LH LP, Wharton Investors II, LLC, and Wharton Developments A LP, permitting construction of a detention basin, pipes and associated improvements to serve future development on Block 903, Lot 2.03.

L.E. Carpenter Plan Area: Existing/ Surrounding Land Uses Map



L.E. Carpenter Plan Area: Existing/ Surrounding Zoning Map



PURPOSE

The Borough now seeks to amend the Prior Redevelopment Plans to address the conditions that have caused the deterioration and blight found in the Plan Area, while ameliorating some of the impediments to private sector action. Since the designation of the Plan Area as an Area in Need of Redevelopment, the Plan Area continues to exhibit the same conditions of deterioration and blight, and has not experienced any redevelopment. The purpose of this Plan is to provide a plan for coordinated development in the Plan Area, harmonizing development between the historically-designated Phase I and Phase II parcels, facilitating the redevelopment of the Plan Area in a manner consistent with the Borough's goals and objectives, including creating quality housing, while preserving the ability to conduct uses permitted in the underlying MB Mixed-Business Zone on Block 903, Lot 2. The Plan is designed to establish a comprehensive, integrated approach to development which will result in attractive and complementary uses in the Plan Area. The Plan is designed to complement and implement specific goals, objectives and policy statements set forth in the Borough's Master Plan and Master Plan Reexamination Reports, which apply to the Plan Area.

The purpose of this Plan Amendment is to provide a plan for coordinated development in the Plan Area that will facilitate the redevelopment of the Plan Area in a manner consistent with the Borough's goals and objectives and to create quality housing in proximity to the downtown retail area along Main Street and highway commercial uses along NJSH Route 15. This Plan serves as a targeted master plan and zoning ordinance for the Plan Area, to be known as the Multi-Family/Industrial District (the "MFI District") and supersedes the underlying I-1 zoning, as well as all Prior Redevelopment Plans applicable to the Plan Area. With regard to the Accessory Plan Area, Block 903, Lot 2, this Plan Amendment shall not supersede the underlying MB District zoning or Prior Redevelopment Plans applicable to the Accessory Plan Area, but shall instead be an overlay and supplemental to the underlying zoning and Prior Redevelopment Plans, as applicable. Features of the design not addressed by the Redevelopment Plan shall be regulated by Article X, Design Standards for Site Plans.

PLAN CONSISTENCY REVIEW

Consistency with Municipal Master Plan

The Redevelopment Law requires that the Redevelopment Plan define the relationship of the Plan to the local Master Plan goals and objectives such as appropriate land use, population densities, improvements to traffic, public utilities, recreational, community facilities and other improvements.

The Borough's 1994 Master Plan was reexamined in 2005 and 2015. The Borough of Wharton adopted its most recent Master Plan Reexamination Report in 2015. The Borough's Master Plan incorporates the general purposes of planning and zoning as set forth in N.J.S.A. 40:55D-2, the Municipal Land Use Law, and also enumerates a number of specific goals and objectives, which form the basis for the Plan's land use recommendations. Goal 4 in the Land use Element of the 1994 Master plan discusses the importance of maintaining a "broad array of housing" types, densities, and affordability. Additional objectives that are pertinent to the Redevelopment Area are as follows.

- (a) To ensure that traffic and pedestrian circulation issues are affirmatively addressed on a local and regional scale;
- (b) To promote the continued redevelopment and adaptive reuse of the Borough's former industrial sites; and
- (c) To encourage new development, and redevelopment, to take into account the aesthetic character of the community, in an effort to enhance the visual and aesthetic appearance of the municipality.

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

Local, Regional, and State Plan Consistency

The relationship of the Redevelopment Plan with surrounding communities' Master Plans is reviewed to determine if any significant relationship exists. The Plan Area is centrally located in the Borough and doesn't create any potential issues or significant relationships with Master Plans in surrounding municipalities.

The relationship of the Morris County Master Plan, Highlands Regional Master Plan and the State Development and Redevelopment Plan must also be reviewed for consistency and potential impacts. The right-of-way which created Chegwiddden Way adjacent to the Plan Area is owned by Morris County. Chegwiddden Way has been constructed and is operating as a County Road. North Main Street is also known as County Route 634. The Wharton Rail Trail adjacent to Block 301, Lot 1.01 is owned and maintained by Wharton Borough. The Rail Trail relocation may utilize some County right-of-way such that coordination with the County will likely be required.

Morris County adopted a Circulation Plan Element of the County's Master Plan in 2018. The applicable goals from the plan include: Goal 1 Improve the safety, accessibility, and efficiency of Morris County's transportation network; Goal 2 Conduct a coordinated, comprehensive, and cooperative transportation planning process; and Goal 3 Support economic development through diverse transportation investment. Strategy 19 is also applicable as follows: Support municipal projects and grant applications that advance the goals, objectives and strategies of the Circulation Element. The Redevelopment Plan proposes redevelopment of a former brownfield industrial site which is located along two County roads: North Main Street (CR 634) and Chegwiddden Way (Main Street Extension). Development along these two County roads advances Goals 1,2 and 3 and Strategy 19 of the Morris County Master Plan Circulation Plan Element and is therefore consistent with the County's Master Plan.

The Borough is in the Planning Area of the New Jersey Highlands Region. The Borough has an approved petition for Plan Conformance with the New Jersey Highlands Council, which designated a large portion of the Borough as a Highlands Center. The Plan Area is included in the Borough's Highlands Center and is therefore considered an appropriate area for development and redevelopment in the Highlands Regional Master Plan. The Redevelopment Plan is consistent with the Highlands Regional Master Plan.

The State Development and Redevelopment Plan (SDRP) designated the Borough of Wharton as Metropolitan Planning Area 1 (PA1) and Suburban Planning Area 2 (PA2). The Plan Area is in the PA1, which is considered an appropriate area for growth by the SDRP, including new development and redevelopment. The Redevelopment Plan is consistent with the SDRP.

MULTI-FAMILY/INDUSTRIAL (MFI) DISTRICT

The purpose of the MFI Multi-Family/Industrial District, which is inclusive of the MFI Multi-Family Tract and the MFI Multi-Family/Industrial District Overlay Zone, is to provide for the proper and orderly development of the Plan Area in accordance with the goals and objectives of the Borough listed below in order to provide for the coordinated and orderly development of these underutilized parcels in a manner consistent with the Borough Master Plan, Morris County Master Plan, Highlands Regional Master Plan and State Development and Redevelopment Plan.

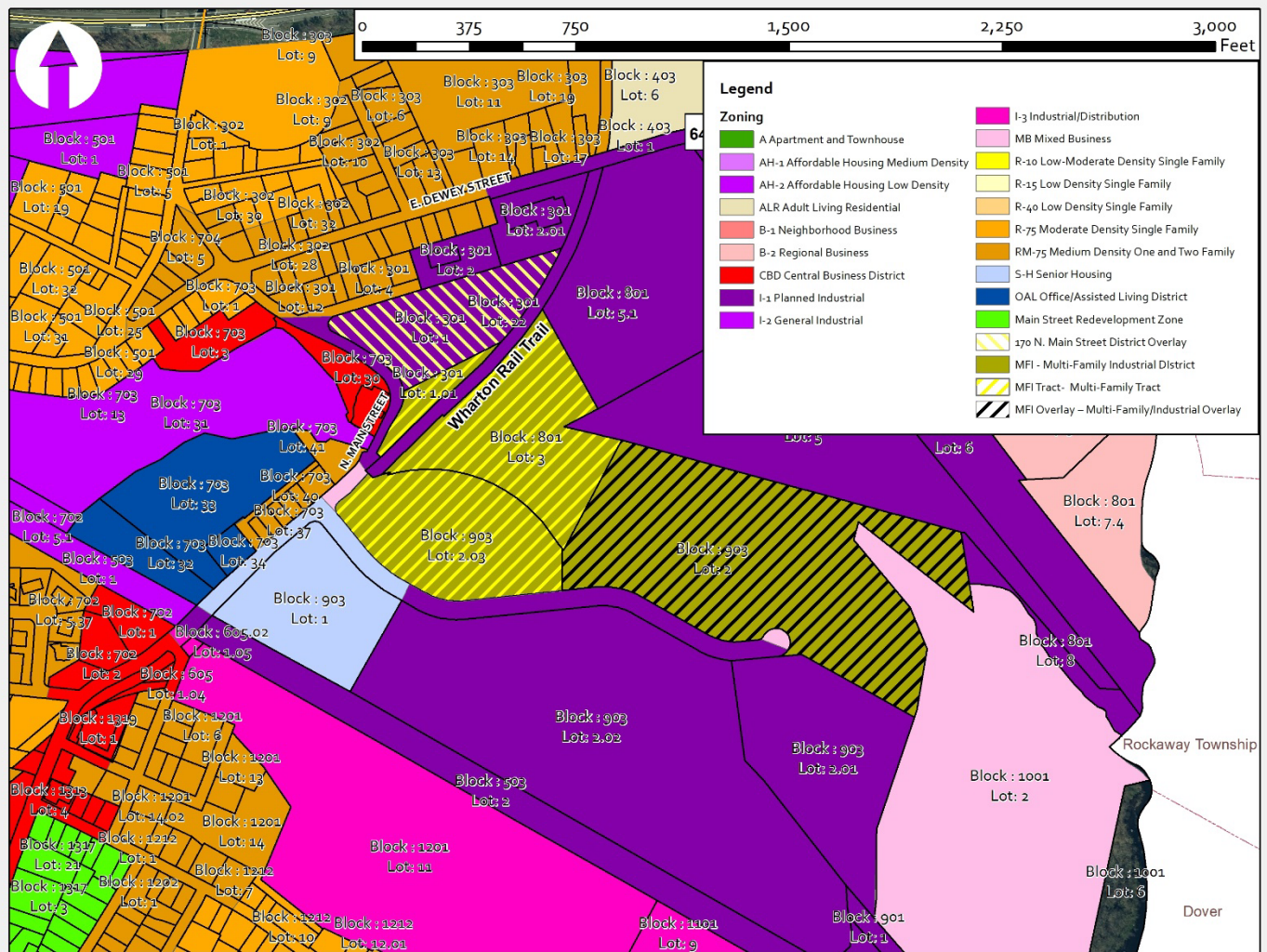
- A. To promote the revitalization of a vacant and underutilized site with in-demand residential uses.
- B. To create economic development opportunities that will generate private sector investment, produce new jobs and increase tax ratables.
- C. To promote redevelopment that is compatible with the unique characteristics of the Plan Area including its location in proximity to the Borough's downtown retail area along Main Street and highway commercial uses along NJSH Route 15 and the surrounding land uses.
- D. To facilitate new construction in the Plan Area with a unified design and approach to the location and relationship of buildings, access to the surrounding roadway network, vehicular and pedestrian movement and on-site parking, architectural design elements, and recreation amenities.
- E. To ensure high-quality redevelopment which minimizes impacts through creative site plan layout and access management.
- F. To ensure compliance with all applicable New Jersey Department of Environmental Protection, Morris County, and Wharton Borough standards and permits for development.
- G. To promote the goals of livable communities.

With the close proximity of the Central Business District along Main Street and highway commercial uses along NJSH Route 15, the area is well-poised to provide for additional residential uses. The Plan Area is important to the Borough with its prominent location at the intersection of North Main Street and Chegwiddden Way and the Redevelopment Plan promotes redevelopment of the site to make it both visually and economically more appealing. Additionally, with the close proximity to Main Street and the Borough's highway commercial corridor along NJSH Route 15, additional residents will provide more customers for existing shops and restaurants.

In order to provide for the Redevelopment of the Area, the Plan calls for multi-family residential uses on the MFI Tract and permits industrial uses to continue in the MFI Overlay Zone. The development promoted within this Redevelopment Plan continues to encourage quality building and site design that is compatible with the architectural character of the neighborhood and surrounding area.

This Plan does not require the Borough to acquire the properties in question. While this could occur if the Borough seeks to acquire the properties and then transfer them to a designated redeveloper, the Plan could also be implemented by the redeveloper acquiring the properties directly.

L.E. Carpenter Plan Area: Proposed Zoning Map



APPLICATION OF REGULATIONS

The Borough will seek a Redeveloper or Redevelopers for all or portions of the site as deemed appropriate. The Redeveloper will acquire, or work with the Borough to acquire, all or portions of the Redevelopment Area in order to redevelop the area according to the following land use regulations. The Redeveloper is required to enter into a redevelopment agreement with the Borough in order to redevelop property in the Plan Area in accordance with this Plan.

DEFINITIONS

The definitions provided by Section 165-32 shall apply within the MFI District, which is inclusive of both the MFI Tract and the MFI District Overlay Zone, except as indicated herein. The following definitions shall apply only within the MFI District, shall supplement any non-conflicting definitions within Section 165-32, and shall supersede any conflicting definitions with Section 165-32.

- a. “*MFI Accessory Use or Building*” shall mean “a use or structure subordinate to any principal use or structure within the MFI District and serving a purpose customarily incidental to the principal use or the principal structure. Where an accessory building is attached to a principal building by a roof, wall or the like, such accessory building shall be considered part of the principal building. For the avoidance of doubt, provided an MFI Accessory Use or Building in the MFI District or MFI Overlay District is subordinate to a principal use or structure within the MFI District, the MFI Accessory Use or Building does not need to be located on the same Lot as the principal use or structure to which it is subordinate.”
- b. “*MFI Drainage Improvements*” shall mean above and/or below ground detention basins, retention basins, and/or stormwater management uses and/or structures supporting any use permitted on the MFI Tract.
- c. “*MFI Tract*” shall mean Block 801, Lot 3, Block 301, Lot 1.01 and Block 903, Lot 2.03.
- d. “*MFI Overlay Zone*” shall be defined as Block 903, Lot 2.
- e. “*MFI Overlay Zone Front Yard Setback*” shall mean the distance extending across the full width of the MFI Overlay Zone, between any MFI Drainage Improvements and the front lot line and measured perpendicular to the MFI Drainage Improvement at the closest point to the front lot line.
- f. “*MFI Tract Line*” shall mean the line separating the MFI Tract from any Lot outside the MFI Tract. For the avoidance of doubt the lines separating the MFI District from Harry Shupe Parkway, North Main Street, and North Main Street Extension shall not constitute MFI Tract Lines.
- g. “*Phase*” shall mean a portion of the MFI Tract proposed to be developed together at a certain period of time.
- h. “*Phase Building Coverage*” shall mean the area of a Phase covered by buildings, exclusive of decks and patios.
- i. “*Floor Area Ratio*” shall mean the sum of the area of all floors of buildings or structures compared to the total area of the Phase.
- j. “*Phase Impervious Coverage*” shall mean the portion of a Phase which is improved with principal and accessory buildings, structures and uses, and including but not limited to driveways, swimming pools, tennis courts, parking areas, garages, walkways, patios, loading areas and any area improved with a material that reduces or prevents the

absorption of stormwater into land and which reduces percolation to a rate slower than 120 minutes per inch. Retention and detention basins as well as dry wells should not be included as Phase Impervious Coverage.

MFI Multi-Family Tract Requirements

Permitted Uses

The following uses are permitted in the MFI – Multi-Family Tract in the Multi-Family/Industrial District; uses not identified below are prohibited

A. Principal permitted uses:

- Apartments, Multi-Family Dwellings, Garden Apartment Dwellings, Multi-Family Housing Developments, and/or Dwelling Units.

B. Accessory uses:

- Recreational facilities including but not limited to clubhouses, lobbies, fitness facilities, outdoor barbecues, fire pits, gazebos, club rooms, lounges, libraries, game rooms, pool rooms, community gardens, recreation rooms, children's play rooms, private theater rooms, community bath houses and locker rooms.
- Tenant amenities including but not limited to leasing and management offices, business centers, mail rooms, package storage areas, general storage areas and/or enclosure areas, kitchens for tenant use and related mechanical equipment, shared work space and similar interior tenant amenities.
- Sports facilities, including but not limited to sports fields, courts, putting greens and swimming pools.
- Park facilities including but not limited to playground facilities, walking paths, dog parks and dog runs.
- Dog spa or grooming facility, not including boarding or veterinarian services, only for the pets of residents of the MFI District.
- Storage spaces unattached to Dwelling Units, but used by occupants of units, which are incorporated into the Multi-Family Dwelling or Multi-Family Housing Development.
- Parking structures incorporated into the Multi-Family Housing Development for storage of vehicles and loading area spaces.
- Off-street parking and loading including valet parking spaces and facilities.
- Home Occupations complying with Section 165-95J.
- Generators.
- Interior and/or exterior waste and recycling receptacles.
- Signs.
- Fences.
- Retaining walls.
- Temporary sales and construction trailers.
- Above and/or below ground detention basins, retention basins, and/or stormwater management uses and/or structures including green infrastructure.
- Utilities.
- Any use customary and incidental to the residential component of a permitted principal use.

Area and Bulk Requirements

The following regulatory controls apply to the MFI Tract in the MFI District:

Minimum Principal MFI Tract Building Setbacks -

Harry Shupe Parkway	25 Feet
North Main Street	25 Feet
MFI Tract Line	25 Feet
Chegwidden Way	10 Feet (Property Line) 43 Feet (Centerline of the Road)

Maximum Building Height:

Block 903, Lot 2.03: 4 Stories/55 feet

Block 801, Lot 3; Block 301, Lot 1.01: 5 Stories/65 Feet

Maximum Building Coverage: 40%

Maximum Impervious Coverage: 85%

Maximum Number of Dwelling Units in MFI District: 440 Dwelling Units

Parking & Loading Standards

The following parking and loading standards apply to the MFI Tract in the MFI District and supersede Section 165-65. These standards are designed to apply to the MFI Tract in the MFI District and do not apply to other zone districts. Parking shall comply with the New Jersey Residential Site Improvement Standards (RSIS), except as noted below, including but not limited to the minimum number of parking spaces provided, the size of the parking spaces, drive aisle and/or parking aisle width, and any other parking and circulation requirements.

- A. Minimum Number of Parking Stalls:
 - i. Residential: 1.5 spaces per Dwelling Unit
- B. Electric Vehicle (EV) Charging Stations: EV charging stations are required per state regulations [EV Law (P.L. 2019, c. 362)].
- C. Minimum Residential Parking Stall Dimensions:
 - i. Standard: 9' x 18'
 - ii. Parallel: 7' x 23'
- D. Minimum Residential Aisle Width: twenty (20) feet or minimum necessary greater than twenty (20) feet to provide adequate access by emergency vehicles to the site, as determined by the

Borough Engineer and Fire Department. Where parking is located, the minimum aisle width is twenty-four (24) feet.

- E. Garage Spaces: A one (1)-car garage and driveway combination shall count as two (2) off-street parking spaces, provided the driveway measures a minimum of eighteen (18) feet in length between the face of the garage door and the right-of-way. A two (2)-car garage and driveway combination shall count as three-and-a-half (3.5) off-street parking spaces, provided a minimum parking area width of twenty (20) feet is provided for a minimum length of eighteen (18) feet as specified for a one (1) -car garage and driveway combination.
- F. Shared Parking: To the extent that housing is included in the same building as any other uses, a shared parking approach to the provision of parking shall be permitted.
- G. Location of Parking Spaces: Parking adjacent to Harry Shupe Parkway, North Main Street, and Chegwidden shall be permitted. The Minimum Parking Setback from all MFI Tract Lines shall be five (5) feet.
- H. Pedestrian Circulation: Pedestrian circulation within residential parking lots on the MFI Tract shall be taken into consideration.
- I. Parking Space Design Criteria:
 - i. All parking spaces shall be designed free and clear of any obstruction to individual parking stalls.
 - ii. Parking spaces shall be located in such a fashion as to permit all vehicles to exit in a safe and orderly manner. Under no condition shall vehicles be permitted to block the free movement of traffic within the parking area at specific points of safety control, such as fire hydrants.
 - iii. Certain aisle widths and movement patterns shall be designed to permit emergency and service vehicles such as delivery trucks, solid waste collection vehicles and the like to have reasonable access to and space for their intended functions.
- J. Driveway Design Criteria:
 - i. Location of driveways. All entrance and exit driveways to a public or private street shall be located so as to afford safety to said roadway, to provide for safe and convenient ingress and egress and to minimize conflict with the free flow of traffic. In no case shall un-restricted access along the length of the street or streets upon which the parking area abuts be permitted.
 - ii. Sight distances. Sight distances shall comply with the American Association of State Highway and Transportation Officials ("AASHTO") requirements.
- K. Loading Zones: Two (2) loading zones for moving trucks shall be provided within the Plan Area; one (1) on each lot.

Drainage and Stormwater Management

Applications for development in the MFI District shall comply with New Jersey Department of Environmental Protection (NJDEP) Stormwater Management regulations per N.J.A.C. 7:8. To the extent that Borough stormwater management ordinances apply a higher standard than the NJDEP requirements, the Applicant is exempt from those standards.

Landscaping, Fence/Wall and Buffer Requirements

Landscaping for the MFI Tract shall be provided to promote a desirable visual and cohesive natural environment for residents, employees, visitors and passersby as follows:

- A. Landscaping may include plant materials such as trees, shrubs, ground cover, perennials, annuals and other materials such as rocks, water, berms, walls, fences, and/or paving materials.
- B. Landscaping shall be provided in public areas, adjacent to buildings, and around the perimeter of the site.
- C. Existing on-site natural features may be retained and utilized to provide suitable on-site landscaping and buffering.
- D. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc. shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
- E. Ornamental trees should be provided at key locations such as site entrances, focal points and along existing roadway frontages, as feasible.
- F. Hedges, shrubs, and ground cover shall be used to define space and provide privacy. Foundation plantings should include evergreen and deciduous shrubs.
- G. No fence or wall shall be erected, altered, or constructed on the MFI Tract in the MFI zone which shall exceed twenty (20) feet in height above ground level per tier, except that no fence exceeding six (6) feet in height shall be permitted in the front yard. Notwithstanding the foregoing, the height of fences and walls adjacent to the train tracks shall be unrestricted. Fences surrounding the perimeter of tennis courts, pools, or tot lots are exempt from the foregoing requirements; such fence shall not exceed twelve (12) feet in height above ground level and shall not be closer than fifteen (15) feet to any side or rear property line.

- H. Buffers. A twenty (20) foot landscaped buffer shall be provided between the Multi-Family Development and Lot 2. A minimum ten (10) foot landscaped buffer shall be provided between the Principal Structures adjacent to roadways or the Wharton Rail Trail.

Mobility Design Standards

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The following requirements apply to the MFI Tract only:

A. Pedestrian Access and Circulation:

- i. Sidewalks must be provided along all public streets and shall be a minimum of four (4) feet wide to provide safe and convenient movement for pedestrians except where the Wharton Rail Trail provides pedestrian connectivity along or adjacent to the roadway. Any sidewalks constructed or repaired along North Main Street shall include a 2-foot-wide brick paver section between the sidewalk and the curb.
- ii. The Wharton Rail Trail may be relocated within the Plan Area, provided that the trail maintains connectivity through the Plan Area. Any relocation of the rail trail will be subject to approval or vacation by the owner of the right-of-way for the trail, which is believed to be Wharton Borough. A minimum ten (10) foot landscaped buffer must be maintained on both sides of the Wharton Rail Trail throughout the Plan Area. A portion of such landscape buffer may be provided within the right of way.
- iii. The relocation of the Wharton Rail Trail shall be completed prior to issuance of certificates of occupancy for any dwelling units on Block 801, Lot 3 of the Plan Area, also known as Phase II. Development of Phase I may be completed without relocation of the Rail Trail. The Rail Trail shall be constructed at a minimum width of eight (8) feet and paved to the satisfaction of the Borough Engineer.
- iv. Sidewalks shall be placed upon a compacted subgrade overlaid with at least four inches of porous material such as sand or gravel. Concrete sidewalks shall be at least four (4) inches thick, except at points of vehicular crossing where they shall be at least six (6) inches thick, of Class B concrete having a twenty-eight (28) day compressive strength of 4,000 pounds per square inch and shall be air-entrained. Preformed expansion joint material shall be placed at twenty-foot maximum intervals where sidewalks abut curbing or a structure.
- v. Sections 165-52 Streets, 165-54B Block Patterns and 165-66 Loading shall not apply in the MFI Tract and MFI Overlay Zone, except that at least two (2) designated loading area for moving trucks shall be provided within the Plan Area.

Building Design Standards

The following renderings are representative of the desired architectural design for the MFI Tract. Proposed building design shall be substantially similar to the following renderings:



ILLUSTRATIVE PERSPECTIVE VIEW
DATE: 10/26/2019

MINNO WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 100, LAMBERTVILLE, NEW JERSEY 07843
2900 SARDENWAY CENTER, SUITE 1700, NEWARK, NEW JERSEY 07102

WHARTON INVESTORS II, LLC

N. MAIN STREET
WHARTON, NEW JERSEY
19-01-002
COPYRIGHT © MINNO & WASKO ARCHITECTS AND PLANNERS



ILLUSTRATIVE PERSPECTIVE VIEW
DATE: 10/26/2019

MINNO WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 100, LAMBERTVILLE, NEW JERSEY 07843
2900 SARDENWAY CENTER, SUITE 1700, NEWARK, NEW JERSEY 07102

WHARTON INVESTORS II, LLC

N. MAIN STREET
WHARTON, NEW JERSEY
19-01-002
COPYRIGHT © MINNO & WASKO ARCHITECTS AND PLANNERS



ILLUSTRATIVE PERSPECTIVE VIEW
DATE: 10/26/2019

MINNO ■ WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 100, LAMBERTVILLE, NEW JERSEY 08530 MINNOWASKO.COM
290 GARDENWAY CENTER, SUITE 100, NEWARK, NEW JERSEY 07102

WHARTON INVESTORS II, LLC | N. MAIN STREET
WHARTON, NEW JERSEY
19-01220
COPYRIGHT © MINNO & WASKO ARCHITECTS AND PLANNERS



ILLUSTRATIVE PERSPECTIVE VIEW
DATE: 10/26/2019

MINNO ■ WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 100, LAMBERTVILLE, NEW JERSEY 08530 MINNOWASKO.COM
290 GARDENWAY CENTER, SUITE 100, NEWARK, NEW JERSEY 07102

WHARTON INVESTORS II, LLC | N. MAIN STREET
WHARTON, NEW JERSEY
19-01220
COPYRIGHT © MINNO & WASKO ARCHITECTS AND PLANNERS

The following Architectural Design Standards shall apply to the MFI Tract only:

- A. All buildings shall feature articulated roof design in the form of cornices, dormers, flared eaves and/or other appropriate design features.
- B. Large horizontal buildings with a linear dimension of more than 175 feet should incorporate visual and/or physical breaks to create a more interesting appearance. Related architectural elements, which preclude a continuous uninterrupted façade, may also be utilized to achieve a break in the linear dimension of the building walls in place of an offset, if determined by the approving authority to achieve the same purpose. All building foundations shall be appropriately landscaped.
- C. Buildings with expansive blank walls are prohibited. Appropriate façade treatments should be imposed to ensure that such all facades are finished and integrated with the rest of the development.
- D. Building facades should coordinate and incorporate interesting architectural elements such as entrances, corners, graphic panels, windows, etc., as a means to provide visually attractive features on each building.
- E. Cornices, awnings, canopies, flag poles, signage and other ornamental features are encouraged at a pedestrian scale as a means to enhance the visual environment.
- F. Exterior mounted mechanical and electrical equipment which would be exposed to the public view shall be architecturally screened if on or adjacent to the building, subject to providing access required by utility companies. To the extent feasible, roof-mounted equipment and projection should be painted the same color as the roof and where possible, located away from the exterior wall to minimize potential views. Equipment located on the ground adjacent to buildings shall be screened by fences, walls or landscaping.
- G. Side and rear facades should receive architectural treatments comparable to front facades when abutting a public street or when public access and parking is provided next to the building.
- H. A "human scale" of development should be achieved at grade and along street frontages through the use of such elements as windows, doors, columns, awnings and/or canopies.
- I. Rhythms that carry through the development such as façade patterns and materials, window spacing and designs, entrance features, canopies, and/or awnings, etc. should be incorporated into all facades, where feasible.

Lighting

The following shall apply to the MFI Tract:

- A. Street lighting is required along North Main Street and Chegwiddden Way. Street lighting and streetscape amenities shall match the standards of the Borough Master Plan.
- B. A lighting plan providing a minimum of 0.5 footcandle for streets, sidewalks and parking areas shall be provided.
- C. Any adjacent residential zone or use shall be shielded to prevent glare and off-site light pollution.

Signage

Signage on the MFI Tract shall be permitted as follows:

- A. Freestanding Sign: Project Identification/Tenant Identification Sign. This section supersedes 165-105A.
 - i. Up to five (5) ground signs are permitted for the Plan Area. The ground signs shall be no larger than thirty-six (36) square feet with a maximum height of ten (10) feet.
 - ii. The base of each ground sign shall be attractively landscaped with shrubs, grasses, perennial and/or annual flowers.
 - iii. One (1) downcast light source or one (1) in-ground focused directional spotlight in which the lighting source is shielded, and the blurb exposure limited to that sufficient to illuminate the sign content is permitted per freestanding sign.
 - iv. Ground signs shall be setback a minimum of three (3) feet from any right of way and shall not be located within a sight triangle or location as to block line of sight along the adjacent roadway.
- B. Façade Signs: This Section supersedes Section 165-105 through 109, except as provided below.
 - i. Each building is permitted three (3) façade signs.
 - ii. Permitted façade signs shall include wall signs, roof signs, projecting signs, banners and canopy signs.
 1. Façade signs shall be regulated by Section 165-105B(1)(a), (d), (g), (m), (n) and 165-105B(2) of the Borough Code.
 2. Canopy signs shall be permitted and subject to the following requirements:

- a. No canopy, awning or marquee shall extend above a sidewalk, doorway, public right-of-way or driveway at a height lower than eight feet.
 - b. Canopies shall be designed to project over window and/or door openings and should be permanently attached to the building.
 - c. Individual channel-cut letters mounted at the front edge of a canopy shall be permitted.
3. Residential signage lighting:
- a. All residential façade signs shall be lit in one of two ways: (1) externally lit wall-mounted, focused, directional lights such as goose neck lights or sconces, in which the lighting source is shielded, and the bulb exposure limited to that sufficient to illuminate the sign content; or (2) halo-illuminated, providing a shielded back glow illumination.

C. General Sign Regulations:

- i. No sign shall be placed in any required sight triangle.
- ii. No billboard signs shall be permitted.
- iii. No sign shall be erected, painted or comprised of fluorescent, phosphorescent or similar material.
- iv. No sign shall be, in whole or part, flashing, mobile or revolving.
- v. No sign shall be artificially illuminated after 11:00 p.m. or before 7:00 a.m. unless said premises are occupied and attended.
- vi. No sign shall be placed, located or displayed upon any sidewalk or area between sidewalk and curb.
- vii. If signs are approved by the Planning Board in connection with a site plan application, no additional application for a sign permit to the Zoning Officer or filing fee pursuant to 165-103 shall be required.
- viii. Temporary signs shall require a permit. Such permit for temporary signs shall be valid until 96 percent of market rate dwelling units are occupied. Temporary signs shall not exceed an area of 12 square feet, with the exception of banners, which shall not exceed 500 square feet.

Affordable Housing

Development within the MFI Tract shall be subject to a 15 percent affordable set-aside (the "MFI Set-Aside") for each development phase. In the redeveloper's discretion, up to 50 percent of the affordable units required by the MFI Set-Aside may be provided outside of the Plan Area. Affordable units provided outside of the Plan Area shall be non-age-restricted units and may be "market to affordable" units or newly constructed units. "Market to Affordable" units shall mean residential units that have not been subject to affordability restrictions, which shall become subject to affordability restrictions. The affordable units shall comply with Borough Code Section 165-119(c). Notwithstanding the aforementioned requirements, community residences and community shelters as defined by N.J.S.A. 40:55D-66.2 shall not count toward the satisfaction of the Redeveloper's affordable housing obligation.

For the avoidance of doubt, development of principal permitted uses in the MFI Tract shall constitute an Affordable Housing Development and be exempt from payment of Development Fees pursuant to Chapter XVII, Section 165-124 through 165-127, and Chapter 64 of the Borough Code.

Recreation Areas

The MFI Tract shall include a minimum of 4,000 square feet of interior recreation space and 10,000 square feet of exterior recreation space, including an outdoor pool.

Design Standards for Site Plans

Features of the site design not addressed by the Redevelopment Plan shall be regulated by Article X, Design Standards for Site Plans, of the Wharton Borough Land Use and Development Ordinance, with exceptions noted herein.

Additional Zoning Regulations

- A. Multiple principal structures and uses on one lot shall be permitted.
- B. Redevelopment in accordance with this Plan Amendment may be undertaken in Phases. Completion of one phase shall not obligate a developer or property owner to complete other Phases within the MFI District.
- C. Notwithstanding Section 165-56, side lot lines within the MFI District shall not be required to be at right angles to straight streets and radial to curved streets.
- D. The Plan Area is suitable for development of uses permitted in the MFI District, regardless of the existence of any site conditions or factors, including but not limited to rock formations, drainage conditions, watercourses, historic sites, flood conditions or similar circumstances. Trees, brooks, hilltops, and views may be disturbed, if necessary to effectuate this Redevelopment Plan, provided such disturbance complies with the applicable regulations and permits of the New Jersey Department of Environmental Protection.

- E. Easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least fifteen (15) feet wide and shall be located in consultation with the utility companies or municipal departments concerned.

MFI Overlay Zone Requirements

Permitted Uses

The following uses are permitted in the MFI Overlay Zone, in addition to those uses permitted by the underlying zoning and the Prior Redevelopment Plans.

A. Principal Permitted Uses:

- i. In addition to uses permitted by the underlying Mixed-Business (MB) District Zoning and the Prior Redevelopment Plans, MFI Drainage Improvements shall be permitted.

B. Conditional Uses: Parking and Storage of Trucks and Trailers. The following supersedes Section 165-101(C) and (D) with respect to parking and storage of trucks and trailers within the MFI Overlay District. The parking and storage of trucks and trailers shall be permitted, subject to the following conditions:

i. Bulk Requirements:

1. Minimum lot area: five (5) acres
2. Minimum lot width: 200 feet
3. Minimum lot depth: 250 feet
4. Minimum front yard: 15 feet
5. Minimum side yard(s): 30/60 feet
6. Minimum rear yard: 40 feet
7. Maximum building height: four stories/50 feet
8. Maximum building coverage 40%
9. Maximum floor area ratio: 0.35

- ii. The existing rear buffer shall be preserved and maintained subject to the bulk standards above.
- iii. A 15-foot-wide buffer along Harry Shupe Parkway shall buffer the truck storage and parking area so as to minimize views into the area.
- iv. Trailer containers may not be stacked vertically on top of each other. Only single trailers may occupy a space. Trailers may be stacked horizontally at ground level, one in front of each other. A designated trailer space shall measure 11 feet wide by 55 feet long.
- v. Truck parking and trailer storage must be related to an adjacent use within 100 feet of the MFI Overlay Zone.
- vi. The maximum area utilized for truck parking and trailer storage cannot exceed 290,000 square feet.

- vii. The truck parking and trailer storage area may be composed of gravel and/or asphalt and/or cement. No lighting is required for truck parking and trailer storage area.

Area and Bulk Requirements

The following requirements apply to the MFI Overlay Zone:

- A. MFI Overlay Zone Front Yard Setback: 15 feet.
- B. Multiple principal structures and uses on one lot shall be permitted.
- C. The Plan Area is suitable for development of uses permitted in the MFI Overlay District, regardless of the existence of any site conditions or factors, including but not limited to rock formations, drainage conditions, watercourses, historic sites, flood conditions or similar circumstances. Trees, brooks, hilltops, and views may be disturbed if necessary to effectuate this Redevelopment Plan, provided such disturbance complies with the applicable regulations and permits of the New Jersey Department of Environmental Protection.

Submittal Requirements

The Redeveloper shall submit a site plan application for review to the Wharton Borough Planning Board indicating the manner in which the entire Plan Area, or portions thereof, are to be developed. Said site plan application shall include all the data required for site plan review except as noted herein, and clearly indicate the proposed use of the land. Notwithstanding Section 165-12 of the Borough Code, applications shall be submitted in accordance with N.J.S.A. 40:55D-1 et seq., with applications and plans to be submitted at least 10 days prior to the date of the meeting of the Board. The following standards or exceptions also apply:

- A. Consistent with N.J.A.C. 5:93-10.1 and Section 165-120, no unnecessary cost generative requirements shall apply to any development of permitted uses within the MFI Tract.
- B. It is the intent of this ordinance for the Planning Board to expedite its review of any application for development submitted for development within the MFI District and MFI Overlay District within the time frames established under N.J.S.A. 40:55D-1 et. seq. (the "Municipal Land Use Law"). In the event of any conflict between sections 165-46A, 165-46B(3) or 165-46B(5) and the Municipal Land Use Law with regard to the timing of application submissions, the Municipal Land Use Law shall control.
- C. No off-site or off-tract improvements are advisable, as described in Section 165-76B to accomplish the development of permitted uses in the MFI District or MFI Overlay District. No local improvements ordinance shall be required.
- D. Notwithstanding Section 165-15.1 and Section 165-46B of the Borough Code, development and/or installation of uses permitted in the MFI District and MFI Overlay

District shall not be subject to review or approval by the Tenancy Review Committee, Shade Tree Commission, or Environmental Commission.

- E. Notwithstanding Sections 165-43 and 165-46B(7), an Applicant for development of permitted uses in the MFI District and MFI Overlay District shall not be required to submit items 17, 26, 30, and 31 with respect to depicting existing drainage within five hundred (500) feet of any boundary, 30 from Appendix A to Chapter 165, Form 3, governing Site Plan Submission Details and Requirements.
- F. Notwithstanding Section 165-49C(2), 165-71, and 165-76, 165-77, an Applicant shall not be required to provide any written description of existing nonresidential uses that are intended to continue; a Facilities Plan depicting any existing drainage and stormwater runoff, open space, common property, fire, gas, electric, telephone, sewerage and water line locations, lighting and solid waste collection and disposal methods, unless they are proposed to be retained by Applicant; legal documentation supporting the grant of an easement by the owner of an off-tract lot; the location of proposed trailers, warehousing, storage facilities, and temporary contractor's offices; written instruments evidencing service arrangements with all serving utilities; mapping from the Borough's Natural Resource Maps, and an environmental impact statement.
- G. Notwithstanding 165-49, 165-50, 165-59 and 165-77, legal documentation of easements, plans depicting the location of proposed trailers, warehousing, storage facilities, and temporary contractor's offices, performance guarantees, written instruments evidencing arrangements with serving utilities, and easements therefor shall be required to be submitted prior to the issuance of a building permit as a condition of any resolution of approval and shall not be required prior to the granting of final site plan approval.
- H. With the exception of subsection G, Section 165-98 shall not apply to development in the MFI District and MFI Overlay District. An approval from the Planning Board for major subdivision, minor subdivision, or any site plan application consistent with this Plan Amendment shall constitute a tree removal permit.
- I. Section 165-99 shall not apply to development in the MFI District and MFI Overlay District; however, slopes of 15 percent or greater may be disturbed, provided such application includes a plan to mitigate excessive erosion or other unstable conditions impacting public safety, including, but not limited to, storm drainage facilities and/or protective measures such as retaining walls, headwalls and fences.
- J. Notwithstanding Section 165-47, application may be made simultaneously for preliminary and final major or minor subdivision and/or major or minor site plan approval. In the event application for preliminary and final approval is made simultaneously, such application shall be subject to Section 165-47B(1)-(9).
- K. Section 165-73 Floodplain Regulations: Where conflicts exist, the Applicant shall comply with NJDEP rules and regulations.

- L. Section 165-75 Natural Areas: Where conflicts exist, this Redevelopment Plan shall supersede the requirements of this section.
- M. Section 165-78 Shade trees, planting strips and landscaping: Where conflicts exist, this Redevelopment Plan shall supersede the requirements of this section.
- N. Section 165-84 Recycling: The Applicant shall be permitted to provide recycling facilities either exterior or interior to the building or both.
- O. Section 165-91: Lot Regulations: Not all lots in the Area front on public streets and this is acknowledged and not required. However, no new lots without street frontage may be created.
- P. Section 165-111 Affordable Housing Requirements are as set forth in this Redevelopment Plan. Where conflicts exist in the ordinance, this Plan applies.
- Q. Chapter 267 Stormwater: The Redevelopment Plan requires the Applicant to comply with NJDEP regulations and rules per N.J.A.C. 7:8. To the extent that Borough stormwater management ordinances apply a higher standard than the NJDEP requirements, the Applicant is exempt from those standards.
- R. Chapter 297 Trees: Does not apply and is superseded by the Redevelopment Plan.
- S. Sections 165-60, 165-80, and 165-82 shall not apply in the MFI District. Whenever sufficient topsoil is not available at the site, additional topsoil shall be obtained and distributed in such a manner as to provide a cover of at least six (6) inches of topsoil or other approved cover to prevent soil erosion on the areas uncovered during the course of construction or excavation. All applications shall comply with the requirements of the Morris County Soil Conservation District.
- T. For the avoidance of doubt, a major subdivision or site plan approved by the Planning Board that includes a grading plan, shall be exempt from applying for any permit pursuant to Chapter 258. A developer of such approved plan shall be required to post a bond in accordance with Borough Code Section 258-9.
- U. Permitted uses within the MFI District shall not be required to comply with Section 231-21D; however, they shall be required to comply with the New Jersey Construction Code and, with respect to affordable dwelling units, the Uniform Housing Affordability Controls.

LEGAL PROVISIONS

The 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 Borough Council, the Zoning Map of the Borough of Wharton is hereby amended and must be revised to show the boundaries of the L.E. Carpenter Redevelopment Area and identify the district as the "L.E. Carpenter Redevelopment Area." All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Borough Council, this Redevelopment Plan will supersede all provisions of the Wharton Zoning Ordinance for the Plan Area as noted herein. Any zoning-related issue that is not addressed herein will refer to the Wharton Zoning Ordinance for guidance except as noted within the Plan. 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 L.E. Carpenter Redevelopment Plan

Over time development priorities and market demands may change. The L.E. Carpenter Redevelopment Plan may need to be amended from time to time to meet the changing needs of the Borough, residents and market demand. As a result, this Plan may be amended in compliance with the requirements of the Local Redevelopment and Housing Law.

Variations in Site Plan Design

Modifications from standards that 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 without substantially impairing 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. and 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 nonconforming use; and
3. An increase in height of a principal structure which exceeds by 10 feet or 10 percent of 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 Borough of Wharton anticipated by this Plan.

RELOCATION PLAN

Because there is no displacement of residents anticipated by this Plan, no Relocation Plan is necessary.