

**BOROUGH OF FRANKLIN**

**2016**

**MASTER PLAN RE-EXAMINATION**

**REPORT**

**And**

**MASTER PLAN AMENDMENTS**



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This document dated April 5, 2016 was adopted by the Franklin Planning Board on March 21, 2016 and incorporates those changes directed by the Planning Board at the time of adoption.

Please note: Although this document is entitled The 2016 Master Plan Re-Examination Report, in conformance with when it was finalized and adopted by the Planning Board, throughout the document it is primarily identified as the **2015 Master Plan Re-Examination Report**, because of the timeframe during which most of the material was originally written.

*This copy conforms to the original of this report, which was signed and sealed by Kenneth P. Nelson PP/AICP – New Jersey Professional Planners License #1314; as required by NJSA 45:14A.*

  
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## EXECUTIVE SUMMARY

This document, the 2015 Master Plan Reexamination Report, serves two primary purposes. First it contains an evaluation of the Borough planning and zoning efforts over a period of a decade or more. Secondly, it contains proposed master plan amendments, plus supporting documentation and future planning efforts that should be undertaken in both the short and long term.

The 2015 Re-exam is a comprehensive document and includes recommendations and proposed changes that relate to the entire Borough. Examples of such changes include a proposal to eliminate the age restriction in the MAAH Zone and to also allow a density bonus in the Hospital Zone, which allows multi family housing.

However, the primary focus of this document concerns the future of the Route 23 Corridor. Currently, a substantial portion of Route 23 is in the HC Zone. The HC Zone requires a minimum lot size of 5 acres. However, based on an analysis of existing conditions in the HC Zone, only a few existing lots meet that standard. Apparently, the strategy more than ten years ago, as presented in the 2003 Master Plan, was to encourage the consolidation of undersized lots via this large lot requirement. No such consolidations have occurred and are unlikely to happen because of the existing development pattern, as well as economic factors.

Consequently, it is the conclusion of the Planning Board that making some adjustments to the HC Zone are warranted, in order to minimize the number of variances required and to thereby encourage appropriate, additional development in the Route 23 Corridor. At the same time, the Borough is not abandoning its efforts to consolidate undersized lots and intends to use bonus provisions to accomplish that end. In addition, the Borough is cognizant of the need to encourage "connectivity", along the Route 23 Corridor in order to minimize the amount of traffic that would need to use Route 23 to travel from one business to another.

So, the Planning Board proposes to amend the Master Plan by replacing the HC zone with two new zones the HC-1 and HC-2, and to ultimately encourage the Borough Council to amend the Borough's land use regulations. The HC-1 will be similar to the HC but the minimum lot size will be reduced to 4 acres for multiple uses and 2 acres for single uses. The HC-2, in contrast, will allow lots of 30,000 sq ft and for certain limited commercial uses, 20,000 sq ft.

It is also proposed that the HC-1 and HC-2 districts accommodate multi family residential uses. In the HC-1, they may be "free standing" structures but in the HC-2 they will be required in conjunction with commercial uses on the first floor.

In summary, this document meets the test for a Master Plan Reexamination Report and given the current requirements of the NJMLUL, the Borough will not be required to do another re-exam for ten years, unless the Borough chooses to do one sooner. The proposed changes herein can be considered to be important but relatively modest in their scope. Furthermore, this document represents another stage in the Borough's continuing efforts to plan for its future in a responsible and realistic way

# 1. Introduction

The Borough of Franklin is a community of approximately 4.49 square miles located in the east central portion of Sussex County. Franklin can be described as a “rural” center that owes its existence and identity to iron and zinc mining operations, which dominated the Borough’s socio economic fabric for many decades, from the late 19<sup>th</sup> century to the middle of the 20<sup>th</sup> century. A more detailed description of Franklin’s history appears in both the 2003 Master Plan and 2009 Master Plan Re-examination Report

The Borough’s current land use policies were established and have been governed by a series of master plans and other planning and zoning related documents dating back to the 1960’s. The most recent comprehensive master plan for the Borough was adopted in 2003 and served as the basis for a number of zoning changes that were subsequently enacted by the Borough Council.

This document, the 2015 Master Plan Reexamination Report, is in effect a review or self assessment of the policies established by the 2003 Master Plan, as well as the 2009 Re-exam and is in fulfillment of the state statute (40:55D-89) which requires that a reexamination of a community’s planning policies and regulations occur at least every ten years. It was decided to undertake the preparation of a Re-exam sooner than the ten year requirement because of several pressing issues that couldn’t wait until 2019.

The specific format that this report follows will be outlined in detail shortly. However, it needs to be emphasized, as it will be again throughout this document, that the 2003 Master Plan, as supplemented by the 2009 Re-exam and various Master Plan amendments remain the controlling documents in terms of setting the planning policies of the community. They are not being replaced by this document. They are simply being evaluated and supplemented by what is contained herein.

Returning briefly, however, to a general overview of the characteristics that make Franklin Borough what it is today, a good place to start is always with the community demographics. According to the 2000 census data, the total resident population, at that time, was 5,187. Since the turn of the century from the 20<sup>th</sup> to the 21<sup>st</sup>, Franklin like many other Sussex County communities has experienced a population decline. The 2010 census recorded 5,045 residents and the 2013 population estimate by the United States Census Bureau is 4,937 – a return to a population level last experienced in 1990. It is difficult to say if this decline will plateau at some point or if the Borough’s population will continue to shrink. Given this demographic phenomenon, a detailed analysis of the 2010 census is not presented here, since it appears that most of the other demographic, housing and job related information is very similar to the 2000 census data. However, this issue should be watched carefully in the coming years and if the 2020 census indicates an even further decline, it may result in the need to look closer at the census data, which may lead to some of the planning policies of the Borough having to be changed dramatically

As already noted, in 2003 the Franklin Borough Planning Board adopted a new Master Plan. Furthermore, in July of 2005 the Planning Board adopted and the Borough Council accepted the Housing Plan and Fair Share Plan, which subsequently served as the basis for the Borough’s petition to the NJ Council On Affordable Housing (COAH) for

substantive certification. Finally, since 2005, amendments to the 2003 Master Plan have been enacted which include the Main Street Revitalization Plan (2006), a land use strategy for the Munsonhurst section of the Borough (2007) and recommendations related to the Borough's Quarry Zone (2008). The Borough has also undertaken studies to determine if selected areas of the Borough could be designated as Areas In Need of Redevelopment and / or Rehabilitation. One area has been so designated officially to date and a redevelopment plan has also been adopted for that area, which is located on the east side of Route 23

As illustrated by the preceding paragraph, Franklin, in recent years, has taken its planning related responsibilities seriously. The next step in this ongoing municipal planning process involves the self assessment process mentioned earlier. This document, The 2015 Master Plan Reexamination Report – which includes amendments to the 2003 Borough Master Plan and in effect becomes a component of that document - is in fulfillment of the specific requirement established by N.J.S.A. 40:55D-89 which, in part, states the following:

“The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the planning board...” N.J.S.A. 40:55D-89 also stipulates the format which a reexamination report must follow. In short, a reexamination report shall include:

- A. The major problems and objectives relating to land development in the municipality at the time of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to that date.
- C. The extent to which there have been significant changes in the assumption, policies, and objectives forming the basis for the master plan or development regulations as last revised.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards or whether a new plan or regulations should be prepared.
- E. Recommendations concerning the incorporation of any adopted redevelopment plans in to the land use element of the Master Plan.

In addressing the components of N.J.S.A. 40:55D-89, a municipality has the opportunity and responsibility to consider, as part of its self assessment, the various factors that relate to the physical and socio-economic character of the community. Each re-examination report, although required to follow a standard format, should be tailored to the specific conditions and issues associated with the community for which the report is prepared. Consequently, the aforementioned statute does not require that any specific action be

taken to change a municipality's planning policies or regulations. That decision strictly belongs to the municipality itself, specifically, the planning board and governing body of the community. Finally, a re-examination report can also be viewed as a scorecard in connection with how well a municipality identified the planning issues of the day and how well the community has responded to them.

This document, The 2015 Master Plan Reexamination Report, is intended to help Franklin focus on a number of things related to the anticipated changes that we know are on the horizon. Specifically, we must first consider the issues and problems that were identified in both the 2003 Master Plan and the 2009 Master Plan Reexamination Report and what the response has been to them. Also, the issues and problems that have arisen since 2009, which have affected the community and / or are affecting the municipality now, and in the years ahead, must be evaluated as well.

Given the aforementioned comments, however, it must be emphasized again that this document, by itself, is not intended to be a new Borough Master Plan. It will, however, identify certain changes to the Borough Master Plan to be adopted now and other planning related tasks that should be undertaken in the future.

In summary, this document's primary purpose is to bring the Borough into full compliance with the provisions of N.J.S.A. 40:55D-89. And in doing so, the planning issues specific to Franklin Borough will be addressed and decisions made about what efforts are needed now and in the future concerning each.

## **2. The Major Land Use Problems, Issues, Goals and Objectives Identified In The Last Master Plan Or Master Plan Reexamination Report**

The 2003 Master Plan is a comprehensive document, which makes it clear at the very beginning, what the details of its “foundation” are. Specifically, it is stated that the 2003 Master Plan is:

*“...based upon a set of goals and objectives that have been developed over time by the Borough of Franklin and its citizens. The Master Plan Goals represent an evaluation and refinement of previous Master Plans. New goals have been introduced in response to present conditions”.*

Examining the goals associated with a community master plan is the most reliable way of determining what issues were of the greatest concern to a municipality at the time that the master plan was produced. The aforementioned goals, then, in effect identified the major issues of importance to the Borough in 2003 and also referenced to a lesser extent the issues which had been identified in previous planning documents. Those goals were also reaffirmed in the 2009 Re-exam. Furthermore, the goals are organized in accordance with the various elements that comprise the master plan, and this organizational structure will serve as a way to organize and present those issues which the 2003 Master Plan identified as being of concern.

As just noted, the format used to identify the Borough’s planning goals in 2003, follows the same format used to organize the 2003 Master Plan itself. That format can be summarized as follows:

- Land Use
- Circulation
- Community Facilities
- Parks and Recreation
- Conservation
- Utilities
- Historic Preservation
- Relationship To Other Plans

In the 2009 Re-exam an analysis of the goals, plus a review of specific language in other parts of the 2003 Master Plan was undertaken. That analysis is contained herein as Appendix A. The 2009 Re-exam also looked at how the 2003 issues / goals had been addressed and that information is contained in Appendix B herein. Finally, the 2009 Re-exam identified a number of issues and concerns that were of importance to the Borough at that time and that material is included herein as Appendix C

In 2015 many of the issues / goals etc identified in Appendices A, B and C remain of concern. Many, however, have been addressed or are no longer relevant. Those prior



items that are still of concern, as well as new ones, will be discussed in more detail in Section 4

There is obviously an interrelationship between many of the aforementioned items listed in Appendices A, B and C. The next section generally looks at how the Borough has addressed them. In some cases one action or activity may have actually addressed more than one item. And in a number of cases, a particular issue / problem may not have received any attention, either because of lack of time or resources or the difficulty in doing so.

### **3. The Extent To Which The Problems, Issues, Goals And Objectives Have Or Have Not Been Addressed**

The 2009 Re-exam noted that evaluating how well any municipality addresses the planning problems and issues which have been identified is somewhat of a subjective exercise but it is a valuable and an essential part of the planning process. Section 2 and the corresponding Appendices of this document identify those problems and issues by category and this section will attempt to summarize in what way the municipality did or did not address them.

The 2009 Re-exam made no attempt to quantify a success or failure rate for several reasons and none will be made here. First, such quantification would require each item be “weighted” since some of the problems and issues identified were more significant than others, thereby requiring a higher level of resources to address them, while others were of less concern, demanding less time and effort. Secondly, a municipality shouldn’t be penalized for being overly ambitious by identifying more issues and problems than could be reasonably addressed. Finally, many municipal issues and problems are beyond the ability of the municipality to solve by itself. The municipality can be the coordinator in an attempt to find a solution but not necessarily the sole problem solver.

What follows is a summary of how Franklin Borough has responded in the preceding 12 years to the issues and problems identified in the 2003 Master Plan and the more recent 2009 Re-Exam. There have been many accomplishments but also a number of missed opportunities. The accomplishments are listed in no particular order of importance or priority. Also, since a response often involves more than one issue or problem, the responses have not been specifically connected to the individual issues and problems listed in Section 2.

The most significant factor affecting the Borough’s land use planning efforts and decisions has been the economic downturn / collapse of 2008-2009 or to use a more descriptive phrase the “Great Recession”. So, although the Borough has enacted a number of zone changes and has made some attempts to encourage the revitalization of Main St and other parts of the Borough, the economic resurgence that had been expected has, for the most part, not occurred as envisioned. Furthermore, many of the future planning efforts identified in the 2009 Re-exam have not been undertaken because of the Borough’s limited resources for that type of work. However, that’s not to say that the Borough, including the Mayor and Council, as well as the Planning Board and Zoning Board have not achieved some important results since 2009. Most importantly, are the continuing efforts by the two Boards to protect the Borough in connection with the review of development applications and the decisions related to those applications. Also, even though the affordable housing issue statewide has been one of confusion and chaos, Franklin has continued its efforts to encourage and include more affordable housing within the Borough.

Another key element of the 2009 Re-exam was the Transportation Vision Plan for the Borough primarily involving the Route 23 corridor and the physical improvements that were proposed for that roadway. Unfortunately, the recommendations in that plan have

not moved forward to any significant extent. Of course, the implementation of this plan is dependent on where it is on NJDOT's priority list. Nevertheless, this is something that the Borough should be championing and trying to move up the priority list.

Finally, the recommendation in the 2009 Re-exam regarding the establishment of standards for the NC Zone has been completed

In summary, in looking at the lists in Appendices A, B and C there have been some victories and achievements during the last six years since the preparation of the 2009 Re-exam and many more since 2003 .... but there have also been many disappointments and defeats. There have also been some issues that have been put on "hold". Sections 4 and 5 will now explore what is currently at the forefront in terms of land use planning issues in the Borough and what needs to be done to address them.

## 4 Significant Changes In The Assumptions, Policies And Objectives Forming The Basis Of The Master Plan

Since 2003 and more recently 2009, there have been a variety of changes, both locally, regionally and statewide that have had the potential to impact the planning policies of Franklin Borough. The following list on the next page briefly identifies those items that need to be taken into consideration as part of this master plan reexamination / self assessment effort. Some of the items on the list will have a direct relationship to the recommendations contained in the next section of this document. But first, it is important to reemphasize that many of the items listed in this Section are directly or indirectly connected to the ripple effect of the **Great Recession of 2008 and 2009**, which the 2009 Re-exam discussed as follows:

### *THE ECONOMIC DOWNTURN AND ITS LONG TERM EFFECTS*

*At the time that this document is being prepared, New Jersey and the entire country is experiencing a severe economic downturn that is having significant negative impacts. It is uncertain how long this downturn will last or what impact it will have on the planning goals and objectives of the Borough. Of particular concern is whether or not a primary goal of the community, the revitalization of Main Street, will be delayed because of the inability of the private sector to move forward with development projects that could be the catalyst for this revitalization.*

That economic downturn has delayed the revitalization of Main St, although that's not the only reason for the delay. But the ripple effects of the Great Recession go beyond Main St and have had an impact on many other land use projects and activities in all parts of the Borough - among them the cancellation of the Super Wal-Mart store - after having gone through an extensive approval process at the Planning Board level. Although some smaller commercial projects have proceeded on schedule (Walgreens, Auto Zone and STS Tire), there has been virtually no new residential development of any significance in the Borough in many years, except for a subsidized senior housing complex near Main St. There obviously is a direct connection between this fact and the declining population of the Borough mentioned earlier

Another matter that has recently returned to the forefront of land use issues is affordable housing. At the time of the last Re-exam, the Borough had been diligently pursuing substantive certification from the Council On Affordable Housing (COAH). However, that was also about the time that a protracted dispute began about the future of COAH and the affordable housing process, which culminated just recently in 2015 with the NJ Supreme Court again resuming jurisdiction in connection with this issue and assigning the disposition of same to the superior Courts in New Jersey. As of the date of this document it is unclear how this issue will play out and what Franklin's affordable housing obligation will be

In addition to these two important nationwide and statewide events, the Borough during the last several years has identified several issues – most but not all local in nature – that need to be addressed as part of a Re-exam. A list of those issues and some commentary about each follows:

1. The former Franklin Hospital site – consider a zoning modification to allow a density bonus provided that a second means of access to the site can be constructed
2. The former Beezer site / MAAH Zone – Route 517 – consider zoning modifications to eliminate the age restriction limitation and to allow a density increase
3. Signs – consider the need for electronic sign regulations and other signage controls, as needed, including the reaffirmation that additional free standing “billboards” should be prohibited and that existing standard billboards cannot be converted to electronic ones without having first gone through the use variance process
4. Miscellaneous modifications to the Borough land use regulations - undertake selected minor changes that will involve definitions, terminology and a few inconsistencies and contradictions. One example is to include a new impervious coverage requirement for all zones
5. Main Street and the Zinc Mine property – NJDCA planning assistance has been requested and approved. That assistance may result in changes to the land use regulations for this part of the Borough
6. The American Legion property – zoning modification – a determination is needed about whether or not this property should remain in the multi family residential zone
7. The Vision Statement contained in the 2009 MP Re-exam needs to be reviewed, and if necessary revised and readopted..... or readopted as is

#### **FRANKLIN VISION STATEMENT**

FRANKLIN BOROUGH, IN THE YEAR 2030, WILL HAVE ESTABLISHED ITSELF AS THE CORE OF A REGIONAL CENTER, WHICH WILL ALSO INCLUDE HAMBURG AND PARTS OF HARDYSTON TOWNSHIP AND WHICH WILL BE THE FOCAL POINT OF A LARGE PORTION OF THE EASTERN SUSSEX COUNTY AREA.

THE BOROUGH WILL ATTRACT VISITORS FROM THROUGHOUT SUSSEX COUNTY AND OTHER AREAS AS WELL. THE RESIDENT POPULATION WILL HAVE INCREASED TO 8,000 PEOPLE, WITH MANY OF THE NEW RESIDENTS CLUSTERED IN THE VICINITY OF MAIN STREET.

THE ROUTE 23 CORRIDOR WILL HAVE ACHIEVED A BALANCE BETWEEN BEING A REGIONAL ARTERIAL ROADWAY, CARRYING TRAVELERS THROUGH FRANKLIN TO OTHER DESTINATIONS, AND SERVING ITS OTHER FUNCTION AS A SECOND “MAIN STREET”, BY BEING THE PRIMARY ACCESS TO THE MANY BUSINESSES AND RESIDENTS IMMEDIATELY ADJACENT TO THIS TRANSPORTATION CORRIDOR. THIS WILL BE ACHIEVED BY APPROPRIATE IMPROVEMENTS TO ROUTE 23 ITSELF, AS WELL AS VIA AN INTERCONNECTED NETWORK OF BYPASS AND CONNECTOR ROADS, SUPPLEMENTED BY AN EXTENSIVE PEDESTRIAN / BICYCLE NETWORK. THE VIBRANT “MIXED USE” ENVIRONMENT THAT WILL BE CREATED IN THIS AREA WILL MAKE THE ROUTE 23 CORRIDOR A MORE DIVERSE, DYNAMIC AND INTERESTING PART OF THE BOROUGH THAN IT WAS AT THE BEGINNING OF THE 21<sup>ST</sup> CENTURY

THE BOROUGH'S "ORIGINAL" MAIN STREET, BY 2030, WILL HAVE UNDERGONE A TRANSFORMATION MAKING IT AGAIN A FOCAL POINT OF THE COMMUNITY, ALBEIT A DIFFERENT TYPE OF FOCAL POINT THAN IT WAS ORIGINALLY. NEW RESIDENTS AND COMMERCIAL USES WILL INCREASE THE LEVEL OF ACTIVITY IN THIS PART OF THE BOROUGH, TAKING ADVANTAGE OF THE COMPACT, WALKABLE ENVIRONMENT THAT BY 2030 WILL BE ENHANCED AND EXPANDED. THE NEW COMMERCIAL USES WILL SERVE THE RESIDENTS IN THE IMMEDIATE AREA BUT WILL ALSO INCLUDE NICHE, SPECIALITY USES THAT WILL DRAW CUSTOMERS FROM OTHER AREAS AS WELL. THE HISTORICAL CHARACTER AND RESOURCES OF THIS AREA WILL BE ENHANCED AND WILL ALSO BE COMPLEMENTED BY ANY NEW DEVELOPMENT.

SPRAWL WILL HAVE BEEN CONTAINED, BY ENCOURAGING CLUSTER AND INFILL DEVELOPMENT OF SUFFICIENT DENSITIES, BOTH IN THE MAIN STREET AREA, AS WELL AS IN OTHER PARTS OF THE COMMUNITY, IN ORDER TO SUPPORT AND JUSTIFY THE COMMERCIAL USES AND THE EXTENSIVE PEDSTRIAN NETWORK THAT WILL EXIST. THE CONTAINMENT OF SPRAWL WILL MEAN THAT THE BOROUGH'S REMAINING ENVIRONMENTALLY SENSITIVE LANDS AND NATURAL RESOURCES WILL BE PROTECTED AND PRESERVED FOR FUTURE GENERATIONS, THEREBY ACHIEVING THE ECOLOGICAL BALANCE AND SUSTAINABILITY NECESSARY TO MAINTAIN A HIGH QUALITY OF LIFE FOR BOROUGH RESIDENTS.

IN SUMMARY, FRANKLIN BOROUGH, IN THE YEAR 2030, WILL HAVE EVOLVED INTO A COMMUNITY, SIMILAR IN MANY RESPECTS TO THE FRANKLIN BOROUGH OF THE FIRST DECADE OF THE 21<sup>ST</sup> CENTURY, BUT BETTER POSITIONED TO ADDRESS THE CHALLENGES OF THE MIDDLE PART OF THE 21<sup>ST</sup> CENTURY AND BEYOND.

8. The Highlands Regional Master Plan - there still appears to be no advantage for the Borough to enter into any agreements with the Highlands Commission, except for the availability of grant money. However, this issue should be revisited and the Re-exam should probably reiterate that many of the Franklin planning goals are in fact consistent with the goals of the Highlands Regional Master Plan

9. An Historic Preservation Plan for the Borough -- although this may not be a high priority at this time because of funding priorities, Franklin does have some buildings of architectural and / or historic significance, which should be documented via an historic properties inventory. Whether or not such an inventory and analysis eventually leads to the establishment of one or more historic districts will require further discussion

10. An Existing Land Use Map and analysis of the Borough -- a limited existing land use analysis has been prepared for the Route 23 corridor in connection with this Re-Exam. The importance of such an effort for the rest of the Borough would be valuable for several reasons such as 1) determining the extent of non conforming uses in the Borough, 2) providing land use information in connection with decisions regarding future zone change and use variance requests and 3) establishing a land use baseline that can assist with zoning enforcement activities

11. 2010 census data review -- A more detailed review of the 2010 census data was not needed in connection with this Re-exam but that analysis should probably be undertaken at some point in the future

12. The Route 23 Corridor -- In the 2009 Master Plan Re-exam an analysis was undertaken of this part of the Borough for the purpose of determining if the minimum lot size of 5 acres should be modified and if the commercial zoning

along this corridor should be increased. That Re-exam recommended no change to the 5 acre requirement. However, since the completion of that Re-exam, additional concerns have been raised about the viability of the Route 23 Corridor and what might need to be done to enhance the competitiveness of this section of the community. During this Re-exam effort, the Planning Board has had numerous discussions related to this issue and various memos and reports have been prepared for discussion purposes. Portions of those documents are included in this section and Appendix D and will be the basis for the recommendations and Master Plan amendments contained in Section 5.

#### **THE ROUTE 23 CORRIDOR - ITS PRESENT AND FUTURE ROLE – AN ANALYSIS**

In trying to reach some recommendations regarding the Route 23 Corridor and the zoning for that area of the Borough, it was first necessary to analyze what is there now and the unique circumstances related to this part of the community. Exhibit 1 in Appendix D is an aerial photo of the Route 23 portion of the Borough and it clearly illustrates the development pattern in this area – a combination of large regional commercial facilities and much smaller businesses on very small lots. It was also decided that as a way to structure the analysis, it would be advisable to divide this area into 12 Sectors – see Exhibit 2 in Appendix D, which delineates the boundaries of each sector. As part of the analysis this map was used in conjunction with the Borough Zoning Map for this area – see Exhibit 3 in Appendix D.

The following commentary and analysis of existing conditions served as the jumping off point for several Planning Board discussions about the future of the Route 23 Corridor

The Franklin Borough Route 23 Corridor extends for approximately three miles from the southern boundary of the Borough to a point, further north, where Franklin and the Borough of Hamburg meet. Route 23 is a NJ State Highway and as such traverses many municipalities, both north and south of Franklin. This analysis of the Route 23 Corridor is confined to Franklin Borough but it needs to be noted that, from a commercial utilization point of view, the portions of Route 23 that traverse Sussex and Hamburg Boroughs and Wantage Township to the north are somewhat in competition with the Franklin portion but the level of commercial activity in those three municipalities does not match that of Franklin. And looking east from Franklin, as Route 23 extends into Hardyston, West Milford and beyond, although there is some commercial development in those two aforementioned municipalities, the scale and scope of the commercial development along the Franklin portion of Route 23 is not matched and exceeded until one reaches the Butler, Kinnelon, Riverdale and Pequannock area, nearly 15 miles away.

So, the Route 23 Corridor is a dominant player in terms of commercial activity throughout a substantial sub region that includes a portion of eastern Sussex County and has a population of approximately over 30,000 residents. In addition, the vehicle activity on Route 23 itself, exceeds 20,000 vehicles a day, many of which are passing through the Borough on their way to other destinations.

It is an acknowledged fact that although the Route 23 Corridor in Franklin is filled with a variety of successful businesses, including many national chain stores, there are problems that are becoming apparent in the form of empty buildings and some properties that are in need of upgrading and revitalization. Furthermore, although there is currently some new commercial construction underway along Route 23, as this report is being prepared, the level of such construction has diminished in recent years and several projects that were approved locally have not proceeded ahead. The reasons for those projects not

proceeding are complex and extend beyond the boundaries of Franklin Borough or the ability of the Borough to control.

Specifically, the Franklin Route 23 Corridor is being impacted by statewide and national trends that are beyond the scope of this analysis, except to note that they exist. As more and more retail purchases are made online or via catalogues, as well as in other ways besides visiting a brick and mortar location, there will probably be less of a need in the future for such locations. Couple that reality with the unsettling fact that Sussex County is losing population and a concern arises regarding the continued vibrancy and viability of the Route 23 Corridor in Franklin. That concern is not so much that this area of the Borough will wither away and disappear because there is too much invested there by the private sector for that to happen. But there is a legitimate concern as to whether or not this area will continue to grow and to evolve in a positive fashion and if it will continue to be the economic engine of the Borough

One of the issues that needs to be investigated in connection with this concern is the relationship of the Borough's land use regulations that control development and redevelopment in this area. In particular, the lot size and other dimensional regulations may be having a chilling affect on potential growth in this area. In addition, the list of permitted, accessory and conditional uses allowed by the land use regulations need to be evaluated for relevancy and desirability. This is not to say that any changes to the land use regulations will definitely be a catalyst for new development along Route 23. Furthermore, the goals should not be just any kind of development. Instead any changes to the land use regulations should be a catalyst for that type of development that will accomplish a number of things, such as strengthening the ratable base of the community, providing more jobs and creating a visual environment that will be consistent with the Borough's planning goals and objectives.

Currently, the properties in Franklin that front on Route 23 are located in several different zones. And not all of the properties immediately adjacent to Route 23 are commercial uses, there are residential and other uses as well. Some of the residential properties have direct access to Route 23 but others have their rear yards adjacent to Route 23 and so there is no direct access.

In terms of the commercial zoning along Route 23, there is only one zone – the HC Zone. However, this was not always the case. In the excerpt presented below, from a memo that was prepared in 2013, there were four commercial zones, prior to 2005, along the Route 23 Corridor.

*The Route 23 commercial zoning, prior to the current HC Zone being adopted in 2004, consisted of four separate zoning districts, each with a different set of standards relative to such things as permitted uses, minimum lot size and other dimensional requirements. They were, together with their minimum lot size requirements, as follows: HC-1: 20,000 sq ft ; HC-2: 125,000 sq ft (2.87 acres) ; HC-3: 20,000 sq ft and HC-4: 1,000,000 sq ft (23 acres – note: the min. lot size could be reduced to the HC-2 standard under certain circumstances).*

*As you can see the HC-1 and HC-3 had the same minimum lot size requirement. However, they were intended to be very different zones, because the HC-3 was very restrictive in terms of the uses permitted. Specifically, the HC-3 did not allow most retail uses, including restaurants. The HC-3 was located in three areas – the northern end of Rt 23, on the east side, midway along Rt 23 between Taylor Rd and Franklin Ave, on the west side and a small area, opposite the Hardyston School, just past Franklin Ave.*



*It is not clear if all four zoning districts came into existence at the same time or if there was an evolution of the Rt 23 zoning over time. However, it is clear that there was some attempt to fine tune the zoning in this area in recognition of the fact that the existing conditions (land use pattern, lot sizes etc) varied within the Rt 23 corridor*

Previous discussions regarding the future of the Route 23 Corridor did include some very broad brush investigations of existing conditions there. However, in connection with this current analysis, it was decided that a more detailed review was necessary in order to best address how the existing land use regulations affect this portion of the Borough. So, in considering an overview of the Route 23 Corridor in Franklin, it became very clear that it is not a homogenous environment. It is a complex environment consisting of many different and often conflicting parts. So, it was logical, then to begin the analysis of this area by dividing it into its component parts. In doing so, twelve distinct geographic sectors have been identified – see Exhibit 1. These sectors for the most part coincide with the areas zoned HC. There obviously can be some debate about how and why the boundaries for these sectors were drawn as presented – and some discussion will be needed about several properties beyond these identified sectors - but this approach of dividing the Route 23 Corridor into its manageable parts is preferable, rather than trying to deal with it as one, three and a half mile long entity. It is also anticipated that this analysis will be helpful to the Borough's Economic Development Committee in connection with future marketing activities of the EDC with respect to the Route 23 Corridor. In fact, the EDC has been of assistance with respect to this analysis

So, each sector was investigated in terms of several key items, which can be summarized as follows:

- A general description of the sector and its relationship to the surrounding environs and other sectors
- Size and complexity of the sector – in terms of acreage, extent of development and # of lots
- Existing land uses by category
- Lot sizes and related factors
- Access and circulation issues
- Zoning and development potential

The complete analysis of the twelve sectors appears in Appendix E. What follows in the next few pages is a summary of the characteristics of these sectors ; miscellaneous discussion points ; several alternative scenarios regarding the future of the Route 23 Corridor and finally a sector by sector discussion. The sectors discussion relies on the field work and research undertaken and work maps related to each sector are contained in the Borough's files

TOTAL ACREAGE - 275 ACRES\*

TOTAL # OF LOTS - 133 LOTS

TOTAL FRONTAGE - 20,800 LINEAR FEET \* / #

\* Approximate figures

# Includes frontage on both the east and west sides of Route 23

EXISTING LAND USE PATTERN

- SECTORS 1 – 3 PRIMARILY RESIDENTIAL OR VACANT
- SECTORS 4 – 6 PRIMARILY COMMERCIAL

- SECTORS 7 & 8 PRIMARILY COMMERCIAL, SOME RESIDENTIAL
- SECTOR 9 PRIMARILY RESIDENTIAL
- SECTOR 10 COMMERCIAL WITH LARGE VACANT TRACT
- SECTOR 11 COMMERCIAL AND VACANT
- SECTOR 12 MIX OF COMMERCIAL AND RESIDENTIAL

Several Planning Board meetings were devoted to discussions about the existing conditions found along the Route 23 Corridor, as well as its future. Those discussions were guided by the following list of issues and concerns:

- ACREAGE AVAILABLE FOR NEW COMMERCIAL DEVELOPMENT
- ACREAGE AVAILABLE FOR REDEVELOPMENT OPPORTUNITIES
- LOT SIZE REQUIREMENTS AND OTHER DIMENSIONAL STANDARDS
- APPROVED BUT NOT BUILT SITES
- ALLOWED USES – PERMITTED / CONDITIONAL / ACCESSORY
- HC ZONE BOUNDARIES - ADJUSTMENTS TO CONSIDER
- LOT CONSOLIDATION POSSIBILITIES
- TOPOGRAPHIC ISSUES
- IMPACTS ON ADJOINING RESIDENTIAL DEVELOPMENT
- ACCESS ISSUES
- SITE VISIT
- THE COMMERCIAL MARKETPLACE REQUIREMENTS

The analysis of the Route 23 Corridor, has confirmed what was generally known – this portion of the Borough is a very diverse commercial corridor, in terms of land uses, lot sizes, adjoining neighborhoods and related factors. And yet the current zoning uses a one size fits all approach – minimum lot size 5 acres. Furthermore, all uses allowed in the HC can be located almost anywhere (at least in theory) along Route 23, where that zoning is in place. This may have been a defensible and reasonable land use strategy when it was created, at the beginning of this century, but to continue this strategy as we move further into the 21<sup>st</sup> century is not advisable or recommended.

Modifying the zoning may help generate some new commercial growth along the Route 23 Corridor. However, as discussed at several Planning Board meetings, there are some systemic problems that have nothing to do with zoning, which have been contributing to the lack of growth in this part of the Borough. Suffice it to say, enacting certain zoning modifications should enhance the development potential of the Route 23 Corridor but the realities of the marketplace and other factors may still be an impediment to realizing its full potential.

The following comments / considerations start with some scenarios discussed during the aforementioned Board meetings. And following that material are the summary analyses, by sector designations, that were used in analyzing the existing conditions along Route 23.

## ALTERNATIVES AND ISSUES

### 1. -BACK TO THE FUTURE

To begin, the Route 23 Corridor was previously (during the 1990's and earlier) divided among four separate commercial zones, which to a certain extent reflected the existing conditions and planning philosophy at that time. Those zones, as discussed in previous memos, had different lot size requirements and different lists of permitted uses. A possible alternative then (not recommended) would be to return to that approach and simply reinstate what the zoning controls had been previously.

### 2. -TWO ZONES INSTEAD OF ONE ZONE

A better alternative might involve creating two HC zones – the HC 1 and HC 2 and specifically tailoring the controls of those two zones to the existing conditions of the specific areas where they would be applied.

### 3. -THE HC WITH CHANGES

A third alternative would involve still retaining just one HC Zone for the entire Route 23 Corridor but also including new provisions, as part of the HC, that would be aimed at encouraging appropriate development where it belongs and discouraging some development, where it doesn't belong – i.e.: retail establishments in close proximity to residential neighborhoods.

### 4.- A BONUS STRATEGY

A variation to consider, which could be included as part of the HC Zone or whatever zones are created, would be one or more bonus provisions that would allow more intensive development in return for achieving certain goals of the Borough. For example, in return for assembling several smaller lots into a larger tract, an applicant might be allowed a 10% to 20% (pick a number) building coverage increase. Bonus incentives have to be used carefully but they are a recognized and relatively standard zoning mechanism that many communities are already using.

### 5.- NEW RESIDENTIAL

Another variation that needs to be discussed is whether or not it is advisable to include a residential component as part of the Route 23 Corridor, where residential development doesn't currently exist. Obviously, any new residential development would be of the multi family, not single family variety. The end result could be a "mixed use" environment, in certain locations, that would be much different than anything that currently exists in Franklin now. Alternatively, stand alone multi family buildings could be allowed on lots in the HC, which actually might be more appropriate for residential use than commercial. The difficult question to answer is whether or not there would be any market demand for a "state of the art" "mixed use" product and whether or not stand alone residential buildings will be an asset or liability from the Borough's perspective..

### 6.- EXISTING RESIDENTIAL

Also connected to the issue of residential uses, consideration might be given to scaling back on the amount of HC zoning, especially but not exclusively where existing residential uses are now located. However, in today's marketplace, single family homes adjacent to heavily travelled Route 23 are not as desirable as they were several decades ago. So, if commercial development is not envisioned for

some of these properties, then some type of multi family residential zoning (two to four family structures) would be a logical alternative.

#### **7.- THE REDEVELOPMENT AREA STUDIES / DESIGNATIONS**

It is also important to remember that portions of the Route 23 Corridor were the subject of redevelopment area designation studies several years ago. So, instead of rezoning some areas, the best alternative for some of them might be to move ahead with the formal designation (a Borough Council decision) and then move to the next step of preparing redevelopment plans that would, in effect, be a substitute for standard zoning and would provide the land use controls for those specific locations.

#### **8.- TRAFFIC CIRCULATION / CONNECTIVITY**

A related issue and a very important one to the future of the Route 23 Corridor is one of traffic circulation and “connectivity”. So, any modifications to the current set of controls must not lose sight of the overall goal related to the movement of people and vehicles through this part of Franklin. Although Route 23 is a state highway and NJDOT has primary jurisdiction over it, the Borough’s land use planning and zoning decisions will impact it for better or worse. As an aside, a substantial amount of money was spent by NJDOT to devise a Route 23 Corridor improvement strategy, which has been collecting dust on a shelf for several years now. That strategy should be the topic of future discussions by the Planning Board and maybe the Board can be the catalyst to move the contents of that document from a set of recommendations toward implementation

#### **9.- THERE WILL ALWAYS BE VARIANCE APPLICATIONS**

Finally, it must also be understood, as we start to make adjustments to the Route 23 zoning that there will be, in the future, development proposals, which will still require some type of variance relief. That’s just the nature of the game. Some applicants will still try to get approvals for more than the ordinance allows – sometimes justified; sometimes not. And there will still be those unique circumstances that just weren’t anticipated and legitimately will be entitled to some type of variance relief. In short, we can try our best to make the Route 23 zoning more reasonable and fair but we won’t be able to solve every current or future problem.

#### **THE SECTOR DISCUSSION AND RECOMMENDATIONS**

The preceding comments were aimed at setting the stage for the discussion to follow regarding the individual sectors. As was evident from the analysis of the existing conditions, each sector has its own set of characteristics and its own set of assets and liabilities.

However, although we have divided the Route 23 Corridor into 12 sectors, it has been emphasized from the beginning of this exercise that the sectors must be viewed as the interconnected components of a single entity. So as we move ahead with the decisions regarding each sector, it will be important to continuously evaluate how any changes to one sector may affect one or more of the others. With that note of caution, please be advised of the following:

**SECTOR 1** - In this sector, a minimum lot size of a half acre to one acre would be reasonable here, especially since future consolidation of these lots is

doubtful, but consideration should also be given to reducing the number of uses, currently allowed in this part of the HC Zone, as was done with the NC – (Neighborhood Commercial) Zone. Allowing single family and possibly two family homes and home occupations, which are not currently allowed in the HC, should also be considered, as an option. Finally, two lots that are technically not part of Sector 1, require some discussion. Lots 1 and 2 in Block 104 are currently zoned R-1. The question to answer is whether or not the zoning should be changed to commercial for some of this acreage.

**SECTOR 2** - In this sector, Lots 6 to 10 in Block 102 are all small lots with a minimal chance of being consolidated. A half acre minimum lot size would not be unreasonable here and they could actually be part of whatever zone is established for Sector 1. The remainder of Sector 2 is undeveloped acreage that has approvals in place for a shopping center. In my opinion that shopping center project will probably never happen and I also believe the property is better suited for multi family residential use. This suggested alternative will obviously require further discussion

**SECTOR 3** - This sector is similar to Sector 1 and the changes should be the same or similar. However, there is some question whether or not two lots in this sector, on the west side of Route 23, should remain in a commercial zone. They are Block 302 Lot 15 and Block 303 Lot 1. Another possibility for this sector and a portion of Sector 1 would be to rezone these properties for residential use, thereby discouraging any commercial development, except for some type of limited office use or home occupation.

**SECTOR 4** - This sector is an isolated commercial zone surrounded by residential zoning. Of the four lots in this sector only one is currently being used for active business purposes. The former lumberyard (currently vacant) is included in a proposed redevelopment area that has never been officially designated as such. Furthermore, there is some question if the best use of the former lumberyard would be residential or commercial. In addition, Block 605 Lot 16, on the west side of Route 23, will be difficult to use commercially and Block 704 Lots 2 & 3, on the east side of Route 23, will have a significant impact on the adjoining residences if this property is developed commercially. Finally, Block 104 Lot 36, previously referenced, has an active business located on it (Meenan Oil). However, it has been determined to be a non conforming use in the HC Zone. Consequently, an argument can be made to remove all four properties from the HC Zone. Alternatively, consideration might be given to keeping block 104 Lot 36 in a commercial zone and expanding the limits of that zone by extending it into a part of Block 104 Lot 2, which is a large, R-1 zoned, undeveloped tract immediately to the east

**SECTOR 5** - This sector is the beginning of the Commercial Core of the Route 23 Corridor. However, most of the lots are well under the five acre minimum lot size required by the HC Zone. Consequently, a half acre to one acre minimum would be reasonable but this might also be a location where a bonus provision could be included to encourage the consolidation of lots.

**SECTOR 6** - In this sector, which is on the west side of Route 23 opposite Sector 5, all of the lots are substantially smaller than the required five acre minimum lot size. A half acre to one acre minimum lot size would be reasonable, especially since the consolidation of these lots is doubtful. Some consideration might be given to restricting the types of commercial uses allowed here, as suggested for Sectors 1, 2 and 3. However, the mix of existing uses is such that any restrictions would make some of the existing businesses non conforming. Please note: part of this sector, on the west side of Route 23 was the

subject of a redevelopment area study. It was never designated as such and no longer qualifies because of the STS / Auto Zone project now located in the center of that study area.

**SECTOR 7** - This sector is the heart of the Commercial Core and contains three lots that are substantially in excess of the HC five acre minimum lot size requirement. So, theoretically these lots could be subdivided into smaller lots now. The remaining lots are all well under five acres but in excess of one acre. Reducing the minimum lot size here from five to two acres might be reasonable, provided the "connectivity goals of the Borough were still achieved. There is also the question of what to do about Lot 193 in Block 1101 (the telecommunication facility). It is a non conforming use in the HC zone and is an industrial type use from a planning perspective. However, rezoning this site for industrial purposes could have a negative impact on the multi family residential complex immediately to the north. Nevertheless, unless there are significant technological changes that will make this facility obsolete at some point in the future, it is doubtful that it will ever be used for commercial purposes because of its location and access problems. The next property to discuss is not part of Sector 7 but, nevertheless, it requires some discussion in connection with the future zoning related to Sector 7. Block 1010 Lot 11 is located directly in front of the Franklin School on the west side of Route 23 and just to the north of Walgreens (now under construction). It is owned by the Borough. It is a prime site for commercial development but it is zoned R-3. Of course, developing it for commercial purposes would not be without its objectors. But the future of this site should be discussed, even if the decision is to leave the current zoning in place.

**SECTOR 8** - This sector, although adjacent to the Commercial Core of the Route 23 Corridor (which I define as Sectors 5, 6, 7, 10 and parts of 9), is really separate and apart from it primarily because of topography and development characteristics. The six lots combined are less than five acres and the existing uses are a mix of residential, office and service commercial entities. In my opinion, this sector is not suited for retail commercial uses that will generate a significant amount of traffic. A similar approach suggested for Sector 3 might also work here

**SECTOR 9** - This sector is one of the locations that were the subject of a redevelopment area study. However, the Borough Council never took the action to designate it as such and as a result there is no redevelopment plan for this area. In my opinion, the future development / redevelopment of this area would best proceed via the redevelopment plan route, rather than via standard zoning. However, if the redevelopment plan option is not going to happen, then the strategy for Sector 6 would probably be an acceptable one for this sector as well.

**SECTOR 10** - This sector has the largest land mass (over 100 acres) and still has the most potential for new development .....subject to the various environmental constraints affecting this area. It is also the only area that has been designated by the Borough Council as An Area In Need Of Redevelopment, based on the Planning Board's recommendation, several years ago. A "conceptual" redevelopment plan has also been adopted by the Borough Council for this area. However, the primary focus of the redevelopment designation and the redevelopment plan was the Super Wal-Mart proposal to be located on Block 1601 Lot 5. Although the Wal-Mart - or some other "Big Box" project - may still be alive in connection with this site, if it is, it's on life support. So, at some point the Borough Council may need to revisit and possibly rescind or revise the redevelopment area designation and redevelopment plan. This is the one area located along the Route 23 Corridor that, because of its size,

has the potential to be a very innovative and exciting mixed use complex. However, the details of such an idea will require much more discussion and research before a definitive proposal can be formulated. Suffice it to say, that there are significant infrastructure issues that need to be investigated, as well as what would be an appropriate density (in terms of the number of housing units per acre) and whether or not upscale housing at this location would be marketable in today's environment. The alternative of leaving this area zoned HC and not changing the five acre minimum lot size requirement could be viewed as an interim decision, until further research and discussion either supports or rejects the mixed use "idea" for this location. As an aside, the lower part of Sector 10 will be discussed further in connection with Sector 11.

**SECTOR 11** - This sector and the lower part of Sector 10 are in close proximity to each other and have similar characteristics. The five acre minimum lot size requirement could be modified here as well and a one acre minimum lot size would be a reasonable alternative. There is probably no need to modify the list of allowed uses here and a full range of commercial uses should continue to be encouraged. As an aside, located between Sectors 10 and 11 is the Hardyston School – currently zoned R-1 and located to the west of Sector 11 is the Littell Center, also zoned R-1. Although the existing usage of these properties will probably not change anytime soon, it would be appropriate to discuss the zoning of each in conjunction with the decisions to be made concerning Sectors 10 and 11. As a reminder, the Hardyston School was originally proposed to be included in the redevelopment area that surrounds it but was not included because of objections by the Hardyston Board of Education. And the Littell Center is included in the aforementioned redevelopment area but a redevelopment plan has not been prepared for that part of the redevelopment area.

**SECTOR 12** - This last sector is similar to portions of Sector 2 and Sector 6, in that the lots are small and have shallow depths. However, this sector has a small residential area on very small lots. This area is also part of the designated redevelopment area that includes Sector 10. Although the current HC requirements don't fit this sector at all, revising the dimensional requirements for this sector, as has been suggested for some of the other sectors, may not be advisable. Instead, the future land use controls for this sector might best be established via a redevelopment plan

This concludes the analysis of the Route 23 Corridor and the HC Zone, as well as the commentary regarding non Route 23 issues of interest. The next section will consist of a series of recommendations and master plan modifications to be included as part of the 2015 Master Plan Re-examination Report.

## 5 Master Plan Amendments, Recommended Changes And Future Planning Efforts

### MASTER PLAN AMENDMENTS AND RECOMMENDED CHANGES

A master plan re-examination report can be a relatively brief document, if the master plan or development regulations still fully meet the needs of the community. However, more often than not, a reexamination report identifies deficiencies that need to be corrected and may also include specific planning policies that were not contemplated when the master plan was originally adopted.

In the previous sections of this document, the planning problems and issues that existed at the time of the 2003 Master Plan and 2009 Re-exam were reviewed and evaluated, as well as a variety of changes that have occurred since those documents were prepared – all of which potentially could affect the basis of the Borough’s planning and zoning policies. This section builds on the foundation established in these other sections and includes a number of observations, recommendations and immediate master plan amendments for consideration and / or adoption. Specifically, various changes incorporated herein can serve as the basis and foundation for zone changes and other regulatory actions within the purview of the Borough Council. In addition, language in this section and elsewhere within this document can provide guidance in connection with decisions made by the Planning Board and Board of Adjustment, with respect to future site plan, subdivision and variance approvals and denials

In the case of the Franklin Borough Master Plan and accompanying land development regulations, for the most part, they are still on target. In fact, this Master Plan Reexamination Report readopts, by reference, the 2003 Master Plan and 2009 Re-exam - subject to the specific amendments contained herein. Furthermore, this document identifies a number of steps that need to be taken in the future, in response to the changing New Jersey, Sussex County and Franklin Borough landscape, with respect to a number of applicable land use planning issues.

As previously identified and stated in other sections of this document, the primary issues and concerns that need to be addressed herein, in no particular order of priority, can be summarized as follows:

- THE MASTER PLAN VISION STATEMENT
- COAH’S DEMISE AND CURRENT AFFORDABLE HOUSING ISSUES
- THE BOROUGH’S MAIN STREET REVITALIZATION STRATEGY
- VARIOUS ZONING MAP & LAND DEVELOPMENT REGULATION CHANGES
- HISTORIC PRESERVATION ISSUES
- SIGN REGULATIONS
- ROUTE 23 ROAD IMPROVEMENTS
- REDEVELOPMENT AREAS
- THE FUTURE OF THE ROUTE 23 CORRIDOR



The aforementioned list will serve as the guide for the remainder of this document, which includes actual changes to the 2003 Master Plan, as well as recommendations pertaining to future actions by the Borough Council

To begin, the current **Vision Statement**, as contained in the 2009 Re-exam is reaffirmed and readopted. Next, the Borough policy of increasing its **affordable housing** stock in appropriate ways is reaffirmed. However, the confusion created by the demise of COAH and the recently enacted court procedures relative to the affordable housing issue have left many municipalities, Franklin included, wondering how to address this issue. At the time of the preparation of this document, Franklin has not yet submitted a declaratory judgment petition to the court. It is anticipated Franklin will do so at some point but that timetable has not yet been established

**Main St** and its revitalization, including the **Zinc Mine** property, has been at the forefront of the Borough's planning efforts, literally for decades. This area of the Borough, although it has many assets, also has many problems. The strategy devised in the 2003 Master Plan and the 2006 Main St Revitalization Plan for this area, has not produced the results intended. The NJ Dept of Community Affairs will be working with the Borough to update this strategy. It would be premature to speculate what that strategy might be but it will probably still include a mixed use component but may also be more realistic regarding the extent and nature of commercial development that Main St can support. Main St will never return to its role as the economic and cultural center of the Borough, as it once was, but there is still the opportunity for this part of the Borough to be more productive and attractive than it is now.

Recommended **Zoning Map and Land Use Regulation** changes, not specifically pertaining to Route 23, which will be discussed later, consist of both minor and more significant modifications. In no particular order of priority they include the following

- The former Beezer site / MAAH Zone – Route 517 – eliminate the age restriction limitation and allow a density increase not to exceed 20%. In addition, part of the MAAH Zone has been purchased by Green Acres, which partly justifies the aforementioned density increase; consequently this area should be rezoned to reflect its new public purpose. In addition, The former Franklin Hospital site – enact a zoning modification to allow a density bonus provided that a second means of access to the site, can be constructed.
- Property recently acquired by the State of New Jersey – Block 2401 Lots 22 and 29, should be included in the OSGU Zone
- Include an impervious coverage requirement for most zoning districts, which will work in conjunction with the current lot / building coverage requirement.
- The definition of Automobile Service Station currently has a limit (1,500 sq ft) on the size of a convenience store located on the same property as the service station. The 1,500 sq ft limitation should be deleted and there should be no limit on the size of a convenience store. However, this does not exempt a convenience store from meeting the other requirements of the Borough's land use regulations
- Signs - enact electronic sign regulations and other signage controls, as needed, including the reaffirmation that additional free standing "billboards" should be prohibited and that existing standard billboards cannot be converted to electronic ones without having first gone through the use variance process

**Designated Redevelopment Areas / Route 23 Improvements** – Currently, one designated redevelopment area and a redevelopment plan (Area E East) have been adopted for a portion of the lower end of the Route 23 Corridor. No redevelopment activity has occurred in this area since the adoption of the plan and reconsideration of the boundaries of this redevelopment area should be undertaken by the Planning Board. Another proposed but not adopted redevelopment area is located in the vicinity of the Franklin Diner property. It is recommended that the Borough Council move ahead with this designation and also adopt a redevelopment plan. Finally, two other locations within the Route 23 Corridor were at one time proposed as redevelopment areas. The first location, the former Rowley lumberyard should not move forward as a designated redevelopment area, however, portions of the proposed redevelopment area that are further to the south of the Rowley lumberyard should move ahead with the redevelopment area designation and a plan. Finally, a proposed redevelopment area to the north of High St on the west side of Route 23 has been redeveloped under the current zoning, so no further action is required for these properties.

Much of this document has focused on the **Route 23 Corridor** and properly so, because of its current and future importance to the Borough. At first the focus regarding the Route 23 discussion had been about the large minimum lot size requirement of 5 acres and whether or not that requirement was the reason for the limited amount of development and redevelopment within the Route 23 Corridor in recent years. It's obvious that the 5 Acre minimum lot size requirement was enacted, not to discourage development, but instead to encourage the consolidation of smaller lots into larger tracts and thereby encourage larger development projects along Route 23. However, the experience of the last decade is that this lot size provision has not resulted in any undersized lots being consolidated into larger ones. Consequently, although lot consolidation is still a goal of the Borough, where it can be reasonably accomplished, the 5 Acre minimum lot size requirement is no longer seen as the zoning tool that will accomplish that goal. Therefore, modifying the 5 Acre minimum to better reflect existing conditions is both justified and necessary.

However, it must be noted that upon more detailed examination and discussion it became apparent that although the 5 Acre requirement was an important issue, there were many factors contributing to the problems in this part of the Borough. Consequently a detailed analysis of existing conditions was undertaken and from that analysis - presented in several locations within this document – it became apparent that a number of issues needed to be addressed.

In contrast, in the 2009 Master Plan Re-exam, a more cursory review of the Route 23 Corridor was done, because time and resources did not allow for a more detailed analysis, and the conclusion then was that the status quo should remain in place. Now, six years later, that decision is being reversed by the changes included herein.

In summary, the Land Use Element of the 2003 Borough Master Plan requires a significant change. Specifically, the HC Zone is proposed to be divided into two

land use categories or zones – the HC-1 and HC-2 – with the HC 1 being located primarily but not exclusively on the east side of Route 23 and the HC-2 located primarily but not exclusively on the west side of Route 23. In the northern part of the Borough, the HC-2 is on both sides of Route 23 – See Exhibit 4 in Appendix E. Schedules A & B and other parts of the Borough’s Land Use Regulations will also require modification in order to reflect this significant change.

For the most part the boundaries of the existing HC Zone coincide with the boundaries of the proposed HC-1 and HC-2 Zones. However, several properties not currently zoned HC should be included in either the HC-1 or the HC-2 Zones. They are listed below, with the suggested zoning categories that would be appropriate

Location	Proposed Zone
Bl. 103 Lot 1	HC-2
Bl. 104 Lot 2 (portion)	HC-2
Bl. 702 Lot 7	HC-2
Bl. 1010 Lot 11	HC-1

The original version of this document contained the following recommendations regarding several properties in the HC Zone:

In addition four properties that are currently zoned HC should be removed from that designation. The former Rowley lumberyard (Bl. 605 Lot 5) should be designated for multi family use. Opposite the former Rowley lumberyard property, on the east side of Route 23 are two properties also currently zoned HC. The first, Meenan Oil (Bl. 104 lot 36) is currently used as a fuel storage depot. A better use of this property and possibly a portion of adjoining Lot 2 in the longer term would be multi family residential. Although this site is zoned HC, the Meenan Oil business is a prohibited use in the zone. Also, Bl. 704 Lots 2 and 3 are currently used for single family residential purposes. Given the proximity to other single family residences, these lots should be designated R-4 or multi family. Finally, two properties, because of their configuration, size and / or topography, should be designated R-4 (Bl. 606 Lot 29) and R-1 (portion of Bl. 104 Lot 2, in the vicinity of the intersection of Master St and Route 23).

After a lengthy discussion by the Planning Board regarding these properties, as well as input from the public, it was decided that both the Rowley and Meenan properties should be commercially zoned and should be zoned HC-2. However, Bl. 704 Lots 2 and 3 should be rezoned R-4 and no change was made regarding the recommendation for the two properties mentioned in the last sentence of the above referenced paragraph

Two issues with respect to each proposed zone are also of great importance – allowed uses and dimensional requirements – and a third issue is of importance, as well – “connectivity”.

With respect to the dimensional requirements, the minimum lot size for each zone will use a two tier approach based on the proposed use. The HC-1 will be similar but not identical to the existing HC Zone. The minimum lot size will be 4 acres,

rather than 5 acres for multiple use properties, as well as large scale single uses. However, a smaller minimum lot size of 2 acres will be allowed, via the conditional use or overlay provision, for selected single uses that can be accommodated on lots of that size, provided the parking requirements for such uses can be met. Schedules A & B will also need to be modified to indicate when the 4 acre minimum applies and when the smaller lot size will be permitted. In addition, the other dimensional requirements in Schedule B will need to be modified to reflect the corresponding reduction in the minimum lot size requirements. Appendix F contains a preliminary recommendation regarding the dimensional and other requirements for the HC-1 and HC-2 Zones.

Some further refinement of Schedule A will also be needed to eliminate certain uses for the HC-1 Zone such as, but not limited to, agriculture or government buildings that are not appropriate for this zone. It is also essential that any subdivisions that occur continue to require the connectivity between properties, which has been a longstanding policy of the Borough. Furthermore, although the connector road that has been envisioned from the Route 23 / 517 intersection may not ever extend to that location, every effort should be made to complete it as far as possible, so that as much travel as possible, from Mitchell Ave to the southern parts of the HC-1, can occur without having to access Route 23.

Finally, multi family residential uses should be allowed in the HC Zone as a conditional use in order to encourage a mixed use environment. These residential uses can be located on the same lot as commercial uses or as “stand alone” entities. A recommended density is 20 units per acre. It is also recommended that where undersized lots are consolidated into conforming lots that bonuses be permitted either with respect to either increased density or building height ; reduced setbacks or lot coverage..... or all four.

The proposed HC-2 Zone takes its cues from the Borough’s NC Zone, as well as the B-1 and B-2 Zones. However, unlike the B-1 and B-2 Zones, the HC-2 is still very much oriented toward Route 23 and the properties, so zoned, will continue to be auto dependent and oriented. Consequently, the minimum lot size is recommended to be 30,000 sq ft, so that off street parking spaces can be accommodated for most uses allowed in the zone. A smaller lot size requirement of 20,000 sq ft should be allowed for small office uses and similar commercial operations that have modest off street parking requirements associated with them. It is also recommended that, since there are many residential structures still located along Route 23, in what will be the HC-2 Zone, a provision for home occupations should also be included as part of this zone. However, that provision should be more liberal and flexible than the current home occupation provision that applies to the residential zones of the Borough

In addition to the reduced minimum lot size requirement, the other HC-2 dimensional requirements will need to be consistent with the smaller minimum lot size provision and Schedule B will need to be modified accordingly. And Schedule A will need to be modified to reflect the many commercial uses that

should not be permitted in the zone such as, but not limited to, agricultural uses and drive thru facilities.

As with the HC-1, the HC-2 should allow for residential uses but given the small sizes of the lots in the zone, stand alone residential projects should not be permitted. Instead, residential uses should only be allowed in conjunction with commercial uses. Similar bonus provisions to the HC-1 should also be allowed but again because of the small lot sizes, those bonuses have to be carefully tailored to the existing conditions, so as not to create unintended negative impacts

### **FUTURE PLANNING EFFORTS**

Several planning matters will be moving to the forefront in connection with the future of Franklin Borough. First, the continuing **Affordable Housing** saga affecting all municipalities in New Jersey will have to be addressed by the Borough at some point in the future. Next, once the NJDCA evaluation of **Main St and the Zinc Mine** is completed, zoning changes may be needed for that portion of the Borough. Also in connection with the revitalization of Main St, an aggressive **Main St Business Promotion** effort will be an essential follow up effort. Finally, Franklin has never prepared an **Existing Land Use Map and Analysis** of the Borough. Such a document will be very helpful with respect to future planning and zone change efforts, zoning enforcement and as an aid to the Planning Board and Zoning Board in connection with the review of development applications. The Borough should also document and devise a strategy to preserve **Historic and Architecturally Significant** properties in the Borough. Finally, although the future of the **Hardyston School** property is something that doesn't appear to require immediate attention, it would be wise to begin doing so in the not too distant future and begin a dialogue with the Hardyston Board of Education about how this property may be used for other purposes if and when it is no longer used as a school

## APPENDIX A

### LAND USE

- It was determined that the established residential character of the Borough needed to be protected and enhanced, especially with respect to “scale and style”, via the regulation of building and site design.
- The vacant environmentally constrained area in the vicinity of Munsonhurst Rd (Route 517) was considered to no longer be appropriate for industrial use and should be designated for low density residential purposes instead.
- More commercial and office development needed to be encouraged along the Route 23 corridor and all commercial districts in the Borough needed to be strengthened by encouraging a mix of uses that would provide a variety of employment opportunities and services
- The Main Street area and the Zinc Mine site were seen as demanding a specific attention. The goal was to create a new “downtown” for the Borough using various techniques, such as the establishment of an ‘Open Market Area’. It was also determined that it might be necessary to designate portions of the Main St area and adjoining properties as “Areas In Need of Redevelopment “ in order to facilitate this revitalization goal
- Encouraging the re-occupancy of vacant non residential buildings was identified as something that needed to be pursued, which obviously had some relationship to the Main Street / Zinc Mine site focus, as well as Route 23 and other areas of the Borough.
- A density concern was identified in connection with the amount of potential development allowed by the Planned Development Zone and a specific rezoning action was identified as the solution.
- Establishing a zoning district that better reflected the realities of the existing golf courses that existed in the Borough was identified as a matter to pursue
- Promoting Smart Growth principles was identified as a major goal that presumably was to be applied to as many of the Borough’s planning policies as possible and as practicable.
- The former hospital site was identified as an area to be developed for residential purposes and the environmentally sensitive portions of the site needed to be protected
- The rezoning of the area in the vicinity of Scott Road from residential to industrial was recommended as being something that would be consistent with the existing land development pattern
- The industrially zoned property at the north end of the Borough was seen as having too many environmental constraints for an intensive type of development and most of the acreage was to be designated for low density residential use

### CIRCULATION

- A concern about the community “gateways” was raised and the need was seen to enhance the appearance of potential gateway locations, as well as to provide a more direct link and sense of entry from Route 23 to Main Street
- Enhancing vehicular, pedestrian and bicycle safety was seen as important, as was the need to improve signage in the Borough in order to facilitate circulation
- The mitigation of the impacts of regional traffic traversing the Borough was identified as important. Various steps would be involved in this effort
- Increasing the supply of parking spaces in the vicinity of Main Street was seen as being essential to the future revitalization of that area

## **COMMUNITY FACILITIES**

- Being able to maintain the high level of community facilities and services was a concern and investigating shared services with other communities might be a way to do so.
- Improving the availability of handicapped accessible meeting facilities was identified as something that needed to be pursued

## **PARKS AND RECREATION**

- The preservation of the Borough's park and recreation system, plus its expansion was seen as necessary in order to enhance the recreational opportunities for community residents
- Stronger pedestrian connections were also seen as being an important part of the Borough's park and recreation network

## **CONSERVATION**

- The protection of environmentally sensitive lands in the Borough, using a variety of "tools", was identified as an important priority.
- The environmental sensitivity of the well head area in the southern part of the Borough was specifically identified as something to examine

## **UTILITIES**

- The extension / expansion of infrastructure elements, related to sewage disposal and water supply, was seen as something to be viewed as a growth management "tool" that would be used to direct development into the most appropriate locations in the Borough.

## **HISTORIC PRESERVATION**

- Encouraging the awareness of the Franklin's history, among the residents of the Borough, was seen as a worthy pursuit that could produce results important to the visual appearance of neighborhoods, as well as economic vitality of the community
- Supporting the efforts of the Franklin Historical Society was seen as important, including support for its museum. It was also suggested that the possibility of a more comprehensive museum should be investigated that would be dedicated to the history of Franklin, its people and their cultures.
- The nomination of additional properties to be included on the State and National Registers was considered something that should be pursued along with respecting the historic nature of the Zinc Mine site.
- The creation of a municipal Historic Preservation Commission was recommended as a way to formalize the role of historic preservation, in connection with the local community planning and land development approval efforts

## **RELATIONSHIP TO OTHER PLANS**

- It was emphasized that the Borough needs to consider its land use policies with respect to their impact on the region. Although previous attempts to designate the Borough as a "center" had failed, it was recommended that another effort should be undertaken to do so

## APPENDIX B

### LAND USE

- New land development regulations were enacted by the Borough Council in 2006, along with a new zoning map, which implemented many of the recommendations contained in the 2003 Master Plan.
- A Main Street Revitalization Plan was adopted by the Planning Board in 2006
- The Planning Board recommended that the Main St area be designated as an “Area In Need of Rehabilitation” but the Borough Council declined to do so.
- A Redevelopment Committee was established by Mayor Crowley in 2008 to look at the various redevelopment alternatives available to the Borough with respect to the Main Street area in particular. The committee is still in the process of investigating this issue. In addition, the Borough’s Economic Development Committee formed a sub committee to look again at the issues related to the revitalization of Main Street. A report was issued by the sub committee in early 2009.
- The approval of the “Franklin House Senior Apartments” and the Miner’s Cove townhouse project, now under construction, represents the first significant new construction to have occurred in many years in the vicinity of Main street and is consistent with the Borough’s goal of increasing the level of activity in the Main Street area by first increasing the residential base and then encouraging new non residential development that will service the increased residential population.
- The former hospital site was rezoned to allow for multi family residential development.
- A number of development applications were approved during the last several years that have a direct relationship to many of the goals and objectives in the 2003 Master Plan with respect to economic development, the Borough’s ratable base and the development of the Route 23 corridor. Those development applications / project include but are not limited to the following:
  - Group 5
  - Commerce Bank
  - Rumours Salon
  - Franklin Village
  - Quick Chek
  - D. T. Company
  - Starbucks
  - Blockbuster

Some but not all of the aforementioned projects have been built.

- An age restricted, affordable housing project was approved and is under construction in the Main Street area that addresses affordable housing issues, as well as the revitalization of Main Street.
- The Borough has been pursuing substantive certification from COAH and will be submitting a revised Housing Plan to COAH before the end of 2009.
- Several changes to the Master Plan, Land Development Regulations or both, subsequent to 2006, were enacted which involved zone changes related to the Munsonhurst portion of the Borough, the Quarry Zone and the Borough’s sign regulations

### CIRCULATION

- NJDOT has partnered with the Borough to undertake a comprehensive Corridor Study of Route 23 as it traverses the Borough
- Property has been acquired in connection with the High street extension project
- In connection with the Starbucks project, an agreement was reached with the applicant which will allow the Rutherford Ave South / Route 23 intersection to be realigned.
- The Route 23 / Rutherford Ave North intersection was reconstructed to prevent access to Rutherford Ave from Route 23. The Franklin Village project, which was recently approved, provides for the redesign of the intersection to once again allow for access from Route 23.



- In connection with the Group 5 application for a 200,000 sq ft “Big Box” project, an agreement was reached to construct part of the “bypass road”, that would extend approximately from the Route 23 / Route 517 intersection, at the south end of the Borough, northward past Weiss Markets, Wal-Mart and other commercial properties that currently rely solely on Route 23 for access. In addition, a traffic light will be installed at the intersection of Route 23 and the entrance to the Weis Markets store.

#### **COMMUNITY FACILITIES**

- The Borough entered into a shared services agreement regarding the Construction Dept functions for the Borough, thereby realizing some cost savings that will ultimately help maintain other community services and facilities to the levels required and expected.
- An expansion of Temple Shalom was approved which will result in a larger meeting room and additional space for religious instruction.

#### **PARKS AND RECREATION**

- Nothing at this time

#### **CONSERVATION**

- In connection with several projects, a significant amount of environmentally constrained lands will be protected as permanent open space, although not accessible for public use. The applicable projects include: Group 5 (wetlands, steep slopes) ; Franklin Village (wetlands) ; Lake Ridge (steep slopes).
- The settlement agreement reached in connection with the rezoning of the Munsonhurst portion of the Borough, also resulted in an agreement by the prospective developer to transfer the title to the Borough of a substantial amount of acreage in the vicinity of the Borough’s wells in that area, which will serve to protect that water source in perpetuity.

#### **UTILITIES**

- The Borough has been engaged in a dialogue with NJDEP and Sussex County regarding the future Sewer Service Area map for the Borough. This map will have as great an influence on the future growth of the community as the land development regulations of the Borough will.
- The aforementioned settlement agreement involving the Munsonhurst portion of the Borough, also resulted in the commitment by the prospective developer to drill a new well for the Borough that it is anticipated will produce as much as 280,000 gallons per day.
- Omnipoint Communications received approval to locate cellular antennas on the borough water tank, thereby improving cell phone communications within the Borough.

#### **HISTORIC PRESERVATION**

- The relocation of the Edison Schoolhouse / Hungarian Church was approved by the Planning Board and the structure has been relocated but the project has not been completed.

#### **RELATIONSHIP TO OTHER PLANS**

- The Borough is pursuing Plan Endorsement and a pre-petition meeting has been scheduled with the NJ Office of Smart Growth for that purpose.
- The Borough has agreed to investigate the possibility of bringing the Borough’s planning policies into conformance with the Highlands Council Regional Master Plan. This undertaking is known as Plan Conformance and the Borough has completed the first step (Module 1) in that process.

## APPENDIX C

### A) NON - LOCAL CHANGES

#### 1. THE HIGHLANDS REGIONAL MASTER PLAN

The NJ State Legislature created the NJ Highlands Council in 2004. Subsequently, the Highlands Council adopted the Highlands Regional Master Plan (The RMP) in 2008. The Highlands Region is divided into two categories – The Preservation Area, where the provisions of the RMP are mandatory and the Planning Area, where the RMP provisions are voluntary. Franklin is in the Planning Area category. However, the provisions of the RMP are being used by other state agencies to guide their policies and decisions. Consequently, Franklin may find that the provisions of the RMP must be addressed as part of the Borough's planning efforts

#### 2. THE NJ STATE PLAN, CROSS ACCEPTANCE, PLAN ENDORSEMENT AND THE RELATED COMMUNITY "VISIONING" REQUIREMENTS

The NJ State Development and Redevelopment Plan (SDRP) is currently in the process of being updated by the NJ State Planning Commission (SPC). The staff to the SPC, the Office of Smart Growth (OSG), is responsible for guiding that effort. The State Plan was last revised and readopted in 2001. In 2004, the SPC, as required by law, released The Preliminary State Development and Redevelopment Plan for review and discussion purposes. As part of this updating effort, municipalities have been able to offer input via the "Cross Acceptance" process. Furthermore, municipalities are encouraged to participate in what is known as the "Plan Endorsement" process, with the end product of that process intended to make local and state planning policies consistent with one another. A component of the Plan Endorsement process is a requirement for municipalities to engage in a "visioning" effort in order to produce a "community vision statement" As of the date of this document it is not known when the SPC will readopt the SDRP or to what extent it will be revised.

#### 3. COAH'S REVISED THIRD ROUND RULES AND GROWTH SHARE PROVISIONS

The NJ Council On Affordable Housing (COAH), after lengthy litigation and an extensive public hearing process, issued a new set of rules governing the affordable housing planning process in 2008. Known as the revised Third Round Rules, these regulations have modified the housing rehabilitation requirements for most municipalities, generally increased what is known as the prior round obligation and have included another requirement known as the "Growth Share" obligation, which is based on the amount of residential and non residential development that a municipality is expected to absorb by the year 2018.

#### 4. THE ROUTE 23 CORRIDOR STUDY

The NJ Dept. of Transportation (NJDOT), at the request of Franklin Borough, has undertaken a study of the Route 23 Corridor as it traverses the Borough. The study contains a number of recommendations that are expected to be implemented in the years ahead, with some being the responsibility of NJDOT and others being the responsibility of the Borough.

#### 5. MORE STRINGENT ENVIRONMENTAL REGULATIONS

The State of New Jersey, principally through the NJ Dept. of Environmental Protection (NJDEP), has imposed a number of new and / or revised set of regulations on land development activities, which significantly impact the amount of development that can occur in certain areas. Included among these controls are wetlands regulations, stormwater management and stream buffer requirements, as well as potential reductions in the geographic areas that can include central sewage collection and disposal systems.

## **6. NJMLUL AMENDMENTS**

The NJ State Legislature has enacted a number of amendments to the NJ Municipal Land Use Law (MLUL) during the last several years. The amendments which have a direct bearing on the planning process at the local level can be summarized as follows:

- A Transfer of Development Rights (TDR) provision has been included in the MLUL which now can be used by all municipalities at their discretion. TDR is a planning tool that can be useful in connection with open space planning and preservation efforts.
- Zoning Boards of Adjustment are now permitted to have up to four alternate members in addition to the seven full members authorized by the MLUL
- Municipalities can choose to exempt certain non profit applicants from various fees associated with development applications and must exempt Boards of Education from such fees
- Most Planning Board and Zoning Board of Adjustment members are now required to take educational courses related to their responsibilities as board members
- Due to the current state of the economy, the Legislature has enacted a permit / approval extension provision that under most situations relieves an applicant from having to return to the municipality to have development application approvals extended.

## **7. SMART GROWTH / GREEN BUILDINGS**

Although not entirely new, the planning and development concepts, related to the efficient use of resources, have gained substantial momentum since the adoption of the 2003 Master Plan. The term “Smart Growth” is generally understood to mean that municipalities should be discouraging the type of “sprawl development” which characterized most development in New Jersey and nationwide since the post World War II period until the last five to ten years. Instead “Smart Growth” encourages more compact “sustainable” development. Part of the smart growth approach is to also encourage the construction of “Green Buildings”. Such buildings can achieve that goal by using a variety of materials, design techniques and infrastructure components that can meet various levels of sustainability..... or to use another phrase to reduce a building’s “carbon footprint”. In connection with this movement, The U.S. Green Building Council has developed a program known as The Leadership in Energy and Environmental Design (LEED) rating system by which building sustainability can be measured. LEED certifications have different levels depending on the extent to which a building is considered to be “Green”.

## **8. THE SUSSEX COUNTY STRATEGIC GROWTH PLAN**

The Sussex County Planning Board, in 2006, adopted a Strategic Growth Plan (SGP) for Sussex County. Although this document does not have the same force of law that the Borough land use regulations and master plan have or the mandatory compliance provisions of various state regulations, it is nevertheless an important document. It was also been endorsed by the NJ State Planning Commission in 2007. The SGP envisions Franklin as a “center” where growth should be directed but also identifies some environmentally sensitive features that need to be protected

## **9. THE ECONOMIC DOWNTURN AND ITS LONG TERM EFFECTS**

At the time that this document is being prepared, New Jersey and the entire country is experiencing a severe economic downturn that is having significant negative impacts. It is uncertain how long this downturn will last or what impact it will have on the planning goals and objectives of the Borough. Of particular concern is whether or not a primary goal of the community, the revitalization of Main Street, will be delayed because of the inability of the private sector to move forward with development projects that could be the catalyst for this revitalization.

## 10. "MCMANSIONS / TEARDOWNS"

This issue has almost become a non issue in the last year or two because of the downturn of the economy and the collapse of the housing market. However, in the earlier part of this decade and peaking during the 2004 to 2007 time frame, the controversies associated with the replacement of small homes on small lots in established neighborhoods, with structures sometimes double or triple in size, was something experienced by many municipalities throughout New Jersey. It is unclear whether or not this issue may again reappear soon or if it will simply prove to be a short lived phenomenon of the past. It is something, however, that most municipalities would be wise to address in the future if it does reappear, because of the negative impact that "oversized" homes can have on established neighborhoods.

## **B) LOCAL CHANGES**

### 1. THE REEVALUATION OF THE MAIN STREET REVITALIZATION STRATEGY

The future of Main Street has been an ongoing concern of the Borough. The 2003 Master Plan references that concern and subsequent recommendations contained in a 2006 study have attempted to move this effort along toward a successful conclusion. As this document is being written, a committee appointed by the current mayor is reevaluating the direction for Main Street and those recommendations will be referenced herein in the next section of this document.

### 2. ZONING BOARD RECOMMENDATIONS.

Each municipal zoning board is required by law to issue an annual report regarding its activities. Those reports can be helpful in identifying changes that should be considered in connection with a master plan reexamination report and / or the updating of a master plan. Highlights from the Franklin Zoning Board reports follow:

- A use variance request for a two family structure in the Borough's R-3 Zone, which was denied, has generated some discussion about whether or not two family structures should be allowed somewhere in Franklin as a permitted use. Currently, they are not allowed in any zone. The companion question is whether or not "mother / daughter" structures should be allowed and where ?
- The current zoning regulations require that any commercial establishment with a drive thru facility must have a minimum lot size of 5 acres. Since a drive thru facility is a conditional use, if this acreage minimum can't be met it necessitates a "D" variance. Consequently, a number of commercial uses in the Highway Commercial (HC) Zone, with drive thru facilities, have had to seek approval from the Zoning Board of Adjustment, since the Planning Board does not have jurisdiction in connection with "D" variances
- An application for the relocation of an auto repair facility, from a B-2 Zone location to a site in the Industrial ( I ) Zone required a "D" variance. Auto repair facilities are permitted in the HC Zone but not in the I Zone. The reasons for this restriction should be reviewed.

### 3. ZONING MAP AND / OR LAND DEVELOPMENT REGULATION ISSUES

During the course of the review of various development applications and / or the observations made by the Borough's professional staff, consultants, elected officials and / or appointed officials, a number of items have been identified which relate to changing conditions and / or priorities. A description of each follows:

- **BIG BOX DESIGN ISSUES**– A recent application for a "Big Box" commercial establishment has generated discussion about how to make these large commercially structures visually appealing by enacting some design guidelines.

- **A REEVALUATION OF THE ZONING FOR THE OPEN CUT MINE AREA** – The area in the center of the Borough, known as the “Open Cut Mine” is currently in the R-3 and OS/GU zones. Given its proximity to Main Street the rezoning of a portion of this area might assist with the efforts to revitalize Main Street
- **MISC. ZONING MAP “CORRECTIVE” CHANGES** – Several minor changes are needed to the Zoning Map to either reflect “interpretation” actions taken by the Zoning Board of Adjustment or from an analysis done by the Borough staff and consultants. Those changes will be listed in the next section of this document.
- **THE ROUTE 517 NC ZONE** – In connection with the Munsonhurst District Master Plan Amendment that was done in connection with the establishment of the MAAH Zone, it was also recommended that a Neighborhood Commercial (NC) Zone be established along Route 517. The provisions of that zone were never established and that zone has not been enacted
- **THE HARDYSTON SCHOOL SITE ZONING** – The Hardyston Township Board of Education owns and operates an elementary school that is actually located in Franklin Borough. It is in a prime location with direct access to Route 23. There has been some discussion about that facility being replaced by a new school presumably to be built in Hardyston. It has been suggested that the Borough begin to consider alternate uses for this property

#### **4. CHANGES IN THE BOROUGH’S EXISTING LAND USE PATTERN**

The Borough’s existing land use pattern has changed since 2003, based on the amount of development activity that is known to have occurred. Furthermore, it is expected to change even more, based on the number of development applications that have been approved. However, the 2003 Master Plan did not contain an in depth analysis of the existing land use pattern, at that time, or a detailed “existing land use map”. Consequently, documenting how the Borough has changed in this regard is not currently possible.

#### **5. HISTORIC PRESERVATION**

Franklin has a long history and one that is usually identified with its mining past. However, Franklin’s history is much more than the community having been just a “mining town”. In particular, the architectural and historic value of many of the existing residences in the Borough is significant. In recent years, historic preservation has come to the forefront as an integral part of community planning and should be integrated into the Franklin community planning efforts in the future.

#### **6. THE QUARRY ZONE EXPANSION AND THE INCREASE IN QUARRYING ACTIVITY**

The Borough enacted a master plan amendment and a zone change that will allow for the expansion of the existing quarry operation located in the vicinity of Cork Hill Rd. The changes to the Quarry Zone also ensure that the Borough will have greater control over how the quarry will be operated in the future.

#### **7. THE MUNSONHURST DISTRICT LITIGATION AND SETTLEMENT**

In the 2003 Master Plan a substantial portion of the Borough (exceeding several hundred acres), in the vicinity of Munsonhurst Road (Route 517), was designated for low density residential development. In addition, the zoning for this area was changed in order to implement the provisions of the Master Plan. Subsequent to this change, litigation was initiated by the property owners / developers associated with this acreage. The court ultimately ruled in favor of the owners / developers and ordered the Borough to enact a master plan amendment and zone change which would permit the development of this acreage with multi family residential structures. This was done in 2007 via the creation of the Mixed Active Adult Housing (MAAH) Zone. To date, no development applications have been submitted for this acreage but the zoning remains in place and must be allowed to remain until at least (2013 ?).

## APPENDIX D

### 1. EAST SIDE OF ROUTE 23 – NORTH END

- General Description – This area begins near the Hamburg Borough boundary and extends for 2000' to the south. The topography is relatively level along Route 23 but extends upward, in some locations, away from the road. It is almost fully developed. A large (75 acres +) undeveloped R-1 area adjoins it to the north and east. It is on the opposite side of Route 23 from Sector 2 and immediately adjoins Sector 3 to the south. Please note, this sector also includes a small commercial site on the west side of Route 23 that currently accommodates the Iron Deli
- Size of Sector – This sector consists of approximately 19 acres, divided among 22 lots. It has a length of approximately 2,000' and a depth, on average, of 400'
- Existing Land Uses – The existing land use pattern is primarily residential, along with some vacant lots. There is a cluster of older commercial development at the north end consisting of a restaurant, auto repair shop and a furniture store. There is also a Borough pump station in this sector and two billboards
- Lot Sizes - There is no uniformity to the lot sizes or configurations. They range in size from less than 7,500 sq ft to approximately 1.5 to 2.0 acres. The lot widths / frontages are just as varied, with some lots being 50' wide and others being 250' wide or more
- Access Issues – It is difficult to predict how NJDOT will view any future commercial development in this area. Some of these properties in this area may be grandfathered but NJDOT will undoubtedly require a redesign of the means of access in this area for any significant redevelopment or change in use proposals
- Zoning – Discussion is needed about revising the zoning here both in terms of allowed uses, dimensional requirements and possibly modifications to the HC boundaries, particularly since none of the properties meet most of the dimensional requirements of the HC Zone

### 2. WEST SIDE OF ROUTE 23 – NORTH END

- General Description - This area begins at the Hamburg Borough boundary (which is Mill Brook at this location) and extends for 1,600' to the south. The topography is relatively level immediately adjacent to Route 23 but descends rapidly away from the road. Most of this area is undeveloped but some older residential and limited commercial properties exist at the northern end. A large R-1 area adjoins it to the south, which is a site approved for a multi family complex, which has not been built. It is on the opposite side of Route 23 from Sector 1. Most of the development further to the south from this property, along Route 23, Scott Rd and Rutherford Ave - for three quarters of a mile - is residential, which is reflected by the R-1, R-3 and R-4 Zones in that area
- Size of Sector - This sector consists of approximately 29 acres but nearly 24 acres is located within two lots of 18.5 and 3.5 acres respectively. There are nine lots in total here but the remaining seven are generally in the quarter acre to half acre range and have depths ranging from 100' to 200'. This sector has a total of about 2400' of road frontage but the road frontages / widths of the seven smaller are generally in the 100' to 150' range
- Existing Land Uses – Most of this sector consists of undeveloped acreage approved for a shopping that has not been built. The remaining lots, which front on Route 23, consist of a mix of commercial and residential properties
- Lot Sizes - There are nine lots in total here but, as noted two of them account for 24 acres, while the remaining seven are generally in the quarter acre to half acre range and have depths ranging from only 100' to 200'

- Access Issues – As with Sector 1 it is difficult to predict what NJDOT would require in terms of any requests to modify the use of these properties. The shopping center approved for this location would have two means of ingress and egress
- Zoning – Clearly the proposed shopping center site should not be rezoned until it is clear that the project is no longer feasible. And just as clearly, the remaining properties do not meet the dimensional requirements of the HC Zone

### 3. EAST AND WEST SIDE OF ROUTE 23 – RUTHERFORD AVE TO WARREN

- General Description This area begins where Sector 1 ends and extends for 1,200' to the south. The topography is varied, it is partially developed and just like Sector 1, there is a large undeveloped R-1 area that adjoins it to the east. This sector also adjoins R-3 and R-4 Zones in several locations, specifically in connection with the two properties on the west side of Route 23 and the southern end of the sector. Finally, please note the sector boundary lines that I have drawn are slightly different than the configuration of the HC Zone in this area
- Size of Sector This sector consists of less than 5 acres, divided among 8 lots and the portion of the large undeveloped lot to the east. It has a length of approximately 1,200' and a depth, on average, of 125' or less.
- Existing Land Uses The existing land use pattern is primarily residential along with some vacant acreage and a small daycare facility, plus a storage facility on the west side of Route 23.
- Lot Sizes The lot sizes are generally rectangular, except for the two lots on the west side of Route 23 which are triangular in shape. They range in size from less than 10,000 sq ft to approximately a half acre. The lot widths / frontages are just as varied, with some lots being 60' wide and others being 200' wide or more
- Access Issues It is difficult to predict how NJDOT will view any future commercial development in this area. Most likely, NJDOT will require a redesign of the means of access in this area for any significant redevelopment or change in use proposals
- Zoning - Discussion is needed about revising the zoning here both in terms of allowed uses, dimensional requirements and possibly modifications to the HC boundaries, particularly with respect to the two properties on the west side of Route 23. It does not appear that any of the properties meet the dimensional requirements of the HC Zone

### 4. EAST AND WEST SIDE OF ROUTE 23 – GREEN TO BUTLER

- General Description This area begins just to the south of Green St and terminates just to the north of Butler St (which doesn't actually connect to Route 23). It is separated from Sectors 1, 2 and 3 to the north and Sectors 5 and 6 to the south by 400' to 500' in both directions of residentially zoned (R-4 Zone) areas, consisting of several dozen residential lots, most of which have their rear yards facing Route 23
- Size of Sector This sector consists of approximately 5 acres, divided among only 3 lots. It has a length of approximately 500' and a depth that varies from over 500' to less than 200'
- Existing Land Uses The existing land use pattern is primarily commercial but also includes a residential property on the east side of Route 23. The former lumberyard property on the west side of Route 23 extends all the way to Rutherford Ave
- Lot Sizes - All three lots are in excess of 1.5 acres and the two on the east side of Route 23 are generally rectangular in shape. The former lumberyard property is triangular in shape. The lot widths / frontages range from 150' wide to over 400'

- Access Issues - It is difficult to predict how NJDOT will view any future commercial development in this area. Most likely, NJDOT will require a redesign of the means of access in this area for any significant redevelopment or change in use proposals but two of the properties may be grandfathered in terms of access issues
- Zoning – The lumberyard property was included in the proposed redevelopment area that includes the Zinc Mine property Discussion is needed about whether or not it should continue to be included as part of that area. Regarding the two properties on the east side of Route 23, both are non conforming – one is industrial in nature and the other is residential. The residential property borders seven residential lots that front on Butler St. Discussion is needed about revising the zoning here both in terms of allowed uses, dimensional requirements and possibly modifications to the HC boundaries, It does not appear that any of the properties meet the dimensional requirements of the HC Zone

#### 5 EAST SIDE OF ROUTE 23 – MABIE TO MITCHELL

- General Description - This area begins at Mabie St and terminates at Mitchell St. It is separated from Sector 4 to the north by 400' to 500' of a residentially zoned (R-4 Zone) area, consisting of several dozen residential lots. It is opposite Sector 6 and immediately adjoins Sector 7 to the south
- Size of Sector - This sector consists of approximately 15 acres, divided among 17 lots. It has a length of approximately 1,900' and a depth that varies from over 500' back Route 23 to less than 100'. It should also be noted that this area also extends to the east of Mitchell Ave. This portion of Sector 5 to the east of Mitchell Ave obviously does not have direct access to Route 23
- Existing Land Uses The existing land use pattern is primarily commercial but also includes some residential properties. This area is also a mixture of some newer development but also includes any substandard and obsolete structures
- Lot Sizes – There is no uniformity to the lot sizes or configurations. They range in size from less than 6,000 sq ft to approximately over 5 acres. The lot widths / frontages are just as varied, with some lots being 50' wide or less and at least one being 400' wide or more
- Access Issues - It is difficult to predict how NJDOT will view any future commercial development in this area. Most likely, NJDOT will require a redesign of the means of access in this area for any significant redevelopment or change in use proposals but several of the properties may be grandfathered in terms of access issues
- Zoning – Discussion may needed about revising the zoning here both in terms of allowed uses, dimensional requirements and possibly modifications to the HC boundaries, Some of the properties meet the dimensional requirements of the HC Zone but most do not

#### 6 WEST SIDE OF ROUTE 23 – LEHIGH TO RUTHERFORD

- General Description - This area begins approximately 400' to the south of Sector 4 and extends for 1,800' to the south. The topography is relatively level It is fully developed and adjoins an R-4 Zone to the west. It is located opposite Sector 5
- Size of Sector This sector consists of less than 5 acres, divided among 11 lots. It has a length of approximately 1,800' and a depth, on average, of 135' or less.
- Existing Land Uses The existing land use pattern is primarily
- Lot Sizes The lot sizes are generally rectangular, except for the two lot on the west side of Route 23 which are triangular in shape. They range in size from less than 10,000 sq ft to approximately a half acre The lot widths / frontages are just as varied, with some lots being 60' wide and others being 200' wide or more



- Access Issues It is difficult to predict how NJDOT will view any future commercial development in this area. Most likely, NJDOT will require a redesign of the means of access in this area for any significant redevelopment or change in use proposals
- Zoning - Discussion is needed about revising the zoning here both in terms of allowed uses, dimensional requirements and possibly modifications to the HC boundaries, particularly with respect to the two properties on the west side of Route 23. It does not appear that any of the properties meet the dimensional requirements of the HC Zone

## 7 EAST AND WEST SIDE OF ROUTE 23 BETWEEN MITCHELL AND TAYLOR

- General Description – This area begins at Mitchell St and extends for 2800' to the south, ending at Taylor Rd. It is immediately to the south of Sectors 5 and 6. To a certain extent, this sector can be considered to be the core or center of the Route 23 Commercial Corridor. Most of the acreage is east of Route 23 but two lots (Walgreens and a vacant lot near Taylor) are located on the west side. The topography is relatively level. This area is almost fully developed. However, a large (18.5 + acre) tract is located adjacent to the Hardyston border and accommodates a telecommunications facility that occupies less than 15% of the site. Also of interest in this general area is a lot immediately to the north of Washington St, opposite Walgreens, and immediately to the east of the Franklin School. It is owned by the Borough and consists of about an acre and a half and it is vacant. However, it is not in the HC Zone. It is zoned R-3.
- Size of Sector – This sector consists of approximately 45 acres, divided among 9 lots. It has a length of approximately 2,800' and a depth, on average, of 700'
- Existing Land Uses – The existing land use pattern is primarily commercial, along with vacant portions of two of the lots (the previously mentioned telecommunications facility and the north end of the Wal-Mart parcel). The specific businesses located here are Shop Rite, Wal-Mart, Chase Bank, Burger King, Mc Donald's and a number of other smaller businesses. In addition, Walgreens is currently under construction and the parcel near Taylor Rd is vacant. The Black Bear golf course is located to the southeast of this sector and is also in close proximity to the upper portion of Sector 11. Although the golf course is not in the HC Zone (it's in the Golf Course Zone) and it is not entirely within Franklin, several holes and the clubhouse are. Since one enters the course from Route 23 in Franklin, it is to a certain extent an important component of the Route 23 Commercial Corridor.
- Lot Sizes - The lot sizes on the east side are generally large and the configurations generally rectangular. The two lots on the west side are considerably smaller. On the east side, the two smallest lots are under an acre, two other lots are about an acre and a half and two lots are about 4 acres each. The three remaining lots range between 10 and 19.5 acres. The lot widths / frontages vary between 125' wide and several hundred feet or more
- Access Issues – Most of these lots have controlled access and there is a signalized intersection at Washington St. and Route 23 which has an impact on most of the lots and businesses in this sector. It is difficult to predict how NJDOT will view any changes to the means of access to any of these lots.
- Zoning – Although several of the lots meet the 5 acre minimum lot size requirement of the HC Zone, most don't. Discussion is needed about the undersized lots in this sector and also about the HC boundaries, particularly about the telecommunications facility site and the Borough owned parcel near Walgreens.

## 8 WEST SIDE OF ROUTE 23 – TAYLOR TO RUTHERFORD AVE

- General Description - This is a relatively small area that begins at Taylor and extends for about 900' to the intersection of Rutherford Ave and Route 23. The topography is variable and most of the properties are elevated above Route 23. This sector is fully developed, although half of the properties are used for residential not commercial

purposes. Residential properties border the site on the west and it is opposite Sector 10, which is located on the east side of Route 23.

- Size of Sector - This sector consists of only 4 acres and is divided among six lots. The lots are generally rectangular in shape and the lot widths range between 50' and 200'.
- Existing Land Uses - This sector consists of a mix of commercial and residential properties, with the commercial uses being service or office type operations
- Lot Sizes - The six lots range from about a half acre to almost one and half acres and have depths in the 200' range
- Access Issues - As with the other sectors that consist of similar lot size patterns, it is difficult to predict what NJDOT would require in terms of any requests to modify the use of these properties. Currently, most if not all of the properties are probably grandfathered in terms of access to Route 23
- Zoning - Clearly none of the properties meet the dimensional requirements of the HC Zone. Discussion is needed regarding the appropriate dimensional requirements for this sector, as well as the uses that should be permitted.

## 9 WEST SIDE OF ROUTE 23 – RUTHERFORD AVE TO FRANKLIN AVE

- General Description - This area begins where Sector 8 ends and extends for about 1,000' to the south, ending at Franklin Ave. The topography is generally level but as one moves west from Route 23 it becomes more varied. This sector is fully developed but as with Sector 8 most of the development is residential, not commercial. Actually this sector is divided into two components - 1) the three lots that front on Route 23 and 2) the others that front on either Rutherford Ave or Franklin Ave. This sector also borders a large undeveloped tract of over 16 acres (the former Franklin Hospital site) immediately to the west that has been approved for over 100 townhouses. This area was studied by the Planning Board several years ago in order to determine if it met the criteria as a possible designated redevelopment area and was identified as Area D. The Board concluded that it did qualify and made that recommendation to the Council but no action has been taken in that regard.
- Size of Sector - This sector consists of less than 10 acres, divided among 17 lots. Eight of the lots are long and narrow and rectangular in shape. The remainder of the lots have a variety of configurations. This sector has a length of approximately 1,000' and a depth, on average, of 400' or less. However, as already noted Rutherford Ave traverses a portion of the interior of this sector, so the lots fronting on Route 23 generally have a depth of 100' or less
- Existing Land Uses - The existing land use pattern is primarily residential, west of Rutherford Ave and commercial along Route 23. Some of the lots are substantially underutilized and there is also a small industrial operation within this sector.
- Lot Sizes - The lots range in size from less than 10,000 sq ft to approximately a two acres. The lot widths / frontages are just as varied, with several lots being 50' wide and others having considerably more frontage
- Access Issues - It is difficult to predict how NJDOT will view any future commercial development in this area. It is possible that NJDOT (if it has jurisdiction) will require a redesign of the means of access into this area for any significant redevelopment or change in use proposals, with respect to those properties that front on Rutherford Ave. The Starbucks site obtained NJDOT approval fairly recently but the access issues related to the Franklin Diner site and the small strip mall next to it would probably generate new requirements by NJDOT
- Zoning - Discussion is needed about whether or not the designated redevelopment area proposal for this area should be reactivated or if revising the zoning here would be the better approach. Again, none of the properties in this sector meet the dimensional requirements of the HC Zone and some discussion is also needed about what uses should be permitted here.

## 10 EAST SIDE OF ROUTE 23 -- FROM THE WEISS MARKETS SITE TO THE BOROUGH BOUNDARY

- General Description This area begins just to the south of Sector 7 and terminates approximately 4,000' to the south, where Route 23 meets the Borough boundary. However, please note that Sector 10 does not include all of the properties south of Weiss Markets along the east side of Route 23. Specifically, the Hardyston School is excluded from this sector. Furthermore, several other properties located south of the Hardyston School have not been included in this sector and instead have been grouped with properties located in Sector 11. A portion of this sector was included in the Area E Redevelopment Area Study. Subsequent to a public hearing regarding Area E, by the Planning Board, the Council did designate a portion of Area E, identified as Area E East, as an area in need of redevelopment. In addition, a redevelopment plan was adopted for Area E East and includes properties located in both Sector 10 and Sector 11. This is also the portion of the Borough where a bypass road is envisioned that would extend from approximately the Route 517 / Route 23 intersection, north to the Weiss Markets site, where it would connect with the current access drive that extends all the way to the Shop Rite site. Also, the same comments about the Black Bear golf course included in the Sector 7 description apply here as well.
- Size of Sector This sector consists of approximately 100 acres, divided among only 7 lots. It has a length of approximately 4,000' and a depth that averages about 1400'. However, please note that the four properties immediately to the north of the Hardyston School that are fully developed, with commercial uses, only have lot depths in the 200' to 350' range
- Existing Land Uses This sector is primarily vacant or underutilized, although a Big Box retail use has been approved for some of this acreage. The existing land use pattern for the non vacant acreage portion of this sector is primarily commercial, with one residential use, and includes a variety of retail and service commercial businesses.
- Lot Sizes -- Three of the lots are substantially undersized for the HC Zone, while the other four lots exceed the zone's dimensional requirements. Several of the lots are rectangular in shape, while the others have irregular configurations. The lot widths / frontages range from just 100' wide to several hundred feet in width
- Access Issues -- The access to most of these properties is controlled and of course there is a signalized intersection where Route 23 and Franklin Ave meet.
- Zoning -- The threshold question here is what should be done about the Area E East Redevelopment Plan. It is only a conceptual plan and should be refined further. If it is not going to be further refined, should the current HC zoning still remain, as is, for the entire sector or should a portion of the sector be rezoned for some type of commercial / residential mixed use development?

## 11 EAST AND WEST SIDE OF ROUTE 23 -- NEAR THE ROUTE 517 INTERSECTION

- General Description - This area begins in the vicinity of the Hardyston School and extends all the way to the Borough boundary, a distance of 1,600'. It is located just to the south of the lower part of Sector 10. The portion of Sector 11 on the east side of Route 23 was included in the Area E East Redevelopment Plan and all of the comments about that plan, which are included in the Sector 10 analysis, apply here as well.
- Size of Sector - This sector consists of approximately 30 acres, divided among 11 lots. It has a length of approximately 1,600' along Route 23 and a depth that varies from less than 100' to well over 800'.
- Existing Land Uses The existing land use pattern consists of several commercial properties but also includes one residential property. A significant portion of this sector is vacant or underutilized. It also contains the former NJ Parks and Forestry building, which is currently vacant.
- Lot Sizes -- There is no uniformity to the lot sizes or configurations. And most are not in compliance with the dimensional requirements of the HC Zone. They range in size from

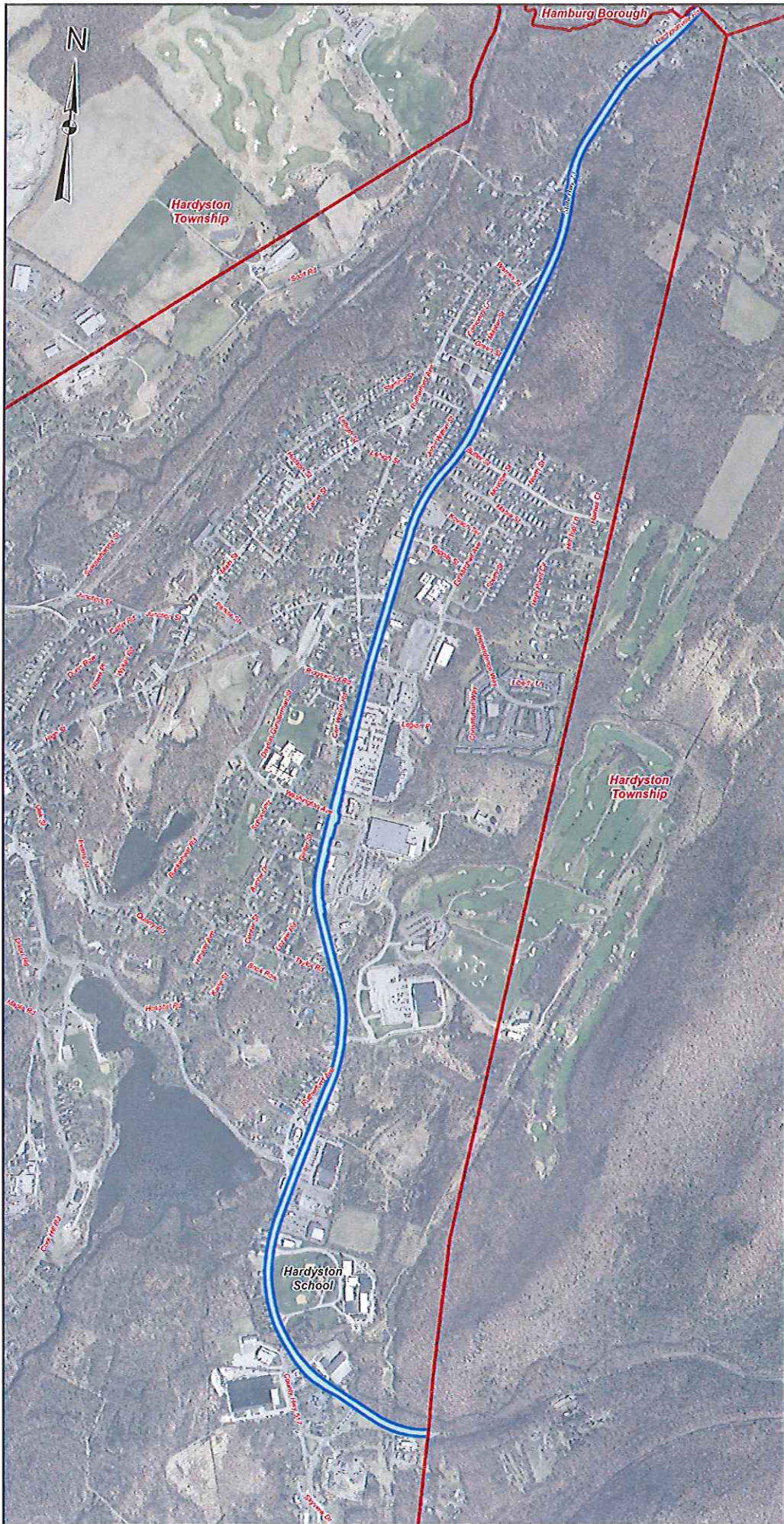
- less than a half acre to over 10 acres. The lot widths / frontages are just as varied, with some lots being barely 100' wide and at least one being 400' wide or more
- Access Issues - It is difficult to predict how NJDOT will view any future commercial development in this area. Most likely, NJDOT will require a redesign of the means of access in this area for any significant redevelopment or change in use proposals but several of the properties may be grandfathered in terms of access issues
- Zoning – Discussion may be needed about revising the zoning here both in terms of allowed uses, dimensional requirements and possibly modifications to the HC boundaries, Some of the properties meet the dimensional requirements of the HC Zone but most do not. Again, a portion of this sector is affected by the Area E East Redevelopment Plan and the comments offered earlier, apply here as well.

## 12 WEST SIDE OF ROUTE 23 -- FROM FRANKLIN AVE TO BLACK BROOK

- General Description - This sector begins immediately to the south of Sector 9 and most of it is opposite the Hardyston School site. It extends for approximately 1,500' to the south and terminates at Black Brook. The topography is relatively level and Black Brook creates an impediment with respect to the development potential of this sector It is nearly fully developed and adjoins the Littell Center site to the west. These properties and the Littell Center were included in the Area E Redevelopment Area. However, unlike Area E East, a redevelopment plan was never adopted for this portion of the redevelopment area.
- Size of Sector This sector consists of approximately 7.5 acres, divided among 13 lots. It has a length of approximately 1,500' and a depth, ranging between 50' and 300', with the average depth about 150'.
- Existing Land Uses The existing land use pattern is partly commercial and partly residential. It also includes two properties in a dilapidated condition, which have been vacant for many years.
- Lot Sizes - The lot sizes and configurations are varied but for the most part are rectangular in shape. They range in size from less than 10,000 sq ft to nearly 2 acres The lot widths / frontages are just as varied, with some lots being approximately 60' wide and others being considerably wider
- Access Issues It is difficult to predict how NJDOT will view any future commercial development in this area. Most likely, NJDOT will require a redesign of the means of access in this area for any significant redevelopment or change in use proposals but some properties may be grandfathered in terms of access issues
- Zoning - None of the properties meet the dimensional requirements of the HC Zone. Discussion is needed about revising the zoning here both in terms of allowed uses, dimensional requirements and possibly modifications to the HC boundaries. Discussion is also needed about what to do with respect to the Area E Redevelopment Area designation, as it relates to this sector.

## APPENDIX E


### MAPS



**EXHIBIT 1**

**AERIAL PHOTO OF THE ROUTE 23 CORRIDOR AND ENVIRONS**

**Legend**

 Route 23 Corridor

**November 4, 2015**

**Prepared By:**

The Nelson Consulting Group  
2 Volcanic Hill Road  
Wantage, New Jersey



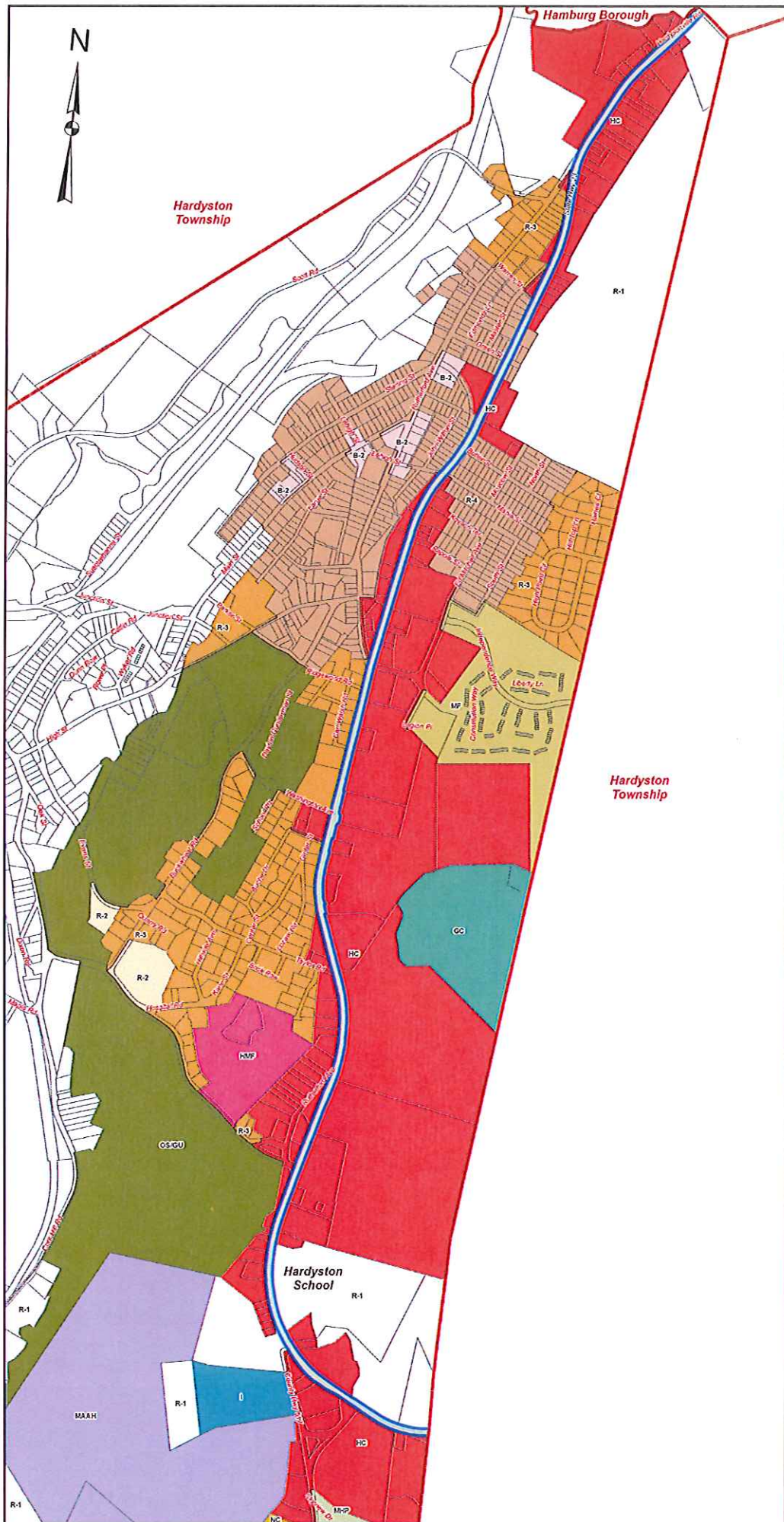
Harold E. Pellow & Associates, Inc.  
Consulting Engineers  
C.O.A. #24GA27959300  
Augusta, N.J.



"This map was developed using Sussex County Geographic Information System (SCOGIS) digital data, but this secondary product has not been verified by SCOGIS and is not county-authorized."

"This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized."

**EXHIBIT 2**



**EXISTING ZONING OF THE ROUTE 23 CORRIDOR AND ENVIRONS**

**Legend**

- Route 23 Corridor
- Parcels
- Zone**
- B-2, Main Street Mixed Use
- CC, Golf Course
- NC, Highway Commercial
- M-F, Hospital, Multi-Family
- I, Industrial
- MAAH, Mixed Active Adult Housing
- M-F, Multi-Family
- M-P, Mobile Home Park
- NC, Neighborhood Commercial
- CS/GU, Open Space Government Use
- R-1, Single Family Residential 3 Acre
- R-2, Single Family Residential 1 Acre
- R-3, Single Family Residential 15,000 sq ft
- R-4, Single Family Residential 8,250 sq ft

**November 4, 2015**

**Prepared By:**

The Nelson Consulting Group  
2 Volcanic Hill Road  
Wantage, New Jersey



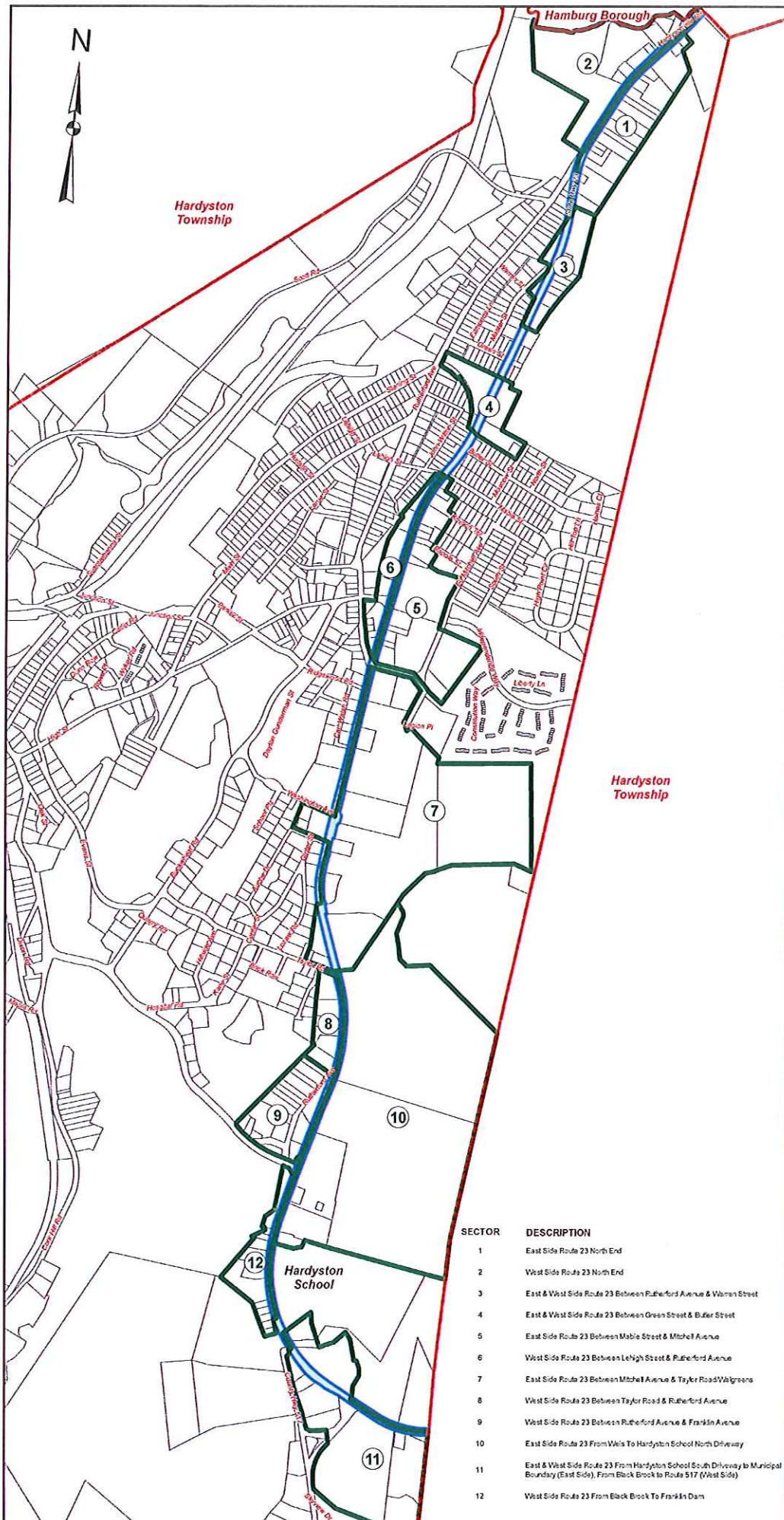
Harold E. Pellow & Associates, Inc.  
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**SECTOR DESIGNATIONS OF THE ROUTE 23 CORRIDOR AND ENVIRONS**



**Legend**

- Route 23 Corridor
- Sector Areas
- Parcels

November 4, 2015

Prepared By:

The Nelson Consulting Group  
2 Volcanic Hill Road  
Wantage, New Jersey



Harold E. Pellow & Associates, Inc.  
Consulting Engineers  
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Augusta, N.J.



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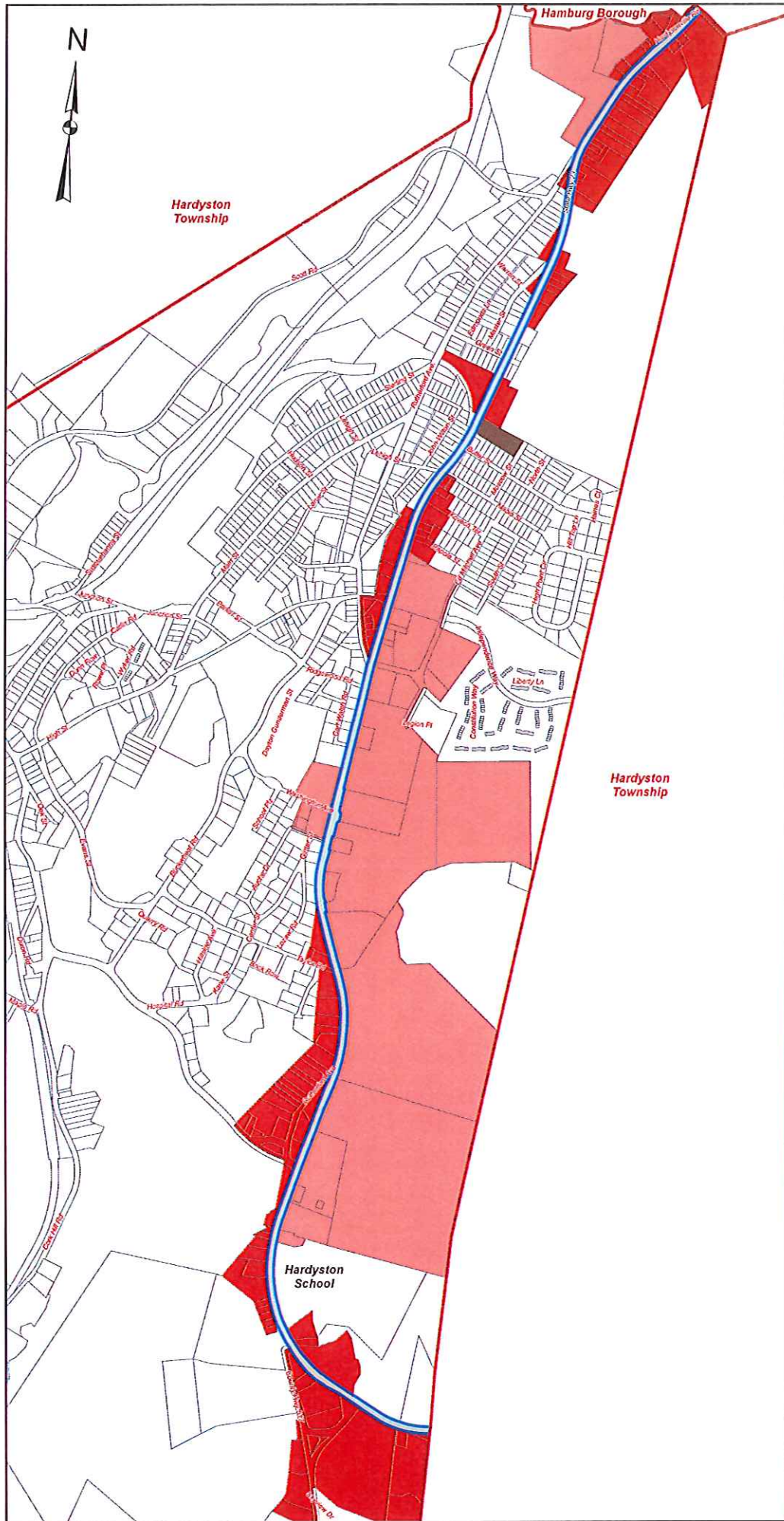
"This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized."

SECTOR	DESCRIPTION
1	East Side Route 23 North End
2	West Side Route 23 North End
3	East & West Side Route 23 Between Rutherford Avenue & Warren Street
4	East & West Side Route 23 Between Green Street & Butler Street
5	East Side Route 23 Between Mable Street & Mitchell Avenue
6	West Side Route 23 Between LeHigh Street & Rutherford Avenue
7	East Side Route 23 Between Mitchell Avenue & Taylor Road/Walgreens
8	West Side Route 23 Between Taylor Road & Rutherford Avenue
9	West Side Route 23 Between Rutherford Avenue & Franklin Avenue
10	East Side Route 23 From Wells To Hardyston School North Driveway
11	East & West Side Route 23 From Hardyston School South Driveway to Municipal Boundary (East Side). From Black Brook to Route 517 (West Side)
12	West Side Route 23 From Black Brook To Franklin Dam



# EXHIBIT 4

## PROPOSED LAND USE PLAN OF THE ROUTE 23 CORRIDOR AND ENVIRONS



### Legend

Route 23 Corridor  
Parcels

### Proposed Land Use

HC-1  
HC-2  
R-4

March 29, 2016

### Prepared By:

The Nelson Consulting Group  
2 Volcanic Hill Road  
Wantage, New Jersey



Harold E. Pellow & Associates, Inc.  
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Augusta, N.J.



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## APPENDIX F

### SUGGESTED HC-1 AND HC-2 STANDARDS

#### SCHEDULE B

	HC-1	HC-2
LOT AREA	4 ACRES / 2 ACRES	30,000 SQ FT / 20,000 SQ FT
LOT WIDTH	300' / 150'	125' / 100'
LOT DEPTH	400' / 200'	150' / 125'
FRONT YD	75' / 50'	40' / 25'
SIDE YD	40' / 30'	20' / 15'
REAR YD	50' / 40'	30' / 20'
BLDG HT (FT / STORIES)	35 / 3	35 / 3
BLDG COVERAGE	20% / 25%	25% / 30%

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#### SCHEDULE A

**HC-1 – 4 ACRES – ALLOW ALL USES CURRENTLY IN THE HC ZONE EXCEPT FOR GOV'T BLDGS, AGRICULTURAL USES, NON PROFIT CLUBS, HOUSES OF WORSHIP. ALSO ALLOW MIXED USES, DRIVE THRU FACILITIES AS AN ACCESSORY USE**

**HC-1 – 2 ACRES - ALLOW ALL STAND ALONE RETAIL AND PERSONAL SERVICE USES AND RESTAURANTS PROVIDED THE BLDG FLOOR AREA IS 15,000 SQ FT OR LESS**

**HC-2 - 30,000 SQ FT – ALLOW ALL RETAIL AND PERSONAL SERVICE USES, OFFICES AND NON DRIVE THRU RESTAURANTS, ART / MUSIC STUDIOS ETC., AUTO SALES AND AUTO REPAIR, AS WELL AS 1 TO 3 FAMILY RESIDENTIAL AND EXPANDED HOME OCCUPATION USES.. ALSO ALLOW MIXED USE (COMMERCIAL AND RESIDENTIAL) AS A CONDITIONAL USE. PROHIBIT MEDICAL FACILITIES AND MOST OTHER USES CURRENTLY ALLOWED IN THE HC ZONE**

**HC-2 – 20,000 SQ FT – ALLOW STAND ALONE LIMITED RETAIL AND PERSONAL SERVICE AND OFFICE USES, PROVIDED THE BLDG FLOOR AREA IS 2,500 SQ FT OR LESS. ALSO ALLOW 1 AND 2 FAMILY RESIDENTIAL AND EXPANDED HOME OCCUPATION USES.. PROHIBIT MEDICAL FACILITIES, AUTO REPAIR AND AUTO SALES OPERATIONS AND MOST OTHER USES CURRENTLY ALLOWED IN THE HC ZONE**

---

## BONUS PROVISIONS

INCLUDE IN SECTION 161-28 SOME LANGUAGE ABOUT BONUS AND / OR INCENTIVE PROVISIONS FOR SITUATIONS WHERE THE CONSOLIDATION OF UNDERSIZED LOTS IS PROPOSED

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## DEFINITIONS AND PURPOSE OF ORDINANCE

IT WILL BE NECESSARY TO ADD SOME DEFINITIONS TO THE ZONING ORDINANCE, AS WELL AS INCLUDE A PURPOSE SECTION TO THE ORDINANCE IN ORDER TO CLARIFY WHAT IS INTENDED BY THE PROPOSED CHANGES