

ORIGINAL

MASTER PLAN AMENDMENT

FRANKLIN, NEW JERSEY

MAY 8, 2008

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1. INTRODUCTION

This amendment to the 2003 Franklin Borough Master Plan is limited to changes involving the Quarry Zone which is located in the southwest section of the community. This area currently encompasses about 37 acres within the Borough and is accessible via Cork Hill Road. This proposed amendment would increase the amount of acreage within the Quarry Zone to approximately 112 acres. However, not all of the additional acreage will be available for extraction purposes, since buffer and other requirements will significantly affect the amount of acreage that can be quarried.

An operating stone quarry has existed at this location for many years and may have actually predated zoning in the Borough. The limits of the quarry operation actually extend beyond Franklin's boundaries, into Sparta and Ogdensburg. However, most of the quarry operation is located in Franklin and this amendment is limited to the existing and proposed quarry acreage within the Borough of Franklin only. It should be noted, however, that consideration has been given to the impact of these proposed changes on the two aforementioned municipalities.

The materials extracted from quarries are a regional resource needed for construction purposes of various kinds. That material is essential to the well being of the regional economy. At the same time, quarry operations create impacts that can have a deleterious effect on adjoining land uses and the natural environment. Consequently, any expansion of a use of this type must be done carefully and comprehensively. This master plan amendment is aimed at considering the variety of factors associated with the future expansion of this land use and its impact and consistency with respect to the planning policies of the Borough of Franklin.

2 EXISTING CONDITIONS

The existing Quarry Zone has apparently been in existence for many years, as has the quarry operation itself. However, an exact date as to when quarrying began at this location is unknown. Periodically, the level of activity at this site has been reduced or suspended and this has been particularly true in recent years. A change of ownership, however, has precipitated a resumption of activity at the site, as of the date of this amendment, and the quarry is now operated as one of several Braen Quarry facilities.

The site which is encompassed by the Quarry Zone is known as Block 64 Lots 53 and 56. It consists of about 37 acres and has direct access to Cork Hill Road. This portion of the Borough is sparsely developed but there are a scattering of residential uses in close proximity to the quarry property. These residential uses are located in the R-1 Zone and the lot sizes vary from several undersized lots to others which meet the 3 acre minimum lot size requirement for the zone. The actual quarrying activities,

over the years, have encroached to a limited extent into the R-1 Zone but for the most part the existing quarried area falls within the limits of the Quarry Zone.

The site and the Quarry Zone adjoin portions of the boundaries with Sparta Township and Ogdensburg Borough. These areas are zoned for low density residential use and a small portion of the quarried areas extend into the two communities. This master plan amendment does not in any way involve the future of the quarry operation in these two municipalities, since any decisions in that regard are beyond the jurisdiction of the Borough of Franklin. Furthermore, any decisions made by Franklin with respect to the quarry operation within the Franklin boundaries are not intended to influence or act as a precedent for any decisions that Ogdensburg or Sparta may make in the future regarding this land use.

In terms of the physical characteristics that are present at this location, obviously the quality and accessibility of the limestone material that exists has an important market value. The existing quarried area has been significantly disrupted but adjoining areas that have not been quarried remain in a somewhat pristine natural condition. Large wooded areas, as well as an expansive wetland area known as the Wildcat Ravine and Bog, can either be found within the Quarry Zone itself or on adjoining tracts.

The existing municipal regulations that control the actual activities permitted in the Quarry Zone can be found within the Borough's Land Development Ordinance, specifically in Section 161-33 and in Schedules A & B. These regulations are somewhat antiquated and do not reflect the variety of factors that need to be considered in protecting the health and welfare of the community, based on 21st century standards. This related issue will be addressed later in this document.

It also needs to be noted that all quarry operations in the State of New Jersey are also subject to state regulations with respect to operating procedures. So, there is a dual control system at work with respect to quarries that is aimed at protecting the public but at the same time is intended to safely allow the extraction of materials that are needed for various construction related purposes.

3. THE 2003 FRANKLIN BOROUGH MASTER PLAN

The Franklin Borough Planning Board undertook a complete rewriting of the Borough Master Plan earlier in this decade, culminating in the adoption of a new Master Plan in 2003. That plan outlines a vision for the Borough, identifies a number of goals and objectives and specifies a number of changes to be incorporated into the Master Plan's Land Use Element.

The Quarry Zone and the quarry operation itself receive minimal attention in the aforementioned document. At the time that the Master Plan was adopted, the quarry was not operating or operating minimally and so it is not unusual that minimal attention was paid to the future of this particular land use at that time. The Master Plan does, however, mention a key feature of the Franklin landscape in the general

vicinity of the Quarry Zone and that feature, as previously noted, is known as The Wildcat Ravine and Bog. The Master Plan advocates the protection of this environmentally sensitive resource. The Master Plan also emphasizes, in various ways, that the existing residential neighborhoods of the Borough should be protected.

Beyond the aforementioned recommendation relative to the Wildcat Ravine and Bog, and the general goal of protecting residential neighborhoods, there is little else in the 2003 Master Plan that provides guidance with respect to the future of the Quarry Zone, the regulations controlling this land use category or the future expansion of this zone.

4. RELATIONSHIP TO OTHER PLANS

This master plan amendment must consider how the proposed expansion of the Quarry Zone impacts and relates to other planning documents and other planning policies beyond the jurisdiction of the Borough of Franklin. Starting with the adjoining municipalities of Sparta, Ogdensburg and Hardyston, the portions of those communities near the Quarry Zone are designated for low density residential purposes but the proposed expansion of the zone will be in a northerly direction away from those municipalities, so any direct impacts from the actual on site quarry operations would be expected to be minimal. However, some additional impacts from off site activities, in particular from increased truck traffic can be expected to occur. This truck traffic will not differ in terms of the types of trucks associated with the current quarry operation but the amount of truck traffic may increase. Nevertheless, the road network should be capable of accommodating this traffic and any further expansion of the quarry operations will require site plan review and approval. The specific impacts of any increased truck traffic will be evaluated as part of that review and approval process.

With respect to the other relevant plans that relate to this proposed master plan amendment, The State Development and Redevelopment Plan, The Highlands Regional Master Plan and the Sussex County Strategic Growth Plan all must be considered. The Highlands Regional Master Plan is the newest of the three documents and probably the most relevant. With respect to The Highlands RMP, all of Franklin Borough has been included in the Planning Area. This means that the Borough can decide whether or not to bring itself into conformance with the planning policies of that document and the Borough has not yet decided if it will do so. The portion of the Borough where the quarry is located and where the expansion is contemplated has been included in the Highlands RMP Protection Zone. This zone contemplates a minimal amount of new development. However, it should also be noted that quarries have been specifically exempted in the legislation that created the Highlands Council. So, it would seem that the continued operation and minimal potential expansion (less than 75 acres) of this important regional resource is consistent with the goals and objectives of The Highlands RMP, especially when taking into consideration the extensively revised regulations that will accompany any change in the zone boundaries.

With respect to the other two plans previously mentioned - The State Development and Redevelopment Plan and The Sussex County Strategic Growth Plan - there does not appear to be anything in either of those documents which suggests that the proposed expansion of the Quarry Zone is inappropriate or inconsistent with the planning policies contained in either of those plans.

5. THE AMENDMENT PROCESS

In the later part of 2007, the Borough was approached by the new owner of the Quarry about the possibility of enacting a zone change that would allow for the further expansion of the quarry. Several meetings with the Planning Board were held and reports were prepared by the Borough professionals evaluating the various issues associated with such an expansion.

The consensus which the Board finally reached was that, given the importance of the resource in question and the limited locations where that resource can be found, an expansion of the Quarry Zone might be possible under certain conditions. One of those conditions would include a complete revision of the Borough's regulations which control the operation of a quarry. Another condition was that the Quarry Zone expansion should be limited to an area not to exceed 75 to 100 acres. The Planning Board then communicated with the Borough Council and asked the Council if there was any initial support for such an expansion of the Quarry Zone and should the Planning Board begin work on revising the zone regulations and standards.

The Council reviewed the matter and a committee of the Planning Board, which also included the Board Engineer and the Board Planner, was appointed to work on revising the Quarry Zone regulations. The committee met several times during the early part of 2008 and included representatives of the quarry in most of those meetings. Ordinances from other municipalities were consulted and one of the committee members actually had worked in a quarry and therefore had a direct knowledge of how quarries operate. A revised set of regulations was ultimately drafted and presented to the Planning Board. Those proposed regulations are included herein as Appendix A

Subsequent to the drafting of the revised Quarry Zone regulations, the Borough authorized the preparation of this master plan amendment, which draws primarily on material and discussions that have occurred throughout this process. It is the intent of this amendment to provide the necessary assurances that the proposed Quarry Zone expansion is consistent with accepted planning practices, as well as the planning policies of the community as presented in the 2003 Franklin Borough Master Plan. The various elements of the 2003 Master Plan were reviewed to determine how this proposed expansion would impact them. Other than the direct relationship between this amendment and the Land Use Plan Map, there did not appear to be any necessity to amend any other parts of the 2003 document.

6. THE QUARRY ZONE PROPOSALS

As already noted, the proposed expansion of the Quarry Zone recognizes the balancing act involved in allowing for the predictable, systematic extraction of a resource that is important to the regional economy, of which Franklin is a part, and the need to - at the same time - protect the health and welfare of the community. It is estimated that his proposed expansion will increase the useful life of the quarry operation by decades. It is essential then that the zone expansion only occur with the simultaneous revision of the aforementioned revisions to the Quarry Zone regulations.

The limits of the expanded Quarry Zone are shown on a map included herein as Appendix B and that map in effect amends the Land Use Plan Map included in the 2003 Master Plan. The additional acreage to be included in the Quarry Zone is currently zoned R-1 and is undeveloped. The new boundaries of the Quarry Zone have been carefully drawn to protect adjoining properties, in particular the residential areas to the north and east and the Wildcat Ravine and Bog to the west, all of which will remain in the R-1 Zone.

The revised Quarry Zone regulations, included herein as Appendix A, and amended as needed and adopted by the Borough Council, will impose new standards with respect to buffers, hours of operation, annual reporting procedures, reclamation requirements and many other issues that directly affect the health and welfare of a community. The regulations also include a provision that requires the specific consideration of the status of the quarry at the time of each Master Plan Reexamination Report, so that future planning boards and governing bodies can begin to plan for the post quarry use of the property in question.

Finally, this master plan amendment has considered this proposed expansion from a comprehensive viewpoint. Since the Quarry Zone is limited to a relatively small, isolated portion of the community, it is the conclusion of this document that this proposed amendment will have a minimal impact on the balance of the community and is generally consistent with the planning policies of the Borough. As already noted, this document amends the 2003 Land Use Plan Map but no other amendments, involving such other Master Plan elements as the Conservation Plan, Circulation Plan, Community Facilities Plan, Parks and Recreation Plan, Utilities Plan, Historic Preservation Plan and Housing Plan, are considered to be necessary at this time.

APPENDIX A

PROPOSED QUARRY ZONE REGULATIONS

BOROUGH OF FRANKLIN _____ Revised April 9, 2008

**AN ORDINANCE AMENDING CHAPTER 161 OF THE FRANKLIN
BOROUGH CODE, THE BOROUGH'S LAND DEVELOPMENT
ORDINANCE**

ORDINANCE # _____ - 2008

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin that the Land Development Ordinance of the Borough of Franklin is modified by the following additions.

- * Amend Borough of Franklin Zoning Map, as per the attached map changing the shape of the Quarry (Q) Zone boundary.
- * **Amend Chapter 161, Section 3 Definitions**, by deleting the definition of Quarry and adding the following :

QUARRYING shall mean a business of operating a quarry limited to surface excavation, drilling, blasting, crushing, screening of stone, rock, shale, slate or other natural mineral resources, the movement of excavated materials in preparation for processing as well as the processing, operation, loading and transporting of these materials including warm-up and maintenance of equipment used in the operation of a quarry.

QUARRY OPERATOR shall mean a person /company/entity that is engaged in and/or manages or controls or who will engage in and/or will control the operation of a quarry.

QUARRY PROCESSING shall mean the crushing, washing, sorting, milling, drying, mixing and blending of quarry produced products, separately or with other materials to create a new product, material or substance and the packaging and shipping of processed quarry products or other processing of excavated materials on site including the mixing or batching of materials to process concrete.

CONCRETE shall mean a hard strong substance made by mixing sand and gravel or crushed stone with cement, water and various additives.

- **Amend Chapter 161, Schedule A and Schedule B, (1)** by removing all references to permitted uses (P) and all accessory uses (A) in Schedule A and replacing them with a note "see Section 161-33F – Quarry - for all permitted, conditional and accessory uses and structures" and (2) by removing all bulk and area requirements for the Q(1) zoning district and

replacing it with a note “see Section 161-33F – Quarry - for all bulk and yard requirements. ”

*** Amend Chapter 161, Section 161-33F – Certain Permitted Uses: Quarry, by replacing with the following :**

Quarry Zone

161-33 F (1) PURPOSE

The purpose of this zone is to regulate the operation of quarries within the Borough of Franklin; to provide for the protection of persons and property; to provide for safe conditions during and after quarrying: to preserve the public health and safety of the inhabitants of the Borough; to ensure that quarrying operations are conducted in such a manner as to mitigate impacts from conditions, such as, but not limited to, noise, dust, traffic, vibration, and odors, to owners and occupants of nearby properties in accordance with applicable law and regulation, and to ensure that the quarried area shall be suitable and reasonably reclaimed to a safe and environmentally sound condition after quarrying operations have been completed or otherwise terminated.

161- 33 F (2) PERMITTED PRINCIPAL USES AND FUTURE USE

1. Permitted Use

Quarrying, handling, extracting and processing of various materials including stone, sand and gravel including transportation and storage, crushing, manufacturing, grinding, pulverizing, washing, processing and mixing of the various materials both extracted on site and imported to the site to process materials extracted on site.

2. Future Land Use

Future Land Use - As of the date of this ordinance, it is understood that the estimated useful life of the quarry operation will be several decades. During that time the use of the property within the Quarry Zone shall be limited to quarry related activities only.

Certain uses such as residential or multifamily housing are particularly incompatible with active quarrying operations but may become suitable upon reclamation and closure of the quarry. Incompatible uses are to be discouraged as long as there exists the possibility of active quarrying. Consequently, it is difficult to predict now what the future use of the property should be once the quarry operation is completed.

The property owner shall also be responsible for the restoration of the site as the quarrying operation is completed in accordance with the reclamation plan as required in 161-33 F (6). That work shall be approved by the Planning Board and monitored by the Planning Board Engineer and other Borough officials, through inspections conducted twice a year. Monitoring inspections shall give ongoing consideration to the potential redevelopment and reuse of this property.

In anticipation of the end of the quarrying operation, the Planning Board in each Master Plan Reexamination Report and / or related planning documents shall indicate the status of the quarry operation, whether or not the Quarry Zone, as established, requires modification and whether or not the time has arrived to begin considering the future use of the acreage within the Quarry Zone.

Any future development of the quarry property aside from the quarrying operation shall be done in accordance with the provisions established in the Borough's Master Plan and subject to the municipal ordinance regulations and other governmental requirements at that time. Furthermore, at the conclusion of quarrying it shall be the responsibility of the property owner to submit an overall concept plan, for review and approval by the appropriate land use board, prior to the development of any portion of the subject property for any non quarry use. Until such time as the aforementioned steps are accomplished, the use of the subject property shall be limited to quarry related activities only

161-33F(3) PERMITTED ACCESSORY USES

- 1.. Buildings, plants, equipment, machinery and facilities uses to conduct the permitted uses on site.
2. A mixing or batching plant for concrete.
3. Buildings and facilities for the repair and storage of motor vehicles and equipment used in permitted operations.
4. Administrative and sales office related to the permitted operation.
5. Off-street parking area for vehicles used in permitted operations and for visitor, employee, contractors or other privately owned vehicles.
6. Warning or safety signs as required by Federal or State Law or as permitted by The Planning Board in connection with site plan approval.
7. Signs as permitted by Borough Ordinance

161-33F (4) BULK STANDARDS

1. Minimum Area : No Quarry shall be permitted on parcels which have less than 100 contiguous acres zoned for that use.
- 2 Maximum Building Height : 35 feet or two stories

- 3 Structures for processing operations shall not exceed 65 feet in height from the average grade to the highest point on the structure. Structures must be setback beyond the Quarry Zone setback line by an additional distance at least equal to 100% of the total height of the structure.
- 4 Quarry excavations for product removal shall be 150 feet from a public road or quarry zone boundary. This restriction shall not apply to contiguous land owned by the Quarry Operator or Quarry Owner. If such contiguous land is sold to a third party then the buffer shall be reestablished.
- 5 Quarry Zone Setback: All structures and all accessory uses including parking areas Stock piles, waste overburden piles and processing equipment shall be set back 150 feet from the property line.
6. A six-foot fence shall be erected around the area that is actively being quarried.

161-33F (5) SITE PLAN REQUIREMENTS

The Quarry Operator shall submit a Site Plan for all existing quarry operations within six months from the adoption of this Quarry Zone Ordinance.. The site plan shall depict, explain and address the following aspects of the existing Quarry Operation in addition to the Site Plan requirements in Article II 161- 7 et seq. of the Land Development Ordinance::

- (1) Roadways
- (2) Building and structure locations, fixed or temporary
- (3) Parking areas
- (4) Loading area
- (5) All utilities
- (6) Drainage
- (7) Grading
- (8) Landscaping
- (9) Storm water management plan
- (10) Soil and erosion control
- (11) Phasing Plan
- (12) A Restoration Plan as detailed in 33-F (6)

Any expansion of the perperations beyond those of the approved site plan shall require and amendment to the site plan.

161-33F (6) Reclamation Plan

A reclamation plan for the initial phase of the quarrying operation shall be submitted to the Borough Planning Board along with the Site Plan required in 161-33F (5). Prior to the start of work in any additional area of the Quarry Zone beyond the existing quarry

operation, the amended site plan required to be submitted for review and approval by the Planning Board shall contain a reclamation plan for the additional area.

Reclamation plans shall be prepared by an engineer or land surveyor licensed in the State of New Jersey, showing the entire Quarry Zone including the following:

1. The map shall be at a scale of one (1) inch equals one hundred (100) feet. Any exceptions to this scale shall be requested by the applicant in writing to the Borough Engineer for consideration. If one (1) sheet is not sufficient to contain the entire property and surrounding area as required by this chapter, the map shall be divided into sections shown on separate sheets of equal size and scale, with reference on each sheet to the adjoining sheets.

2. A key map showing the quarry property and its relation to the surrounding areas at the scale of one (1) inch equals not less than two thousand (2,000) feet.

3. Title block showing:

(a) Quarry name, municipality and county.

(b) Address of operation.

(c) Scale.

(d) Date of preparation or revision(s).

(e) Name, address, telephone number, license number, seal and signature of the preparer.

4. All boundary lines with lengths of courses to the one hundredth (100th) of a foot and bearing to one-half (1/2) minute.

5. Existing and proposed contours at five (5) foot intervals (ten (10) foot intervals where slopes exceed thirty (30%) percent) for the quarry property. All final slopes in areas above any final water pool elevation, or within ten (10) vertical feet of the surface of any pool elevation shall be no steeper than 1H:1V (45 degrees) unless approved by the Borough Engineer. Elevations must be based upon United States Geological Survey (USGS) datum identical to that used for the Operations Map.

6. Location of all permanently affixed equipment or structures on the property.

7. Location of all internal roadways and/or parking areas on the property.

8. Plans for storm water management facilities as required by NJDEP and the Sussex County Conservation District to facilitate final reclamation and any facilities that will permanently remain on the property.

9. Plans for soil and erosion control facilities in accordance with Sussex County Conservation District standards to facilitate final reclamation and any facilities that will permanently remain on the property.

10. Location and type of vegetative cover that will be planted on re-graded areas. The vegetative locations should be keyed to the Reclamation Plan Narrative as required by this ordinance.

The restoration plan shall be accompanied by a narrative description of the proposed reclamation plan. The narrative shall address areas already affected by the quarrying operation plus areas proposed to be affected during the phase which the restoration plan addresses. Provisions shall be included in the reclamation plan to complete all reclamation activities within one (1) year following cessation of all quarry operations or such longer period as may be provided in the approved reclamation plan. The reclamation plan may include provisions for extraction and reclamation where appropriate if consistent with the 3 Year Operation Plan required by Article II : 161-33F(9).

The reclamation plan shall meet the following standards:

1. Areas where the final high wall is characterized by in situ bedrock shall be graded so that no slope is steeper than forty-five (45) degrees (1H: 1V) measured from the horizontal.
2. Areas where the final high wall or backfill material is characterized as soil, sand, gravel or similar granular material and slopes steeper than three to one are proposed, the reclamation plan shall include a stability analysis prepared by an experienced engineer licensed in the State of New Jersey that demonstrates a minimum factor of safety for the backfill material of at least 1.5. In no instance shall slopes be steeper than forty-five (45) degrees, except as set forth in 3 below, or, unless approved by the Borough Engineer.
3. In areas where the final reclamation plan consists of permanently pooled or ponded water, slopes steeper than forty-five (45) degrees will be acceptable with the exception of shoreline areas where the water depth is less than ten (10) feet deep. In these shallow areas, the maximum slope shall conform to the requirements specified in the previous two (2) paragraphs. Safety ledges shall be constructed on the slopes of all water impoundment areas having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the normal permanent water surface, and the second step shall be located one to one and one-half feet above the normal permanent water surface. The maximum graded slope between the safety ledges shall be 3 horizontal to 1 vertical.
4. All final grades exposed to the atmosphere (i.e., not under water) shall be covered by a layer of soil in sufficient depth and quality to successfully and permanently sustain the vegetation proposed by the applicant. The plan shall include a demonstration that a suitable volume of soil material is available, either on site or from accessible borrow areas, to complete the reclamation plan.

5. The final reclamation plan shall include a post-closure storm water management plan. This plan must include plans and computations for handling storm water discharge from the property based upon a one hundred (100) year design storm.
6. The proposed re-vegetation plan shall be prepared to be consistent with the types of vegetation that existed on the property prior to the commencement of licensed quarrying operations. In areas where quarrying operations were conducted prior to the enactment of this chapter, the re-vegetation plan shall be developed to be compatible with adjacent vegetative cover types. Re-vegetation plans shall include a description of soil preparation, soil stabilization and planting plans that conform to Soil Conservation Service standards. The plan shall also include a description of soil nutrient application; temporary and permanent seed mixtures and application rates; size, type, planting density and planting plan for woody species; and a two (2) year maintenance plan. The plan must provide for complete and permanent re-vegetation of all areas affected by the quarry operations.
- 7.. The reclamation plan shall remain in effect until re-grading and re-vegetation are completed to the satisfaction of Borough of Franklin.
8. Nothing in this chapter shall preclude the Quarry Operator and Property Owner from submitting alternative or revised reclamation plans from time to time.

161-33F (7) OPERATIONAL STANDARDS

1. Quarry operations with the exclusion of blasting may be conducted between the hours of 7:00 AM and 6:00 PM Monday through Friday and between 8:00 AM and 4:00 PM on Saturdays. There shall be no Sunday operations. Equipment warm up and maintenance may be performed at any time as long so such activity does no cause noise beyond the property line or a disturbance to the surrounding residential neighborhood.
2. Blasting may be conducted between the hours of 10:00 AM and 2:00 PM Monday through Friday. Vibration form blasting shall be considered an unavoidable condition of the quarrying operation provided no property damage results to any adjacent non-quarry property.

Notice of Blasting : On each occasion when blasting is be conducted written or oral notice shall be given to the Borough Police Department and/or the Borough's police dispatching center. Notice shall be given at least two hours prior to the proposed detonation unless prevailing conditions make it impossible but in all cases less than one-half (1/2) hour's notice shall be given except in the case of a safety emergency. The quarry operator may provide a weekly or monthly written schedule of blasting detonation to the Borough Administrator and Police Department.

3. No quarrying operations shall be conducted on the following holidays with the exception of equipment maintenance and required safety procedures :

New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, July 4th Easter Sunday and Christmas Day.

4. Fencing: A six-foot (6) fence shall be erected to impede access by unauthorized persons to the area actively being quarried. Gates are required at entrances and exits in the fence line. The gates shall be the same material as the fence and properly secured when during no-work hours.
5. No quarrying shall be permitted which will endanger the lateral support of abutting properties.
6. No operation shall adversely affect any public or private water supply source of abutting properties, waterways, wetlands and bodies of water.
7. Noise created by normal quarrying operation: No continuous hums, intermittent noise or noise with any shrillness of a volume of 98 decibels, measured at the lot lines.
8. Dust Control
 - a. All equipment used for the operation shall be constructed, maintained and operated in such a manner as to minimize dust conditions.
 - b. Dust management practices shall be in compliance with the NJDEP requirements. The Borough will be notified of all dust management plans submitted for approval to the NJDEP.
 - c. Fire and explosion hazard: No process or storage of material in such manner as to create undue hazard by reason of fire or explosion.
 - d. Roads and traveled right-of-ways used by quarry traffic must be treated with water or other dust inhibiting substance to reduce the accumulation and dissemination of dust in accordance with NJDEP requirements.
 - e. Dust from the quarry operation shall be within limits established by federal and state regulations.
9. Traffic: Truck access to any quarry operation shall be so arranged as to minimize danger to other traffic and nuisance to neighboring properties. All traffic shall conform to the limits on operation hours stated herein.

10. Structural and Water Supply Base Line : A survey of structural conditions and water supply and/or wells shall be offered to neighboring residential properties along the quarry zone before expansion of the quarry beyond its current non-conforming and conforming use limits to establish current structural and water supply and/or well conditions of residences within 500 feet of the quarry.

- 11, The quarry shall be required to obtain and maintain all applicable Federal, State and Local permits required for the operation of the quarry which could include a NJPDES discharge permit, Soil Conservation Service approval, RFA permits, Zoning Permit, Local Blasting Permit as well as all Fire and Live Safety Permits which apply.

161-33F(8) PERFORMANCE BOND

Within 45 days following the approval of the initial or any amended site plan required by Chapter II : 161-33 F (5) the Quarry Operator shall submit a performance bond or guarantee in favor of the Borough of Franklin in an amount sufficient to assure reclamation of the site of quarrying operations pursuant to the reclamation plan. The amount of the performance bond or guarantee shall be based upon a certified estimate prepared by an engineer licensed in the State of New Jersey that reflects the maximum reclamation cost (including re-grading, re-vegetation and demolition of existing structures) that exist, or could exist, as a result of operations on the licensed property during the license period. The performance bond or guarantee shall be posted in accordance with the following standards:

a. The form of the performance bond or guarantee shall be subject to the approval of the Borough Council and, if a performance bond, shall be a performance bond from a recognized surety company authorized to do business in the State of New Jersey and approved by the Borough Council or a letter of credit, cash, or such other guarantee as approved by the Borough Council.

b. The amount of the performance bond or guarantee shall be reviewed by the Planning Board Engineer and approved by the Borough Council based upon information submitted by the Quarry Operator and shall be one hundred ten (110%) percent of the cost of reclamation;

c. The performance bond or guarantee shall remain in full force and effect during the entire period that quarrying operations are conducted and until completion of reclamation after the termination of those operations. The Quarry Operator shall post a maintenance bond in the amount of fifteen (15%) percent of the cost of reclamation to cover the period of two (2) years after the completion of reclamation.

161-33F(9) OPERATIONAL PLAN, ANNUAL REPORT, MUNICIPAL REVIEW AND INSPECTIONS

a. The Quarry Operator shall submit an operational plan for 3 years including extraction expectations, proposed grades, total number of cubic yards and proposed expansion plans for balance of site. The first operational plan shall be submitted with the first site plan required to be submitted pursuant to Chapter II ; 161-33F (5).

b The operator of the quarry shall prepare and submit an annual report to the Planning Board and Borough Construction Official by March 15th of each calendar year which shall include :

Current Operator/Owner : name and contact information

Current Emergency Contact Person: name and contact information

Certification of compliance with sections D and E of this Chapter

Existing Conditions Map of Quarry Operations showing grades at 2 foot contours revised on an annual basis.

Notwithstanding the foregoing, the Quarry Operator shall give prompt notification to the Borough Administrator and the Police Department of any change in the name or contact information of the Quarry Operator, owner or emergency contact person.

c. The Quarry Operator of the quarry shall submit aerial photography every three (3) years in sufficient detail to clearly show the perimeter of quarried material, benches, improvements, stockpiled material, internal roadways, portable equipment, parking areas and similar features shall be provided. The photo shall be marked to show Quarry Zone boundaries and buffer zone.

d. After the submission of the annual report as in 33-F (9) b above the entire quarrying operation, including excavation, grading reclamation, drainage, equipment and structures, shall be subject to at least one smiannual inspection made by the Planning Board Engineer. The Quarry Operator shall annually post an escrow fee of four thousand dollars (\$4,000) with the Borough for reasonable costs associated with services by the Borough for conducting inspections. This escrow account shall be replenished as necessary during the calendar year The engineer shall

file a complete report on the results of his inspection with the Planning Board and Construction Official and the quarry operator.

e. Periodic inspections, The Planning Board Engineer, or his designated consulting engineer, is hereby designated and authorized as a quarry inspector. In conjunction with the Borough Zoning Officer, he shall conduct inspections of the quarry property as requested by the Borough Administrator, Borough Council or Planning Board in order to determine whether the operations are being conducted in accordance with the Quarry Zone standards and requirements and the terms and provisions of this chapter. Inspections may be conducted as frequently as the quarry inspector determines is necessary. The quarry inspector may retain such additional consultants and experts as reasonably appropriate, subject to Borough Council approval. The quarry inspector shall submit written reports of all quarry inspections to the Borough Administrator, Planning Board, Borough Council and to the Quarry Operator.

161-33F(10) ENFORCEMENT, VIOLATIONS AND PENALTIES.

a. The Planning Board Engineer, in consultation with Borough Zoning Officer, may enforce the provisions of this chapter by filing a complaint of a violation in the Municipal Court of the Borough, or issuing a written order of abatement prior to filing a complaint, requiring that any alleged violation be abated within twenty (20) days of receipt of said notice or sooner if an imminent danger or hazard is observed. The written order of abatement shall be served by hand delivery to the quarry premises or by regular and certified mail. The Quarry Operator may request an extension of the abatement notice by serving a written notice upon the Clerk or the Borough of Administrator setting forth the reasons for an extension and identifying a date when the abatement will be complete. Approval of such extension shall not be unreasonably withheld, conditioned or delayed.

b. If the enforcement officer issues a violation the matter shall be heard in the Municipal Court of the Borough of Franklin. A person or entity that pleads or is found guilty of violation of any provision of this chapter shall pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars for each violation. Each day that a violation continues shall be considered a separate and distinct violation in the event the quarry fails to cure the violation pursuant to the terms of this chapter.

c. The enforcing officer shall render a report to the Borough Council of any violation and shall provide a copy to the Quarry Operator.

d. In addition to the foregoing, the violation of any provision of this chapter which endangers the health, safety or peace of residents in the area may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

e. Nothing in this section shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property and to maintain any action or other appropriate proceeding therefore

161-33F(11) APPLICABILITY OF OTHER ORDINANCES

Nothing in this chapter shall be construed as repealing any provision or provisions of any other municipal ordinance or ordinances which, by its terms, regulate or control quarrying or its incidental activities either directly or indirectly, or which further the general purposes of this chapter in any way. In the event any regulation provided in this chapter shall vary from the same or similar regulation or any other municipal ordinance, the more restrictive provisions of such ordinances shall be deemed to control.

Any land or property located in the Quarry Zone which has not been devoted to a quarry operation prior to the creation of said zone shall be subject to all the requirements of this article. Land or property located in the Quarry Zone which was devoted to a quarry operation prior to the creation of said zone shall be subject to all the requirements of this chapter insofar as said requirements do not infringe upon the legal rights applicable to nonconforming uses which have been already established at the time of the adoption of this ordinance.

APPENDIX B

QUARRY ZONE MAP

BOROUGH OF FRANKLIN QUARRY ZONE

LOTS: 56, 53, 49.04 & A PORTION OF 49.01
BLOCK 64

61.01

64

48

48.26

48.2

46.02 46.03

50
49.03

51

64

49.04

QUARRY ZONE

49.01

61.10

61.09

61.08

61.05

61.02

61.04

61.06

61.07

61.03

T.L. 5.01

T.L. 202

58

57

MUNICIPAL
BOUNDARY LINE

WILD CAT ROAD

WILD POND RD

TAX LOT 6.02
BLOCK 8

T.L. 7
BLOCK 8

TAX LOT 6.01
BLOCK 8

T.L. 8
BLOCK 8

T.L. 9
BLOCK 8

TAX LOT 10
BLOCK 8

TAX LOT 5
BLOCK 8

TAX LOT 11
BLOCK 8

TAX LOT 27
BLOCK 35

SPARTA TOWNSHIP

FRANKLIN BOROUGH

ODENSBURG BOROUGH

BLOCK LIMIT

1

6

R

10

11

2008 AS PER ORDINANCE #