

BOROUGH OF FRANKLIN

ORDINANCE No. 14-2019

ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY DESIGNATED AS BLOCK 601, LOTS 1, 2, 3, 5, AND 6, AND BLOCK 904, LOT 1, ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FRANKLIN, AND REFERRED TO AS THE ZINC MINE CONDEMNATION REDEVELOPMENT AREA, AND THE PROPERTY DESIGNATED AS THAT PORTION OF MAIN STREET FROM THE MUNICIPAL BUILDING TO HUDSON STREET, AND REFERRED TO AS THE MAIN STREET REHABILITATION AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(a), as amended (the “LRHL”), the governing body of the Borough of Franklin (the “Borough Council”) is empowered to request the Borough of Franklin Planning Board (the “Planning Board”) to conduct a preliminary investigation of any lands proposed to be included in a redevelopment area; and

WHEREAS, the following properties lie within an area of the Borough of Franklin (the “Borough”) that were previously recommended by the Planning Board, in 2012, to be an area in need of redevelopment; Block 16, Lots 1, 72, 76, 77, 78 and 80, and Block 22, Lots 11, 12, 13, 14, and 37 (the “2012 Study Properties”); and

WHEREAS, the Borough tax maps have been updated, and the current block and lot numbers for the 2012 Study Properties are as follows:

Former Blocks & Lots	Property Address	New Block & Lot #
Bl. 16, Lot 1	389 Rutherford Ave	Bl. 601, Lot 6
Bl. 16, Lot 72	Sterling Street Rear	Bl. 601, Lot 3
Bl. 16, Lot 76	Sterling Street Rear-Scott	Bl. 601, Lot 5
Bl. 16, Lot 77	Sterling Street Rear-Scott	Bl. 601, Lot 2
Bl. 16, Lot 78	95 Main Street	Bl. 904, Lot 1
Bl. 16, Lot 80	19 Sterling Street	Bl. 601, Lot 1
Bl. 22, Lot 11	390 Rutherford Ave.	Bl. 605, Lot 5
Bl. 22, Lot 12	386 Rutherford Ave.	Bl. 605, Lot 3
Bl. 22, Lot 13	386 Rutherford Ave.	Bl. 605, Lot 3
Bl. 22, Lot 14	384 Rutherford Ave.	Bl. 605, Lot 2
Bl. 22, Lot 37	453 Route 23	Bl. 605, Lot 16

WHEREAS, the Borough Council did not take action on the prior recommendation of the Planning Board; and

WHEREAS, on October 11, 2016, the Borough Council considered it to be in the best interest of the Borough to have the Planning Board re-examine the 2012 Study Properties and conduct a preliminary investigation of Block 601, Lots 1, 2, 3, 5, and 6, and Block 605, Lots 2, 3,

5 and 16, and Block 904, Lot 1 on the Official Tax Map of the Borough of Franklin, Sussex County, New Jersey (the "Study Area A"), to determine whether the Study Area A or portion thereof may be determined to be an area in need of redevelopment, with the Borough having the power of eminent domain to acquire property in the delineated area as provided in the LRHL; and

WHEREAS, the Planning Board conducted a preliminary investigation of Study Area A in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Study Area A is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5; and

WHEREAS, on November 21, 2016, the Planning Board held the duly noticed public hearing at the Franklin Borough Municipal Building, during which the Board considered the report from Kenneth P. Nelson, P.P., of The Nelson Consulting Group, entitled "A Preliminary Investigation Regarding the Designation of a Proposed Area in Need of Redevelopment known as Area A (Zinc Mine and Related Properties)" dated January 9, 2012, and revised through August 30, 2016, and heard the testimony of Mr. Nelson and comments of the other Board professionals, and any persons interested in or affected by a determination that the Study Area A is an area in need of redevelopment with the Borough having the power of eminent domain to acquire property within the delineated area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

WHEREAS, after considering said report, comments and testimony, the Planning Board made certain findings as set forth in its Resolution adopted on December 19, 2016, and recommended to the Borough Council that Block 601, Lots 1, 2, 3, 5, and 6, and Block 904, Lot 1 within the Study Area A be determined to be an area in need of redevelopment pursuant to N.J.S.A.40A:12A-5 and be designated a "Condemnation Redevelopment Area" (the "Condemnation Redevelopment Area"); and

WHEREAS, the Planning Board concluded that the following Study Area A properties are not needed to effectuate the redevelopment of Study Area A and should not be included within the redevelopment area: Block 605, Lots 2, 3, 5, and 16; and

WHEREAS, pursuant to a prior request of the governing body, the Planning Board also considered at the public hearing held on November 21, 2016 a proposal to designate a portion of Main Street from the Municipal Building to Hudson Street (the "Study Area B") as an area in need of rehabilitation, in accordance with N.J.S.A. 40A:12A-14, as described in a report of The Nelson Consulting Group, dated January 9, 2012, revised through August 30, 2016, entitled "A Recommendation Regarding The Designation of a Proposed Area In Need of Rehabilitation Known As Area B"; and

WHEREAS, on December 19, 2016, the Planning Board further adopted the Resolution recommending that the Condemnation Redevelopment Area be determined by the Borough Council to be a condemnation redevelopment area and that Study Area B be designated an area in need of rehabilitation under the LRHL, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, on January 24, 2017, the Borough Council designated the Condemnation Redevelopment Area as condemnation redevelopment area with the Borough having the power

of eminent domain to acquire property within the delineated area and designated Study Area B as an area in need of rehabilitation (the "Property"); and

WHEREAS, the Borough of Franklin Planning and Zoning Department and Kenneth P. Nelson, P.P., of The Nelson Consulting Group, has prepared a redevelopment plan for the Property entitled "The Historic Main Street Redevelopment Plan, Borough of Franklin, Sussex County, New Jersey" dated June 24, 2019 (the "Redevelopment Plan"); and

WHEREAS, the Borough Council desires to adopt the Redevelopment Plan in order to effectuate a plan that is consistent with the goals and objectives of the Borough for the redevelopment of the Property; and

WHEREAS, the Borough Council believes that the adoption of the Redevelopment Plan is in the best interest of the Borough for the redevelopment of the Property; and

WHEREAS, the Borough has previously referred the Redevelopment Plan to the Planning Board for consideration and to determine same is consistent with the Borough's Master Plan and in accordance with the LRHL.

NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FRANKLIN, SUSSEX COUNTY, NEW JERSEY AS FOLLOWS:

Section 1. The afore-mention recitals are incorporated herein as though fully set forth at length.

Section 2. The Redevelopment Plan is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the LRHL.

Section 3. The zoning district map in the zoning ordinance of the Borough is hereby amended to include the Property per the boundaries described in the Redevelopment Plan and the provisions thereon.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

ATTEST:

BOROUGH OF FRANKLIN


Darlene J. Tremont, CLERK


BY: Nicholas Giordano, MAYOR

DATED: September 10, 2019

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on August 20, 2019, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on September 10, 2019, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.



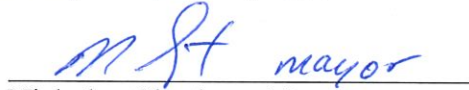
Darlene J. Tremont
Municipal Clerk

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of September, 2019.



Darlene J. Tremont, Clerk
Borough of Franklin



Nicholas Giordano, Mayor

Introduced: August 20, 2019

Adopted: September 10, 2019

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
JOSEPH LIMON	X				X	
JOHN POSTAS	X					X
STEPHEN SKELLENGER COUNCIL PRESIDENT	X					
GILBERT SNYDER	X					
GLENN SOULES	X					
STEPHAN ZYDON, JR.	X					
MAYOR GIORDANO (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
JOSEPH LIMON				X		
JOHN POSTAS	X					
STEPHEN SKELLENGER COUNCIL PRESIDENT	X					
GILBERT SNYDER	X					
GLENN SOULES				X		
STEPHAN ZYDON, JR.	X					
MAYOR GIORDANO (Tie Only)						

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

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NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 20th day of August, 2019, and the same came up for final passage at a meeting of the said Borough Council on the 10th day of September, 2019, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Darlene J. Tremont, Municipal Clerk