

Ordinance 04-2026

FRANKLIN BOROUGH

ORDINANCE OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR THE 390 RUTHERFORD AVENUE REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, *et. seq.*

WHEREAS, the 390 Rutherford Avenue Redevelopment Area, consisting of Block 605, Lot 5, was designated a Non-Condensation Area in Need of Redevelopment by Franklin Borough on December 19, 2023, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et. seq.; and

WHEREAS, pursuant to the LRHL at N.J.S.A. 40A:12A-7, “no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body upon its finding that the specifically delineated project area is located in an area in need of redevelopment or an area in need of rehabilitation, or both, as appropriate;” and

WHEREAS, in accordance with the Redevelopment Law, the Municipal Council (the "Borough Council") of the Borough of Franklin (the "Borough") authorized and directed the Borough Planning Board (the "Planning Board") to review the draft Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7(e); and,

WHEREAS, following such review, the Planning Board has rendered its report and recommendations to the Borough Council and noted the Redevelopment Plan is not inconsistent with the Borough's Master Plan and with comments and recommendations, pursuant to N.J.S.A. 40A:12A-7(e); and,

WHEREAS, the Borough Council hereby finds it appropriate for the Redevelopment Plan to be adopted for the Redevelopment Area, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Borough; and,

WHEREAS, the Borough Council now desires to adopt the Redevelopment Plan and to direct the applicable provisions of the Borough's Zoning Ordinance/Code and Map be amended and superseded to reflect the provisions of the Amended Redevelopment Plan, as and to the extent set forth therein;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Franklin Borough as follows:

1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. Adoption. The Redevelopment Plan, as filed in the Office of the Borough Clerk and attached hereto as Exhibit A, is hereby approved and adopted.
3. Amendment of Zoning Ordinance and Map. The sections of the Borough's Zoning Ordinance/Code and Map are hereby amended to incorporate and reflect the change in the Redevelopment Plan and, to the extent provided in the current Redevelopment Plan, are superseded thereby.
4. Severability. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.
5. All ordinances and/or parts of ordinance which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only with this Ordinance.

**NOTICE**

TAKE NOTICE that the above-entitled Ordinance 04-2026 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on February 24, 2026 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on March 10, 2026 at 7:00 p.m.



\_\_\_\_\_  
Colleen L. Little, Municipal Clerk

**CERTIFICATION**

I, Colleen L. Little, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10<sup>th</sup> day of March, 2026.



\_\_\_\_\_  
Colleen L. Little, Municipal Clerk



\_\_\_\_\_  
John M. Sowden, IV, Mayor

Introduced: February 24, 2026

Adopted: March 10, 2026

| RECORD OF COUNCIL VOTES-FIRST READING |      |       |         |        | Move | 2nd |
|---------------------------------------|------|-------|---------|--------|------|-----|
| COUNCIL MEMBER                        | AYES | NAYES | ABSTAIN | ABSENT |      |     |
| PATRICIA CARNES<br>COUNCIL PRESIDENT  |      |       |         | X      |      |     |
| CONCETTO FORMICA                      | X    |       |         |        | X    |     |
| RACHEL HEATH                          | X    |       |         |        |      | X   |
| JOSEPH LIMON                          | X    |       |         |        |      |     |
| STEPHEN SKELLENGER                    | X    |       |         |        |      |     |
| GILBERT SNYDER                        | X    |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)        |      |       |         |        |      |     |

| RECORD OF COUNCIL VOTES-SECOND READING |      |       |         |        | Move | 2nd |
|--|------|-------|---------|--------|------|-----|
| COUNCIL MEMBER                         | AYES | NAYES | ABSTAIN | ABSENT |      |     |
| PATRICIA CARNES<br>COUNCIL PRESIDENT   | X    |       |         |        |      |     |
| CONCETTO FORMICA                       | X    |       |         |        |      | X   |
| RACHEL HEATH                           | X    |       |         |        |      |     |
| JOSEPH LIMON                           | X    |       |         |        |      |     |
| STEPHEN SKELLENGER                     | X    |       |         |        | X    |     |
| GILBERT SNYDER                         | X    |       |         |        |      |     |
| MAYOR SOWDEN, IV<br>(Tie Only)         |      |       |         |        |      |     |

# EXHIBIT A

# 390 RUTHERFORD AVENUE REDEVELOPMENT PLAN

BLOCK 605, LOT 5

BOROUGH OF FRANKLIN  
SUSSEX COUNTY, NEW JERSEY



FEBRUARY 23, 2026



## **ACKNOWLEDGEMENTS**

Mayor John M. Sowden, IV

## **BOROUGH COUNCIL**

Patricia Carnes, Council President  
Concetto Formica  
Rachel Heath  
Joe Limon  
Stephen Skellenger  
Gilbert Snyder

## **PLANNING BOARD**

Floy Estes – Chairman (Class IV)  
Keri Marino – Vice Chairman (Class IV)  
John M. Sowden, IV – Mayor  
Concetto Formica – Councilman  
James Williams – Member (Class II)  
James Nidelko – Member (Class IV)  
George Drossel – Member (Class IV)  
Wes Suckey – Member (Class IV)  
Sharon Schultz – Member (Class IV)  
James Affinito – Alternate #1

## **BOARD PROFESSIONALS**

Michelle Babcock, Board Secretary  
David Brady, Esq., Board Attorney  
Thomas Knutelsky, PE, PP, Board Engineer  
Jessica C. Caldwell, PP, AICP, LEED-GA, Board Planner

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Jessica C. Caldwell, PP, AICP, LEED-GA, New Jersey Professional Planner #5944



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## INTRODUCTION

This Redevelopment Plan is prepared pursuant to N.J.S.A. 40A:12A-5 for property within the Borough of Franklin designated on the Borough's tax maps as Block 605, Lot 5 (the Plan Area). The Plan Area has frontage along Rutherford Avenue to the west and secondary frontage along New Jersey State Highway (N.J.S.H.) Route 23 to the east.

The Borough Council of the Borough of Franklin adopted Resolution No. 2023-103 on August 15, 2023, directing the Borough Planning Board to study Block 605, Lot 5 to determine whether the area should be deemed a non-condemnation area in need of redevelopment in accordance with the criteria specified by the Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40:A-12A-5. The Planning Board directed J. Caldwell & Associates, LLC to conduct its study. The consultants submitted their report titled *Area in Need of Redevelopment Study 390 Rutherford Avenue Block 605, Lot 5 Franklin Borough, Sussex County, New Jersey* to the Planning Board on November 1, 2023 and a public hearing was then held by the Planning Board to determine whether the study area should be recommended to be designated as a non-condemnation area in need of redevelopment pursuant to the LRHL at N.J.S.A. 40A:12A-6. On November 20, 2023, the Planning Board adopted a resolution recommending that the area be designated as a non-condemnation area in need of redevelopment.

The Council agreed with the conclusions of the Planning Board and adopted Resolution No. 2023-140 on December 19, 2023, declaring the area a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5. The Borough Council directed J. Caldwell & Associates, LLC to prepare a redevelopment plan for the Plan Area pursuant to the LRHL at N.J.S.A. 40A:12A-7, which provides that "no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body upon its finding that the specifically delineated project area is located in an area in need of redevelopment or an area in need of rehabilitation, or both, as appropriate."

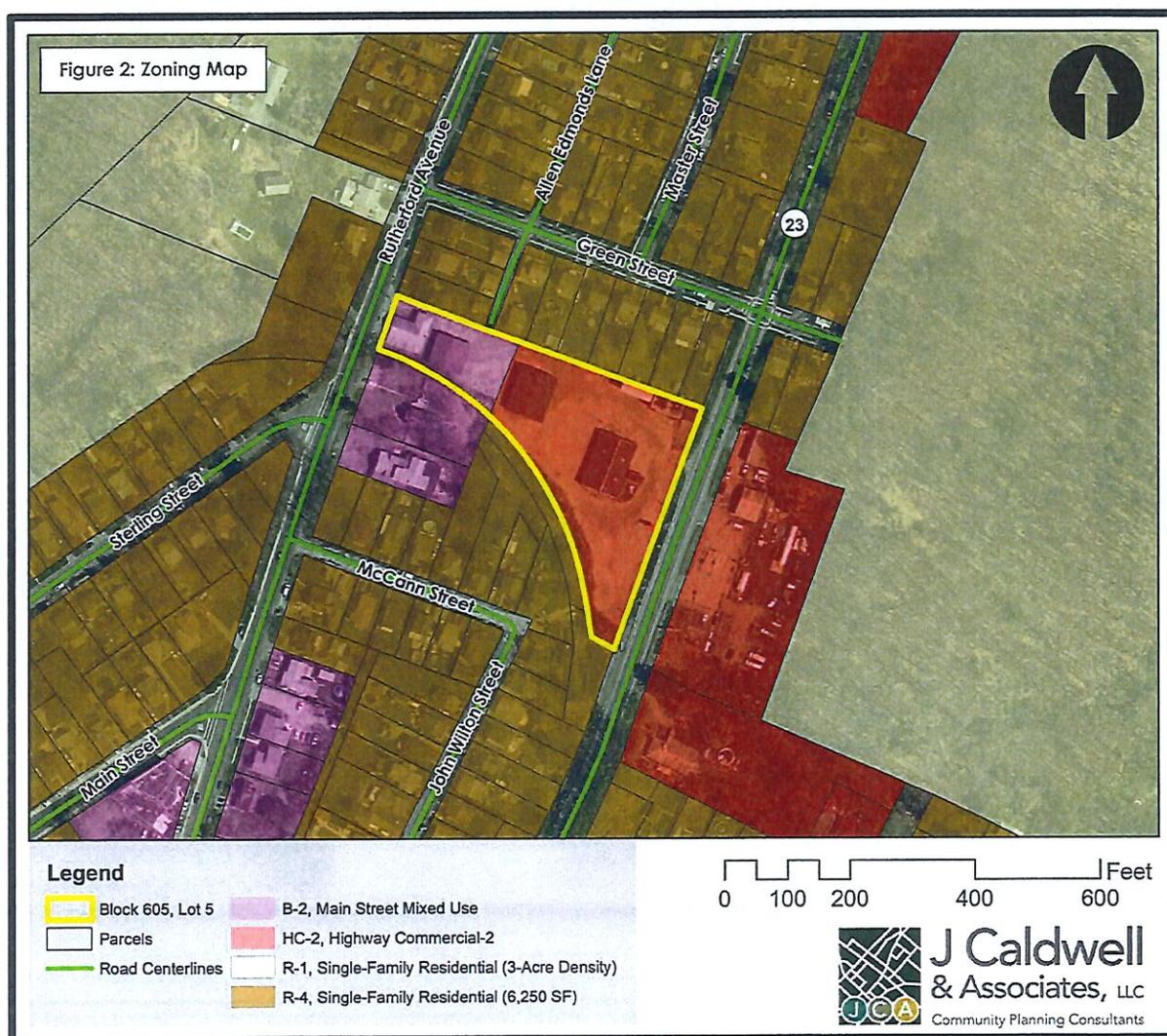
The Plan Area, commonly known as 390 Rutherford Avenue, is located in the northerly section of the Borough of Franklin, east of N.J.S.H. Route 23. Block 605, Lot 5, is generally bounded by N.J.S.H. Route 23 to the east, Rutherford Avenue to the west, and single-family residences to the north and south. The location of the Plan Area within the Borough is shown in **Figure 1**.



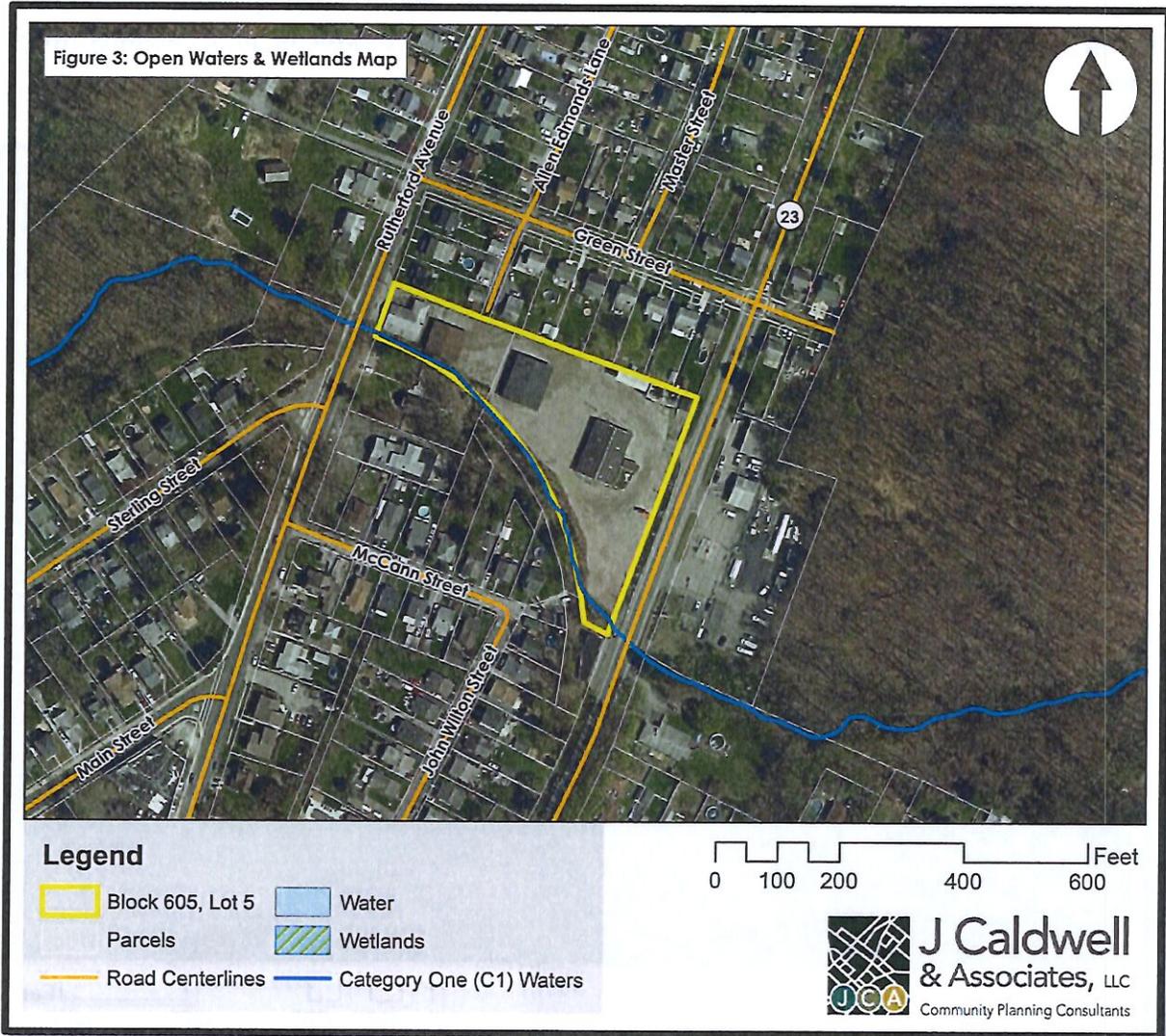


## PLAN CONTEXT

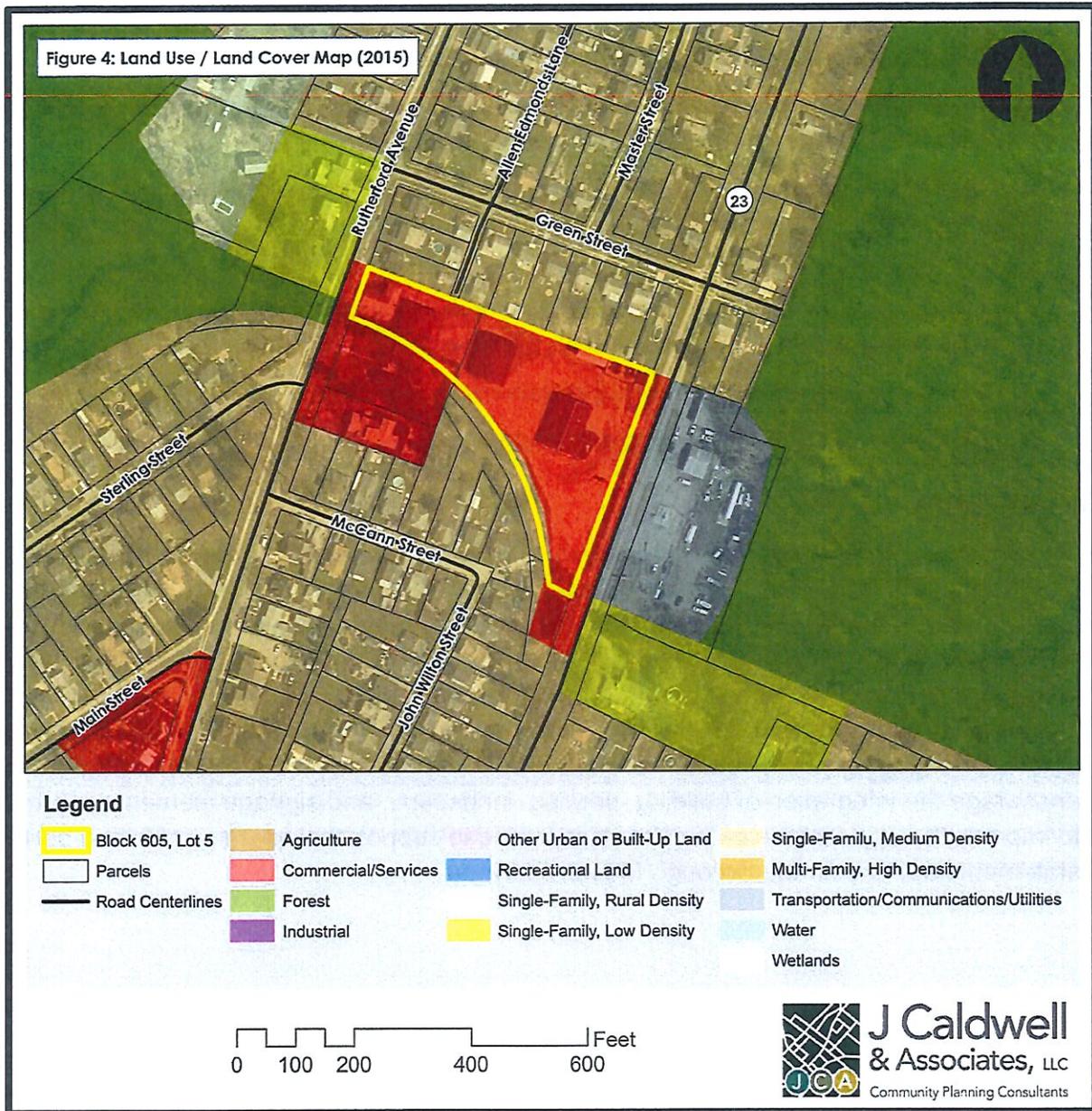
The Plan Area occupies approximately 2.30 acres (100,043 square feet) and includes one (1) tax lot in the Borough located along N.J.S.H. Route 23 and Rutherford Avenue. The property is currently developed with an abandoned lumber yard constructed in 1920, with eight (8) structures in varying forms of deterioration. The subject property contains three (3) one-story frame buildings; one (1) one-story metal building; two (2) two-story frame buildings; and a detached accessory frame garage, as well as an accessory frame shed.



The Plan Area does not contain any wetlands; however, a Category One waterway runs along the southern border of the property (see **Figure 3**). There are no known contaminated sites or groundwater contamination areas within the Plan Area. Steep slopes are present along the perimeter of the site and across N.J.S.H. Route 23; however, the majority of the Plan Area itself is relatively flat.



Surrounding land uses and land covers consist of the adjacent R-4, Single-Family Residential-zoned (6,250 square feet) properties to the north and south, and within 200 feet of the Plan Area is the R-1, Single-Family Residential (three-acre density) Zone to the east and west (see **Figure 4**).



This Plan supersedes the current B-2, Main Street Mixed Use Zone and the HC-2, Highway Commercial-2 Zone underlying the Plan Area; however, the uses of the B-2 and HC-2 Zones are incorporated into the Plan.



## GOALS

The specific goals of this Redevelopment Plan are as follows:

1. To provide for the coordinated and orderly development of this underutilized parcel in a manner consistent with the Franklin Borough Master Plan, Sussex County Master Plan, and State Development and Redevelopment Plan;
2. To promote the revitalization of this underutilized site with viable land uses;
3. To create economic development opportunities that will generate private sector investment, produce new jobs, and increase tax rates;
4. To promote redevelopment that is appropriate for the redevelopment area's unique location, the surrounding land uses, and proximity to the local and regional transportation network;
5. To provide for inclusionary housing by providing an affordable housing set-aside as proposed in the Borough's Housing Element and Fair Share Plan;
6. To ensure compliance with all applicable state and local regulations; and
7. To provide for a variety of residential land uses.

## PURPOSE

The purpose of this Redevelopment Plan is to provide standards for the redevelopment of the Plan Area for use as multi-family residential development that includes affordable housing units. The Redevelopment Plan seeks to promote economic development by providing high-quality housing in the Plan Area. The Plan requires compliance with current and future state and local affordable housing regulations. Developments should include inviting streetscapes, sidewalks, landscaping, and attractive building façades to create an engaging public realm. Furthermore, this Redevelopment Plan is designed to encourage the integration of building, parking, landscape, and signage elements in order to improve the appearance of the streetscape and to support the specific goals and policy statements set forth in the Borough Master Plan.



## PLAN CONSISTENCY REVIEW

### FRANKLIN BOROUGH MASTER PLAN

The Redevelopment Law requires that the Redevelopment Plan define the Plan's relationship to local master plan goals and objectives, including land uses, population densities, improvements to traffic, public utilities, recreational and community facilities, and other improvements. The Redevelopment Law also requires that the Redevelopment Plan be substantially consistent with the municipal master plan or designed to effectuate the master plan. Consistency with adjacent municipalities and the County and State plans are also reviewed.

The current Franklin Borough Master Plan was adopted on March 17, 2003. A Housing Element and Fair Share Plan (HEFSP) was adopted on August 15, 2005. The Munsonhurst District Master Plan Amendment was adopted on August 20, 2007. The Quarry Zone Master Plan Amendment was adopted on May 19, 2008. The 2005 HEFSP was then updated in 2010 and 2022. The Planning Board also adopted master plan reexaminations in 2003 and 2009, which enhanced and furthered the goals and objectives of the Borough's changing land use and housing needs. The Borough's most recent Master Plan Reexamination Report was adopted on April 5, 2016. The Planning Board also adopted an updated HEFSP on June 16, 2025.

The following Master Plan goals and objectives relate to the Redevelopment Plan and further enhance the Land Use Goals of the Borough of Franklin's Master Plan:

#### Land Use

1. Revitalize the Main Street area;
2. Strengthen existing commercial districts and corridors by encouraging a mix of uses that provide employment, retail opportunities, services, and entertainment;
3. Regulate building and site design to assure that the overall character of the Borough is maintained and enhanced;
4. Assure that the character of individual structures, group of structures, and developments are within the scale and style of existing neighborhoods; and
5. Promote "Smart Growth" principle.

#### Circulation

1. Provide safe vehicular, pedestrian, and bicycle circulation by improving traffic signals at key intersections, by utilizing traffic calming measures and by providing adequate on- and off-street parking and sidewalks in appropriate locations; and
2. Enhance potential gateway locations in order to improve the appearance of the Borough's transportation corridors.



### Housing

The 2016 Master Plan Reexamination Report also recommended that the Borough continue its analysis of its affordable housing needs, as well as implement zoning changes for the Main Street and Zinc Mine portions of the Borough in order to encourage the revitalization of Main Street.<sup>1</sup> Furthermore, the Reexamination Report identifies the Plan Area to be used exclusively for multi-family residential uses. The 2025-26 HEFSP included the subject property as an inclusionary zone with a density of twenty-two (22) dwelling units per developable acre for a total proposed density of 51 units, with a twenty percent (20%) set-aside for affordable housing to provide for eleven (11) units of affordable family rental housing units.

As outlined above, this Redevelopment Plan is consistent with the goals and objectives of the Borough's Master Plan and implements a proposed inclusionary zone in the Borough's Housing Element and Fair Share Plan.

### LOCAL, REGIONAL, AND STATE PLAN

The relationship of the Redevelopment Plan with surrounding communities' master plans is also reviewed to determine whether any significant relationship exists. Its relationship to the State Development and Redevelopment Plan must also be reviewed. Franklin Borough shares municipal borders with Hardyston Township, Sparta Township, Ogdensburg Township, and Hamburg Borough. The Plan Area is closest to Hardyston Township and Hamburg Borough; therefore, the master plans for both municipalities were reviewed, as well as the Sussex County Strategic Growth Plan.

### HARDYSTON TOWNSHIP MASTER PLAN

The Plan Area is located along N.J.S.H. Route 23 and is situated in the northern-central portion of the Borough. The Hardyston Master Plan identifies the GC, Golf Course, and the MIDD-5, Minimum Impact Development (5) Zones adjacent to Franklin, west and east, respectively, near the Plan Area. The MIDD-5 Zone permits detached single-family dwellings; farms containing a minimum of five (5) acres; wood lot management in accordance with a wood lot management plan prepared by a certified forester; and cluster development<sup>2</sup>. Due to the MIDD-5 Zone permitting cluster development, a proposal for a multi-family residential development would be similar to the scale and impact of uses permitted in the adjacent zone with Hardyston Township. As proposed, the Redevelopment Plan is not inconsistent with the Master Plan of Hardyston Township.

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<sup>1</sup> See Borough of Franklin Ordinance No. 14-2019.

<sup>2</sup> Per § 185-4 of the Township of Hardyston Zoning Code, Residential Cluster means, "An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.



## HAMBURG BOROUGH MASTER PLAN

The Plan Area is located along N.J.S.H. Route 23 and is situated in the northern-central portion of the Borough. The Hamburg Master Plan identifies the HC, Highway Commercial, and RR, Residential Zones adjacent to the Borough of Franklin to the north near the Plan Area. The uses that most relate to this Plan, among the principal uses permitted within the HC Zone, include: townhouses, garden apartments and multi-family residences as permitted in accordance with the requirements of the PR, Planned Residential Zone Regulations; one (1) residential dwelling unit in the same building housing a primary intended use in the HC Zone; senior citizen housing provided that each unit has a minimum of 500 square feet and at least one (1) bedroom; as well as multiple principal uses on a site provided that there is additional parking, paving, lighting, curbing, and buffering to provide for the additional traffic that will be caused the additional use. Furthermore, townhouses, garden apartments, and single-family detached dwellings are permitted uses within the RR Zone. Due to both the HC and RR Zones permitting residential dwellings, a proposal for multi-family residential development would be similar to the scale and impact of uses permitted in the adjacent one within Hamburg. Therefore, this Redevelopment Plan is not inconsistent with the Master Plan of the Borough of Hamburg.

## SUSSEX COUNTY STRATEGIC GROWTH PLAN

The Sussex County Strategic Growth Plan (SGP) divides the County into six (6) distinct “landscapes”:

1. Rural/Agricultural;
2. Highlands;
3. Traditional Centers;
4. Job Creation Centers;
5. Parks and Wildlife Management Areas; and
6. Lake Communities.

The Redevelopment Area is located within the “Traditional Centers” landscape, which is described as:

1. Being ecologically accommodating and located in areas where soils/geology, topography, and hydrology can accommodate relatively dense development;
2. Provide a high level of mobility – be connected to all other Centers by roads and mass transit facilities. There must be a heavy emphasis on internal pedestrian/bikeways for alternatives to privately owned vehicles;
3. Be adequately separated from each other to function as independent entities. There should be a defined edge and intervening lands as understood, to separate elements of the landscape; and
4. Agriculture is a very small component of this landscape.



The SGP also focuses on providing incentives to develop along major corridors, like N.J.S.H. Route 23, in lieu of developing in areas which are not as readily accessible. This Redevelopment Plan is consistent with the SGP because it is along a major transportation corridor in the County.

## **NEW JERSEY HIGHLANDS COUNCIL**

The Borough is within the Planning Area of the Highlands Region and has submitted a Petition of Intent to conform with the Highlands Council Highlands Regional Master Plan (RMP) on November 12, 2019. However, as of 2025, the Borough has not reached RMP conformance status. Therefore, the Redevelopment Plan is not inconsistent with the Highlands RMP.

## **THE NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

The State Development and Redevelopment Plan designates the Borough of Franklin as a Rural Planning Area (PA4). As such, the Plan Area is in the PA4, which is supportive of agriculture and other economic development efforts that ensure a diversity within New Jersey<sup>3</sup>. The PA4 supports growth in areas of existing infrastructure. The Plan Area is served by public water, sewer, and is surrounded by existing roadways. Therefore, the Plan Area is considered an appropriate area for growth, including new development and redevelopment, and is not inconsistent with the State Development and Redevelopment Plan.

## **APPLICATION OF REGULATIONS**

The Redevelopment Plan creates the 390 Rutherford Avenue Redevelopment Zone, which is designed to serve as the zoning for the Plan Area by providing guidelines for new construction in the Plan Area and establishing permitted land uses and bulk standards. The Plan permits all uses which are permitted in the B-2, Main Street Mixed Use Zone, the HC-2, Highway Commercial-2 Zone, as well as the addition of multi-family residential dwelling units as permitted uses.

Furthermore, the Plan permits multi-family residential apartments and requires an affordable housing set-aside for low- and moderate-income housing in the Borough of Franklin on land that has become available for redevelopment, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing.

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<sup>3</sup> New Jersey State Development and Redevelopment Plan (March 1, 2001). Retrieved from <https://nj.gov/state/planning/assets/docs/2001-state-plan/stateplan030101.pdf>



The Redevelopment Plan seeks to accomplish the following objectives:

1. To encourage redevelopment of the Plan Area pursuant to, and consistent with, the recommendations of this Redevelopment Plan;
2. To facilitate adaptive re-use and new construction within the Plan Area with a unified design and approach to the location and relationship of development, access to the surrounding roadway network, vehicular and pedestrian circulation, on-site parking, architectural design elements, and consideration of environmental features; and
3. To promote multi-family development to encourage a cohesive economic, civic, and cultural center that creates new businesses and services, promotes existing businesses, increases employment, and improves the local economy and vitality of the Borough of Franklin.

### 390 RUTHERFORD AVENUE REDEVELOPMENT ZONE

The Borough will accept proposals from Redevelopers for the Plan Area based on developer interest and ability to implement the Redevelopment Plan. The Redeveloper will acquire, or work with the Borough to acquire all, or portions of, the Plan Area to redevelop the Area according to the following land use regulations:

### PERMITTED PRINCIPAL, ACCESSORY, AND CONDITIONAL USES

#### *Permitted Principal Uses*

The following uses are permitted in the 390 Rutherford Avenue Redevelopment Zone, which includes multiple principal uses in one or more principal structures.

1. Animal hospitals;
2. Art, music, dance, and photographic studios and galleries;
3. Bowling alleys, health clubs, and buildings intended for tennis and similar sports activities;
4. Financial institutions, non-drive-through;
5. Funeral homes;
6. Governmental uses;
7. Hotels and motels;
8. Medical and dental clinics and health services associated with medical or dental offices;
9. Mixed-use buildings;
10. Multi-family dwellings;



11. Non-profit clubs, lodges, fraternal and charitable organizations;
12. Offices;
13. Restaurants (non-drive-through);
14. Retail sales and trade;
15. Theaters; and
16. Retail and personal service shops.

*Accessory Uses*

1. Any use or structure that is customarily incidental to a permitted principal use;
2. Garages and Storage Sheds;
3. Community centers, residential amenities, and model units/sales offices;
4. Fences and walls;
5. Off-street parking, including Electric Vehicle Service Equipment (EVSE);
6. Pools, outdoor and indoor recreation areas, and equipment; and
7. Signs.

*Conditional Uses*

1. Child-care centers;
2. Essential services; and
3. Wireless telecommunication facilities.

*Prohibited Uses*

1. Any use not expressly permitted shall be prohibited.



## AREA AND BULK REQUIREMENTS

The following regulatory controls apply to properties located within the 390 Rutherford Avenue Redevelopment Zone:

| <b>Principal Structure Requirements</b> |                    |
|---|--------------------|
| Minimum Lot Area                        | 2.0 Acres          |
| Minimum Lot Width                       | 75 FT              |
| Minimum Lot Depth                       | 150 FT             |
| Minimum Front Yard Setback              | 18 FT              |
| Minimum Side Yard Setback               | 20 FT              |
| Minimum Rear Yard Setback               | N/A                |
| Maximum Building Height                 | 50 FT              |
|   | 4 Stories          |
| <b>Accessory Structure Requirements</b> |                    |
| Minimum Front Yard Setback              | 15 <sup>4</sup> FT |
| Minimum Side Yard Setback               | 10 FT              |
| Minimum Rear Yard Setback               | N/A                |
| Maximum Building Height                 | 24 FT              |
| <b>Tract Standards</b>                  |                    |
| Maximum Residential Units               | 51 Units           |
| Affordable Housing Set-Aside            | 20%                |
| Maximum Building Coverage               | 25%                |
| Maximum Impervious Coverage             | 60%                |
| Minimum Recreation Area                 | 50 SF/Unit         |
| Buffer From Adjacent Residential        | 10 FT              |
| Maximum Fence Height                    | 6 FT               |

<sup>4</sup> Accessory structures are permitted in the front yard, provided they meet the accessory structure setbacks.



## STANDARDS FOR THE 390 RUTHERFORD AVENUE REDEVELOPMENT ZONE

The 390 Rutherford Avenue Redevelopment Zone shall be subject to the standards of this Plan for building design, parking, lighting, landscaping, and other site plan standards. This Plan supersedes the Franklin Borough Zoning Ordinance and Site Plan Ordinance, except where sections of the Borough ordinance are specifically referenced.

### *Affordable Housing Requirements*

1. All residential development shall provide an on-site, non-age-restricted affordable housing set-aside of at least twenty percent (20%) of the total number of dwelling units developed.
2. All affordable housing units shall be deed restricted as very low-income, low-income, and moderate-income affordable units consistent with Uniform Housing Affordability Controls (“UHAC” regulations at N.J.A.C. 5:80-26.1 et seq). Such controls shall remain in effect for a period of at least forty (40) years for rental units and at least thirty (30) years for sale units, until such time and under conditions as the Borough elects to release deed restrictions. Such controls shall commence from the date of issuance of the initial certificate of occupancy for each affordable unit. Each affordable unit shall be specifically identified by unit number in the recorded deed restriction. Draft affordability controls and deed restrictions shall be submitted to the Borough for review as a condition of major subdivision or major site plan approval for any residential development. All affordability controls and deed restrictions shall be recorded prior to the issuance of a Certificate of Occupancy for each affordable housing unit. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Borough Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.
3. Phasing of the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80-26.5) as follows:
  - a. No more than 25 percent of the market-rate units plus one, may be completed prior to the completion of 10 percent of the restricted units;
  - b. No more than 50 percent of the market-rate units may be completed prior to the completion of 50 percent of the restricted units;
  - c. No more than 75 percent of the market-rate units may be completed prior to the completion of 75 percent of the restricted units; and
  - d. No more than 90 percent of the market-rate units may be completed prior to the completion of all of the restricted units.



4. Bedroom distribution of the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80-26.4(e)) as follows:
  - a. At a minimum, the number of bedrooms within the restricted units shall equal twice the total number of restricted units;
  - b. At least 30 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be two-bedroom units;
  - c. At least 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be three-bedroom units;
  - d. No more than 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be efficiency or one-bedroom units;
  - e. Two-bedroom and/or three-bedroom units shall compose at least 50 percent of all restricted units;
  
5. Income breakdown for the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80- 26.4(g)).
  - a. At least 13% of restricted units shall be very-low income units
  - b. At least 50 percent of all restricted units shall be low-income or very-low-income units
  - c. At least 50 percent of all restricted one-bedroom units, rounded up or down to the nearest whole number in either direction, shall be low-income units or very-low-income units
  - d. At least 50 percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, shall be low-income units or very-low-income units;
  - e. At least 50 percent of all restricted three-bedroom units shall be low-income units or very-low-income units
  - f. Very-low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
  
6. Each development shall comply with the occupancy standards set forth in the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.5. This shall include:
  - (1) Equal design element among market-rate units and affordable units within the same development in accordance with N.J.A.C. 5:80-26.5(a)(2)(i);
  - (2) Siting to avoid concentrating affordable units in undesirable locations in accordance with N.J.A.C. 5:80-26.5(a)(2)(ii);
  - (3) Interspersion of affordable units, equal access to communal amenities in accordance with N.J.A.C. 5:80-26.5(a)(2)(iii);



- (4) Same access to communal amenities as residents of market-rate units within the same affordable development in accordance with N.J.A.C. 5:80-26.5(a)(2)(iv);
  - (5) Adequate heating-cooling, including the same type of heating source as market-rate units of the same type in accordance with N.J.A.C. 5:80-26.5(a)(2)(v);
  - (6) Each bedroom to have at least one window in accordance with N.J.A.C. 5:80-26.5(a)(2)(vi)
  - (7) Minimum square footage requirements in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii);
  - (8) Restricted units must be of the same type as market-rate units within the same building in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii).
7. The developer shall also comply with all of the other requirements of UHAC and the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification screening requirements, (3) integrating the affordable units amongst the market rate units, (4) unit phasing requirements, and (5) occupancy standards.
8. The developer shall contract with a qualified and experienced third party administrative agent, which may be the Borough's administrative agent (the "Administrative Agent") for the administration of the affordable units and shall have the obligation to pay all costs associated with properly deed restricting the affordable units in accordance with this redevelopment plan for the deed-restriction period. The redeveloper and its Administrative Agent shall work with the Borough and the Borough's Administrative Agent, should the redeveloper's and the Borough's Administrative Agent not be one in the same, regarding any affordable housing monitoring requirements required by the Amended Fair Housing Act. The redeveloper shall provide, within thirty (30) days after written notice, detailed information reasonably requested by the Borough or the Borough's administrative agent, should the redeveloper's and the Borough's Administrative Agent not be one and the same, concerning the redeveloper's compliance with UHAC, the Borough's Affordable Housing Ordinance, all applicable Court orders, and other applicable laws

### *Parking Standards*

The following parking standards apply to the uses listed below. Uses not listed shall comply with §161-35. Except as noted below, residential development within the Plan Area shall generally comply with the Residential Site Improvement Standards (RSIS),



including utilities, layout, circulation, the parking space dimensions, drive aisles, and/or parking aisle width. Loading for commercial uses shall be as per §161-24O. Any standards not addressed shall adhere to Article IV (Development Standards and Requirements).

| Residential Site Improvement Standards<br>(Parking Spaces) |                              |
|--|------------------------------|
| Garden Apartment   | Minimum Space Requirement    |
| 1-Bedroom  | 1.8 Spaces per Dwelling Unit |
| 2-Bedroom  | 2.0 Spaces per Dwelling Unit |
| 3-Bedroom  | 2.1 Spaces per Dwelling Unit |

1. Size of Parking Spaces:
  - A. Each off-street parking space must measure no less than nine (9) feet in width by 18 feet in length.
  - B. If the parking space is less than nine (9) feet in width, it must be labeled a “compact” space.
    - i. Compact parking spaces shall measure at least eight and one-half (8.5) feet in width by 18 feet in length.
  - C. Compact parking spaces must not constitute more than 30 percent of the parking area.
2. Make-Ready and/or Electric Vehicle Service Equipment (EVSE) are required per New Jersey State regulations (P.L. 2021, c. 171), where a minimum of 15% of the proposed parking spaces provided for multifamily developments must be EVSE Make Ready spaces.
3. Bicycle Parking Spaces: A minimum of one (1) bicycle parking space per 20 off-street parking spaces.
4. Pedestrian Circulation Within Parking Lots:
  - A. Pedestrian circulation within parking lots must be taken into consideration. Pedestrian crossing and amenities must be installed where deemed necessary by the Planning Board and the Planning Board Engineer and Planner.
  - B. The circulation system should be designed to provide direct access to the building without requiring pedestrians to pass between parked vehicles.
5. Parking Lot Landscaping and Screening:



- A. Outdoor parking lots with 10 or more spaces, not less than 15% of the parking area shall be suitably landscaped to minimize noise, glare, and other nuisance characteristics, as well as to enhance the aesthetics, environment, and ecology of the site and surrounding area.
- B. One (1) shade tree shall be planted for every 10 parking spaces within or surrounding the parking area.
- C. Parking lots shall meet New Jersey ADA requirements for handicapped parking.

### *Mobility Regulations*

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The design of the Plan Area plays a key role in forming this sense of place near the Borough downtown, commonly referred to as Main Street and the surrounding area.

1. Access and Automobile Circulation:
  - A. The primary automobile access points should be from driveways on Rutherford Avenue and N.J.S.H. Route 23.
  - B. The minimum driveway width shall be 24 feet.
  - C. Appropriate traffic control signs must be installed to ensure the safe flow of traffic into and through the redeveloped area.
2. Pedestrian and Bicycle Access and Circulation:
  - A. Sidewalks must be provided along all streets, where permitted by NJDOT and NJDEP regulations, and must be a minimum of four (4) feet wide to provide safe and convenient movement for pedestrians. Where regulations or topography limit the feasibility of sidewalks, the developer shall work with the Borough to provide safe pedestrian access ways.
  - B. Pedestrian-only walkways must be at least four (4) feet wide plus an additional two (2) feet wide adjacent to parking areas.
  - C. All building entrances must provide pedestrian access to parking areas and adjacent streets where feasible.
  - D. The Planning Board may require brick crosswalks if it deems them necessary to improve pedestrian safety and the visual appearance of the area.

### *Buffer and Screening Requirements*

1. The Redeveloper shall buffer or screen property lines adjacent to existing residential properties, as may be permitted by NJDEP regulations, to include a combination consisting of a solid fence and/or landscaping. If landscaping is



provided, the buffer shall be planted with a mix of evergreen and deciduous trees and shrubs to provide a year-round, natural-looking screen.

2. Fences and walls:

- A. Fences within the front yard setback may not exceed four (4) feet in height;
- B. Fences outside of the front yard setback shall not exceed six (6) feet in height;
- C. All fences must be constructed at least 0.5 feet from the property line;
- D. Fences and walls combined shall not exceed ten (10) feet in height; and
- E. The finished side of a fence must face adjoining properties. Fence posts that are unfinished and any other structural component of the fence must be installed facing the subject property rather than the adjoining property.

3. Trash and recycling areas located in parking areas must be fully screened from view with a screening fence or wall from both the parking area and adjoining residential properties. Parking areas should be buffered from adjacent roadways by a maximum four-foot fence, screening wall, or evergreen shrubs.

### *Landscaping Requirements*

Landscaping must be provided to promote a desirable and cohesive natural environment. Landscaping must also be utilized to screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- 1. Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture, and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun, and shade tolerance), soil conditions, growth rate, longevity, root patterns, maintenance requirements, etc., shall be considered.
- 2. Ornamental trees should be provided throughout the Plan Area, particularly at key locations such as site entrances and along existing roadway frontages.
- 3. Hedges, shrubs, and ground cover must be used to define space and provide privacy. Foundation plantings should include evergreen and deciduous shrubs, ornamental grasses, and perennial flowering plants.
- 4. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two (2) years of planting, it must be replaced the following planting season. Use of native plant species is encouraged; invasive species are prohibited.



### *Trees*

All deciduous trees shall have a minimum caliper of two and one-half (2.5) to three (3) inches measured five (5) feet from grade in accordance with the standards established by the American Association of Nurserymen. Trees shall be nursery-grown, free of disease, substantially uniform in size and shape, and have straight trunks. The minimum branch height at planting shall be six (6) feet, except where planting is on a sight triangle, in which case no branches shall be below eight (8) feet. All evergreen trees must be a minimum of six (6) feet in height at the time of planting.

### *Building Design Standards*

The design of all buildings and landscaping within the Plan Area shall consider the site's location and proximity to the roadway and other uses. A colored rendering of all building elevations shall be submitted during the site plan application process. This should provide a rendered depiction of the proposed building along with the proposed color palette for building materials.

1. The designated Redeveloper of the Redevelopment Area shall be responsible for all environmental regulatory compliance in accordance with NJDEP requirements upon property acquired by the Redeveloper.
2. Provision of access and parking facilities for handicapped persons shall be in accordance with the requirements of the Barrier-Free Subcode of the New Jersey Uniform Construction Code N.J.A.C. 5:23-7.13 and 5:23-7.14 and the Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities.
3. Development shall comply with municipal and outside agency performance standards such as odor control, dust control, noise, vibration, heat, and the like.

### *Green Infrastructure and Sustainability*

Green infrastructure and sustainable measures, such as roof-mounted solar panels, rain gardens, ENERGY STAR lighting fixtures, and other similar practices, are encouraged and are permitted accessory uses.

### *Recreation Standards*

For any residential development, a minimum of 50 square feet per residential unit of recreation area shall be provided within any proposed residential development, including, but not limited to, a tot lot, picnic area, fitness center, community room, lounge areas, outdoor seating areas, or similar amenities. Recreation may be a combination of indoor and outdoor amenities.

### *Lighting*

Lighting standards for the Redevelopment Plan are regulated by §161-24F of the Borough Code.



### *Refuse and Recycling*

Refuse and recycling standards for the Redevelopment Plan are regulated by §161-24I and §161-24J of the Borough Code.

### *Sign Standards*

A comprehensive signage, wayfinding, and directional signage package should be provided that is consistent with the architecture of the buildings. The sign package should include design elements such as size, materials, style, and illumination as follows:

1. A maximum of one (1) ground sign is permitted at each entrance to the Plan Area with a maximum of 80 square feet. Signs may be halo-lit or have exterior illumination.
2. A maximum of two (2) building-mounted signs with a maximum of 80 square feet per sign is permitted. The signs may be halo-lit or have exterior illumination.
3. Directional and wayfinding signs are permitted with a maximum size of four (4) square feet.
4. Address, building entrance, emergency, and access signs are permitted as required for safety and identification purposes.

### *Utilities*

1. A stormwater management plan and engineer's report shall be prepared for review and approval by the municipal engineer. Such plan shall comply with the new NJDEP stormwater management rules and regulations, which went into effect in March 2021, including any relief and/or exemptions thereto.
2. On-site well and septic to be required if public water and sewer utilities are not available.
3. The designated Redeveloper shall operate and maintain any newly installed sanitary, stormwater, and water utilities, including connections, subject to the terms of a redevelopment agreement and limited to utilities internal to the site until the appropriate party assumes said responsibilities.
4. All mechanical equipment serving the buildings shall be screened from public view.
5. All mechanical equipment, generators, HVAC, and similar equipment shall be screened and acoustically buffered such that any noise generated shall be within the applicable standards as defined by the State of New Jersey.
6. Mechanical equipment on the ground shall be screened from view. Mechanical equipment and utility-related structures are exempt from setback requirements.

## **SUBMITTAL REQUIREMENTS**

A redeveloper seeking to develop the Plan Area in accordance with this Plan shall enter into a redeveloper agreement with the Borough to effectuate the goals and requirements



of this Plan (the “Redevelopment Agreement”). The Redevelopment Agreement will stipulate the precise nature and extent of the improvements to be made and their timing and phasing. The Redevelopment Agreement will also contain the terms, conditions, specifications, and description of required performance guarantees pertaining to the redeveloper’s obligation to provide the necessary infrastructure and improvements. A redeveloper must also submit for Site Plan approval of the development to the Borough Planning Board. The approval process for the development application will proceed in accordance with the Borough Planning Board’s rules and requirements.

## **LEGAL PROVISIONS**

### **THE VALIDITY OF THE PLAN**

If any section, subsection, paragraph, division, subdivision, clause, or provision of this Plan is deemed by a court of competent jurisdiction to be invalid, such adjudication will only apply to the particular section, subsection, paragraph, division, subdivision, clause, or provision in question, and the balance of the Plan will be adjudged valid and effective.

### **ZONING MAP REVISIONS**

Upon final adoption of this Redevelopment Plan by the Borough Council, the Zoning Map of the Borough of Franklin is hereby amended to include the boundaries of the Plan Area and identify the district as the “390 Rutherford Avenue Redevelopment Zone.” All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Borough Council, this Redevelopment Plan will supersede all provisions of the Borough of Franklin Land Development ordinances for the Plan Area, except as specifically noted in this Plan.

### **AMENDMENTS TO THE 390 RUTHERFORD AVENUE REDEVELOPMENT PLAN**

The 390 Rutherford Avenue Redevelopment Plan may be amended from time to time in compliance with the requirements of the LRHL.

As development occurs within the Plan Area, development priorities and market demands may change. This Plan should have adaptability to meet the changing needs of market demand, the Borough of Franklin, and its citizens. Amendments may be required to accommodate these changes.

### **VARIATIONS IN THE SITE PLAN DESIGN**

Modifications from standards that are expressly stated to be “mandatory” under the Land Use Regulations of this Plan may be approved by the Planning Board only by formal grant of a deviation as provided. No variances that would be considered “d” variances pursuant to N.J.S.A. 40:55D-70d(1)-(6) are permitted. The Planning Board will have the authority



to grant deviations from the requirements of this Plan that are cognizable as variances pursuant to N.J.S.A. 40:55D-70c(1) and (2) as outlined below or that would be considered a design standard waiver or exception pursuant to N.J.S.A. 40:55D-51.

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property; or by reason of exceptional topographic conditions; pre-existing structures; or physical features uniquely affecting a specific piece of property; the strict application of any area, yard, bulk; or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

De minimis exceptions from RSIS may be granted by the Planning Board as permitted by N.J.A.C. 5:21-3.1 et seq.

An application requesting a deviation from the requirements of this plan must provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12(a) and (b).

Any party seeking a deviation from this Plan that cannot be granted by the Planning Board as set forth above may apply to the Governing Body to request an amendment to this Plan.

## **ACQUISITION PLAN**

There is no property acquisition by the Borough of Franklin anticipated by this Plan.

## **RELOCATION PLAN**

Because there is no property acquisition by the Borough anticipated by this Plan and no residential or occupied uses in the Plan Area, a Relocation Plan pursuant to Section 7 of the Local Redevelopment and Housing Law is not necessary.

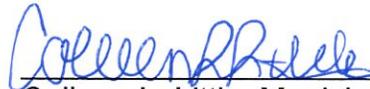


**BOROUGH OF FRANKLIN  
LEGAL NOTICE**

**ORDINANCE #04-2026  
BOROUGH OF FRANKLIN  
COUNTY OF SUSSEX  
STATE OF NEW JERSEY**

ORDINANCE OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR THE 390 RUTHERFORD AVENUE REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, *et. seq.*

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 24<sup>th</sup> day of February, 2026, and the same came up for final passage at a meeting of the said Borough Council on the 10<sup>th</sup> day of March, 2026, 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.



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Colleen L. Little, Municipal Clerk